



Basements Review

Consultation Responses on Second Draft Basements Policy

July 2013

Document Part Name	Respondent Name	Comment	Council's Response
General comments	Guy Mayers	<p>The process is weighted in favour of applicant in that months of work with consultants etc are presented in an application and neighbours are expected to 1) be aware of application despite poor publicity</p> <p>2) understand sheets of appendices in technical jargon 3) respond within 21 days.</p> <p>This very consultation process itself assumes that we all employ expert agents since you allow space for their contact details at the start of this form. We are simply ordinary human beings without specialist planning knowledge simply trying to have the quiet enjoyment of our properties, but conscious that change must happen.</p> <p>It should be possible for neighbours likely to be affected by construction of these basements to be heard without having to employ - at vast expense - specialist professionals. Experience indicates that the Planning Committee does not provide an adequate conduit. The present process is inadequate and the way the planning committee runs its affairs militates against the ordinary man.</p> <p>I have had difficulty in relating Policy numbers with the paragraphs of explanation referred to, please accept my apologies if my replies have therefore been put in the wrong box. Hopefully you will be able to relocate them to their "correct" position.</p>	<p>Noted. Consultation procedures on planning applications are not part of this consultation.</p> <p>However, neighbours can register on My RBKC https://www.rbkc.gov.uk/myrbkc/login.aspx to receive email notifications of planning applications in their area.</p> <p>The Council also encourages applicants to undertake pre-application consultation with neighbours although this is not a legal requirement (see para 34.3.76).</p> <p>Neighbours are not required to employ expert agents as any objections are considered as part of the determining the application. Planning department has to determine planning applications in accordance with the development plan and relevant issues are considered in great detail.</p> <p>Responses have been collated by the topic irrespective of paragraph numbering.</p>
General comments	23 Architecture (Stuart Robertson)	<p>In response to the document 'Basements: Second Draft Policy for Public Consultation' we have a number of comments relating to specific items within the draft document. Our comments reflect feedback received from clients and other consultants as well as our own concerns.</p> <p>Under Proposed Policy CL7 subsection a) of the supporting text the draft policy proposes to restrict development to 50% of the garden area. Our comments are as follows:</p> <p>- Alan Baxter & Associates argue that the extent of any basement covering a maximum of 75% of the garden area is an optimal figure for areas with a gravel or sand sub base. This is reduced to 50 - 75% in areas with a clay sub base. We feel that these figures prepared by a specialist consultancy should be adhered to, especially in instances where significantly improved sustainable urban drainage methods are proposed.</p> <p>The supporting text under Proposed Policy CL7 subsection b) makes reference to restricting basement development to a depth of a single story. Our comments are as follows:</p> <p>- The Alan Baxter report makes very little mention of deep basement construction. In the few instances where it does, much emphasis is put on methodology and in no circumstance does it expressly advise against it. The question is raised in the Q&A section (question 4) of the Baxter report and the consultants argue here merely that special care is to be taken when deep basements are designed.</p> <p>- Most basements have little, if any, visual impact on the city and streetscape and the depth of a basement has no relation to its visual appearance at ground level.</p>	<p>The 50% figure is not based only on the drainage issues set out in the Alan Baxter and Associates (ABA) report.</p> <p>There are a number of reasons for restricting the size of basements as follows:</p> <ul style="list-style-type: none"> • There has been a significant increase in the number of basement proposals in the borough. This has resulted in a disproportionate impact on the residential amenity of the borough due to construction impacts. • Requiring a reasonable proportion of private garden space free of any development allows flexibility in planting major trees and maintain the natural character of gardens in the Borough. • Smaller basements will have smaller carbon emissions. <p>The depth of basements is not being limited due to visual impacts. The ABA report states that multiple basement levels are very much more challenging and complex than single level basements. It makes references to this issue at para 8.6 (h), 9.3.6.5 and in the recommendations at para 13.3.3 where it states that <i>“underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible”</i>. The Royal Borough has a very special historic character and to reduce the risk as a precautionary measure the</p>

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In many instances a double basement covering a smaller area will have less impact than a single basement covering a larger area.</p> <p>- Paradoxically, double height spaces in subterranean developments can require less obtrusive provision of natural light (and therefore less external manifestation) since a given area of horizontal glazing (in the ground plane) will illuminate a greater area of a lower floor surface.</p> <p>- It appears that opinion is guided largely by very vocal groups opposed to basement development while those in favour of or indifferent to basement development generally do not respond to consultation. The opinions of these lobby groups appear to be taking precedent over the needs of applications. This lack of balance is reflected in the current consultation document. There are many sound arguments for the use of carefully designed and well-managed basement developments, which are not addressed in this document. Amongst these are the need to adapt existing, largely Victorian, housing stock in high density urban areas to the changing demands of contemporary lifestyles and the increasing demand for family homes in areas where larger scale development is rarely possible.</p> <p>Proposed Policy CL7 subsections j), k) and l) propose the preparation of a Basement Impact Assessment prior to submitting a planning application. Our comments are as follows:</p> <p>- It is unrealistic to expect an applicant to develop a fully specified scheme and engage a building contractor, at risk, prior to submission. In many circumstances it might become necessary that a CTMP or DCMP needs to be altered slightly after planning approval is granted. Under the current proposals it would become necessary to re-engage in the complicated two-stage planning application process at departmental and Council level.</p> <p>- The cost of an application for any basement development will increase substantially. Whereas most applicants applying for large and deep basements will be able to afford this increase it will not be viable to apply for basements under smaller properties where the need for additional space is perhaps even greater and the addition of a basement would add much to the amenity and long term sustainability of the property.</p> <p>General Matters:</p> <p>- It is proposed to restrict visible manifestations to the rear wall of the house. However, if well designed, these can be disguised by planters, screens and other soft landscaping measures and therefore have very little visual impact, even if positioned deeper within the garden area.</p>	<p>Council is proposing to restrict basements to single storey. The restriction will also help reduce construction impacts.</p> <p>The Council is proposing that a Basement Impact Assessment is undertaken, details of which will be included in a revised Basements Supplementary Planning Document in due course.</p> <p>The policy allows for exceptions to the extent into the garden and depth for larger comprehensively planned sites.</p> <p>Comment on less external, manifestations for deeper basements is noted.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>Basements underneath existing buildings are more complex and challenging than equivalent above ground extensions. The requirements are considered proportionate to the complexity of basements. These will ensure that proposals are thought through in detail from the outset and raise the standard of the planning applications.</p> <p>General Matters Noted. Planters, screens are often of a temporary nature. It is not agreed that positioning light wells or roof lights deeper into the garden can have little visual impact.</p> <p>The revised Basements SPD may specify the benefits of engaging chartered architects.</p> <p>The Council has also produced a note on Advice to Builders and Residents http://www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx which provides useful information on the raft of other legislation covering basements and other development.</p>

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General comments	Guy Stansfeld Architects (Guy	In response to the document 'Basements: Second Draft Policy for Public Consultation' we have a number of comments relating to specific items within the draft document. Our	The 50% figure is not based only on the Alan Baxter and Associates (ABA) report which is purely linked to drainage.

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Our comments are as follows:</p> <ul style="list-style-type: none"> - The Alan Baxter report makes very little mention of deep basement construction. In the few instances where it does, much emphasis is put on methodology and in no circumstance does it expressly advise against it. The question is raised in the Q&A section (question 4) of the Baxter report and the consultants argue here merely that special care is to be taken when deep basements are designed. - Most basements have little, if any, visual impact on the city and streetscape and the depth of a basement has no relation to its visual appearance at ground level. - Presumably the argument is that deeper basements result in more significant construction impact and therefore a greater loss of amenity to the neighbouring properties / occupants. However, we would argue that the impact of construction is more closely related to method than it is to size. Construction methodology is and should be controlled through the use of the Basement Impact Assessment. If the option of a double basement is taken away residents seeking additional space will naturally seek to develop the maximum possible single basement. In many instances a double basement covering a smaller area will have less impact than a single basement covering a larger area. - Paradoxically, double height spaces in subterranean developments can require less obtrusive provision of natural light (and therefore less external manifestation) since a given area of horizontal glazing (in the ground plane) will illuminate a greater area of a lower floor surface. - It appears that opinion is guided largely by very vocal groups opposed to basement development while those in favour of or indifferent to basement development generally do not respond to consultation. The opinions of these lobby groups appear to be taking precedent over the needs of applications. This lack of balance is reflected in the current consultation document. There are many sound arguments for the use of carefully designed and well-managed basement developments, which are not addressed in this document. Amongst these are the need to adapt existing, largely Victorian, housing stock in high density urban areas to the changing demands of contemporary lifestyles and the increasing demand for family homes in areas where larger scale development is rarely possible. 	<p>There are a number of reasons for restricting the size of basements as follows:</p> <ul style="list-style-type: none"> • There has been a significant increase in the number of basement proposals in the borough. This has resulted in a disproportionate impact on the residential amenity of the borough due to construction impacts. • Requiring a reasonable proportion of private garden space free of any development allows flexibility in planting major trees and maintain the natural character of gardens in the Borough. • Smaller basements will have smaller carbon emissions. <p>The depth of basements is not being limited due to visual impacts. The ABA report states that multiple basement levels are very much more challenging and complex than single level basements. It makes references to this issue at para 8.6 (h), 9.3.6.5 and in the recommendations at para 13.3.3 where it states that <i>“underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible”</i>. The Royal Borough has a very special historic character and to reduce the risk as a precautionary measure the Council is proposing to restrict basements to single storey. The restriction will also help reduce construction impacts and minimise carbon emissions.</p> <p>The Council is proposing that a Basement Impact Assessment is undertaken, details of which will be included in a revised Basements Supplementary Planning Document in due course.</p> <p>The policy allows for exceptions to the extent into the garden and depth for larger comprehensively planned sites.</p> <p>Comment on less external, manifestations for deeper basements is noted.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. 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General comments	Finch Associates (Fred Finch)	<p>Dear Policy Team,</p> <p>In response to the document 'Basements: Second Draft Policy for Public Consultation' we have a number of comments relating to specific items within the draft document. Our comments reflect feedback received from clients and other consultants as well as our own concerns.</p> <p>Under Proposed Policy CL7 subsection a) of the supporting text the draft policy proposes to restrict development to 50% of the garden area. Our comments are as follows:</p> <p>- Alan Baxter & Associates argue that the extent of any basement covering a maximum of 75% of the garden area is an optimal figure for areas with a gravel or sand sub base. This is reduced to 50 - 75% in areas with a clay sub base. We feel that these figures prepared by a specialist consultancy should be adhered to, especially in instances where significantly improved sustainable urban drainage methods are proposed.</p> <p>The supporting text under Proposed Policy CL7 subsection b) makes reference to restricting basement development to a depth of a single story. Our comments are as follows:</p> <p>- The Alan Baxter report makes very little mention of deep basement construction. In the few instances where it does, much emphasis is put on methodology and in no circumstance does it expressly advise against it. The question is raised in the Q&A section (question 4) of the Baxter report and the consultants argue here merely that special care is to be taken when deep basements are designed.</p>	<p>The 50% figure is not based only on the Alan Baxter and Associates (ABA) report which is purely linked to drainage.</p> <p>There are a number of reasons for restricting the size of basements as follows:</p> <ul style="list-style-type: none"> • There has been a significant increase in the number of basement proposals in the borough. This has resulted in a disproportionate impact on the residential amenity of the borough due to construction impacts. • Requiring a reasonable proportion of private garden space free of any development allows flexibility in planting major trees and maintain the natural character of gardens in the Borough. <p>The depth of basements is not being limited due to visual impacts. The ABA report states that multiple basement levels are very much more challenging and complex than single level basements. It makes references to this issue at para 8.6 (h), 9.3.6.5 and in the recommendations at para 13.3.3 where it states that <i>“underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible”</i>. The Royal Borough has a very special historic character and to reduce the risk as a precautionary measure the Council is proposing to restrict basements to single storey. The</p>

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General comments	P Whitehouse-Vaux	<p>I am not sure how balanced this debate currently is or how representative of the experience of the borough as a whole. I personally have been completely unaware of the debate.</p> <p>For every household who has developed their basement there will often be two or more neighbours who will respond with their experiences given the often terraced nature of the housing stock. This skews the make up of the respondents.</p> <p>The whole of the capital will notice the economic effects of a slowdown in the construction industry. It is perverse that whilst the government is attempting to kick start economic growth through the construction industry that the council is doing its utmost to curtail it.</p>	<p>Consultation has been carried out in accordance with Planning Regulations. In addition the policy review has been reported in the media including press and radio.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life.</p>
General comments	Natural England (Roslyn Deeming)	Thank you for sending Natural England the consultation on Draft policies for Basements, Housing and Miscellaneous matters. In this case we have no comments to make on these documents	Noted.
General comments	Sarah Curtis	<p>We would like strongly to support the Proposed Policy CL7 for Basements, in the Second Draft Policy for Public Consultation, as published on your website.</p> <p>We hope that this policy will be adopted for the Core Strategy as soon as possible.</p> <p>Meanwhile, we would ask the Council to draw the new proposals to the attention of those who have recently applied or been granted permission for deeper and larger excavations, asking them to amend their applications in the public interest.</p>	<p>Noted.</p> <p>The policy can only take effect once it has been examined by an Inspector appointed by the Secretary of State. If the policy is found sound at the examination it is likely to come into force in the early part of 2014.</p>
General comments	David Lion	<p>Thank you for advising me about the second revised draft policy. I am also aware of coverage on the Radio 4 Today programme and in the press which has prompted me to have some further comments on the subject:</p> <p>I was struck by the reported cost of building basement extensions estimated at £500 psf compared to the increase in the value to the property of £1000-5000 psf and how this was referred to as an 'investment no-brainer'. If these figures are correct, it would suggest that such a rare opportunity to make money might result in enormous unanticipated and as yet unquantifiable demand to build basement extensions that is not at all realistically reflected in the only currently available statistic of 307 applications last year. Perhaps it suggests that the applications and building work might become out of control.</p> <p>The feedback that I have had from neighbours of properties that have already carried out</p>	<p>Noted.</p> <p>The issues of damage compensation are not within the legal remit of Planning. These are better dealt with by the Party Wall Act or through the civil courts.</p>

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		<p>basement extensions is that they suffered horrendous inconvenience, structural damage and damage to internal decorations. To add insult to injury, they had to fight to get compensation and were left out of pocket. In other words they were left psychologically and financially harmed.</p> <p>The council has a very difficult job in preserving the balance between allowing reasonable development and preserving the living standards of neighbours affected during the course of the work and the second revised draft presents some very welcome amendments to redress the balance. Yet if basement extensions are to be allowed which inevitably cause harm and inconvenience to neighbours, that in addition to damage compensation, the council could consider some sort of scale of substantial financial compensation to be paid to neighbours for being adversely impacted by the people carrying out the basement extensions. I had in mind a figure to be paid to adjacent neighbours, declining in value to close neighbours etc. This might go some way to address the enormous investment bonanza imbalance between the people benefiting from their basement extensions and those neighbours harmed by the work as well as making those considering basement extensions think more carefully before embarking on their projects.</p>	
General comments	Elizabeth Egan	<p>We strongly object in the most vigorous terms to RBKC's policy of granting planning permission for basement constructions in the borough.</p> <p>We have lived here for 30 years and have witnessed the misery and complete disruptions caused by these greedy and selfish developers who - as the Editor's article in the March edition of the Kensington Review states - live almost entirely abroad and are only interested in property extensions for financial gain.</p> <p>If an Englishman's house is his castle he has the right to enjoy his domain in peace and tranquillity.</p> <p>The idea of this tunnelling disruption lasting for two or more years is inhumane and unnecessary. Elderly residents at home for most of the day might deserve some consideration.</p> <p>The Hillgate Estate has been protected from roof extensions for the 30 years that we have lived here. Basement development is infinitely worse.</p> <p>The roof extensions are banned because the extra rooms in the properties would have caused congestion on the entire estate - which already has a shortage of parking spaces. If this applies to roofs then it must also apply to basements.</p> <p>The Hillgate Estate is one of the few housing areas of small houses in central London for single family occupation.</p> <p>Basement extensions will turn it into a lucrative investment project for overseas buyers at the cost of removing it from the reach of local family home seekers.</p> <p>There is also the prospect of enlarged houses being eventually turned into flats and thus increasing the population density of the area.</p>	<p>Noted. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts by introducing greater restrictions on size and consideration of a range of other relevant issues at an early stage.</p> <p>The issues regarding Hillgate Estate are not considered to apply to all basement developments. The Council has parking and transport policies that deal with congestion.</p> <p>It is unlikely that basements will be converted to self contained dwellings. Planning permission will be required to do this.</p>

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		We hope this is a wake-up call for RBKC to protect this Conservation area and preserve it both now and for the future - before it is too late.	
General comments	Marianne Harris	The general tone of the proposals is very very welcome. It is very hard to understand why so much disruption has to be endured by so many residents in the borough. Limit these developments and raise more money for amenities for all from those that are allowed!	Noted.
General comments	Anthony Temple	1. The Council has the overwhelming support of a great many local residents - not all of whom were able to respond to the consultation process which addressed those who were immediately next to and affected by a site. 2. The sooner the policy is brought into force, the sooner local residents will be protected from the unbearable damage and nuisance which many of these developments entail. 3. Please do not rely on the Party Wall Act 1996 for significant measures of protection for local residents. It is well known that this is a poorly drafted piece of legislation. It cannot address the in principle question whether development should be permitted at all, and should not be allowed to operate as a safety valve for overworked council officials passing responsibility elsewhere.	1. Noted 2. Noted. The policy can only take effect once it has been examined by an Inspector appointed by the Secretary of State. If the policy is found sound at the examination it is likely to come into force in the early part of 2014. 3. Noted. Council officials are not passing responsibility elsewhere. Planning can operate within its legal remit and a range of other legislations including the Party Wall Act will continue to apply.
General comments	Stuart Bates	I am grateful that time and effort have been given to seeking more appropriate controls for basement developments. However, with the bitter experience of having the lower ground floor flat at 44 Palace Gardens Terrace next to the redevelopment of no.42, the proposals under Policy CL7 simply do not face up to the reality of the problem.	Noted.
General comments	Norland Conservation Society (Libby Kinmonth)	This is an excellent document, and represents an enormous advance on previous policy. Penelope Tollitt and the Strategy and Policy team who put it together are to be congratulated. Particular thanks too for organising all the consultation sessions and, especially, the Basement Working Group. All invaluable. Please try to include the improvements suggested above!	Noted.
General comments	Michael Stevens	I am concerned that the whole thrust of these policy proposals, as explained in the supporting text, seems to be aimed at trying to curtail basement development. I was recently granted planning permission for a basement. The process took 2 years. I was obliged to incur significant expense on reports and investigations - the requirement for which must already exist but which seem to be being proposed in this policy. It is already incredibly difficult for an ordinary person to get these consents and any attempt to make it more difficult is likely to undermine both the local housing market and the significant economic activity associated with basement construction. Your report states that there were over 300 basement applications in the past year. On the basis that costs of construction will range from £100,000 to the £millions, I might guess that the total construction value is in the range of £50-100m. At the margin this is significant for	The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues and not just be based on economic benefits. The policy achieves this balance by not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts by introducing greater restrictions on size and consideration of a range of other relevant issues at an early stage. Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account policy has to comply with higher level policies in the London Plan and the National Planning

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		<p>the very local economy and the 200+ jobs it represents are at the lower skilled end of the scale for central London where employment is harder to find beyond the hospitality sector.</p> <p>I would have thought that local councillors, as opposed to council officers, - while being answerable to residents - would have a sufficiently wide vision to understand and support this aspect of the local economy and appreciate the support for our still fragile wider economy that the local building industry provides.</p>	<p>Policy Framework. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life.</p>
General comments	Tony Holt	<p>Cllr Holt resubmitted his representations made on the first Draft Consultation in January 2013</p> <p>It is noticeable that this consultation has been clearly confined to areas covered by planning law and disclaims all responsibility for other areas. But other existing law, including planning, was developed many years ago and long before basements/subterranean, as now conceived, existed. Thus in the third paragraph of the Executive Summary of the first draft policy of December 2012 and in Appendix D of the second basement draft policy dated March 2013. This reflects the refusal of Central Government to make any changes to existing law. This leaves large areas of the problem untouched. They include:</p> <ol style="list-style-type: none"> 1. Long-term insurance. There should be insurance to cover for damage to the building and to neighbouring buildings for a period after the works have been completed, say, ten or fifteen years. The risk of long-term structural damage is not known and could easily happen several years after the works are completed. And the developers responsible for the works will probably have disappeared. This form of insurance is, I understand, normal in France. 2. Insurance to completion. There should be a sufficient sum in bond or escrow to cover the cost of works to completion in the event that the owner/developer cannot complete them himself, possibly for financial reasons. This would be the full structural completion of the concrete box, not to the fitting out and decoration. 3. Protection for neighbours. There should be much stronger legal protection for neighbours while the works are on-going. The Party Wall Agreements are not strong enough and can be disputed. There is no reason why neighbours should be put to cost as well as inconvenience by the action of others. 4. Structural strength. The long-term effect on the structural integrity of our Victorian buildings is not known and far more rigorous attention should be given to this before planning permission is granted. This is particularly true in Victorian terraces which were built rapidly and often on simple and shallow foundations. To install a very stiff reinforced concrete box in a terrace built of bricks and lime mortar will inevitably lead to movement and damage. No-one knows the consequences. 	<p>Noted. Response to the submission on the first draft has been provided previously.</p> <ol style="list-style-type: none"> 1. The issues of damage compensation are not within the legal remit of Planning. These are better dealt with by the Party Wall Act or through the Civil Courts. 2. As above. 3. The policy is taking a precautionary approach in minimising risks to buildings by restricting basements to a single storey. It is also introducing a requirement for more robust technical studies to be undertaken before the planning application is determined. Further details of these will be set out in the revised basements Supplementary Planning Document. However, the Council is not able to deal with issues of legal protection which are better dealt with by the Party Wall Act or through the Civil Courts. 4. Noted. The policy is taking a precautionary approach in minimising risks to buildings by restricting basements to a single storey. An Engineering Design and Construction Statement will be required with the application. This will need to be approved by two independent chartered engineers. 5. Noted. The reasoned justification may be altered to specify that damage should be limited to Category 1. 6. See response to 1 above. 7. Noted. This issue is not within the legal remit of Planning. <p>Noted. While the situation may not seem satisfactory the Council can only act within the powers vested to it by law.</p> <p>It would not be possible for all boroughs to come together to formulate a new bye-law as these issues are not relevant to many London boroughs.</p>

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		<p>5. Cracking. It is not acceptable to allow cracking even of less than 5mm , "classed as Category 2 Cracking (slight) in the CIRIA report, table 2.5" (Para 10.08 of the Alan Baxter report). There is no reason why residents should be force to repair damage by neighbouring workings. Decorative plasterwork is fragile an its repair expensive as is high quality decoration and wallpapers.</p> <p>6. Compensation. There should be some form of recompense to neighbours for the inconvenience, possibly a lump sum or re-housing in equivalent standard accommodation while the works are on-going.</p> <p>7. Multi-occupation. In multi-occupation buildings where properties are often in long-term leasehold among various owners, there should be clear protection of the owners and planning permission conditional on universal agreement of the leaseholders to the works. There should also be financial recompense whilst the works are going on. I have direct experience of this situation which is, at present, deeply unsatisfactory.</p> <p>The waiver excluding these consultations from anything outside existing planning law is wrong and not fair on residents. They expect to be protected by the Council, not left to fight it out in the civil courts themselves.</p> <p>If change to primary legislation is not possible, cannot new bye-laws be established for the borough, or a pan-London set of laws agreed by all 32 (33) boroughs along the lines of the London Garden Square Act 1931 - a new London Basements Act 2013.</p> <p>My more detailed comments on the initial consultation were given to you in my letter of 28 January 2013, copy attached.</p>	
General comments	Paul Lever	Thank you for giving us the opportunity to comment on the second draft of the Council's proposed new policy on basements. We live at 48 Jubilee Place, SW3 3TQ. The construction of a double basement is currently underway at the house next door to ours (No 46 Jubilee Place) as well as at the house next door to that (No 44 Jubilee Place). So we have direct experience of the misery and disruption which is caused by the Council's present basement policy.	Noted.
General comments	Panorama Property Services Ltd (James Agace)	<p>1. The whole policy presumes against development which is counter to the National Planning Policy Framework.</p> <p>2. The Proposed Policies and Reasoned Justifications seek to limit development rather than support development. Under NPPF guidance this is the wrong way round.</p> <p>3. In detail the policy does not have structure linked to an overall aim apart from an unstated aim of stopping basement development to the greatest extent possible under any rule or regulation.</p> <p>4. It appears that the policy has been written to meet the views of a number of highly active residents who oppose basement development. This has resulted in poor and likely to be unworkable proposed policies and justifications.</p> <p>5. The reasoned justifications are illogical and confused and do not support the specific</p>	<p>1. The policy does not presume against development. Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development.</p> <p>2. As above.</p> <p>3. The overall objective is set out in the introductory para of the policy which is that <i>"all aspects of basement development must be designed, constructed and completed to the highest standard and quality."</i></p> <p>4. Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. An Inspector appointed by</p>

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		<p>policies and vice versa.</p> <p>6. The best thing would be to start again. Work out the aim of the policy, complete a sound factual study then write a new draft policy where the aims, policies and justifications support each other effectively.</p> <p>7. Reasoned justification 34.3.76 is not linked to or supports any Proposed Policy. Therefore it should be moved from the Reasoned Justification box and either deleted or put as a side note somewhere.</p>	<p>the Secretary of State will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>5. The reasoned justification is linked with the policy and provides supporting text. However some changes to the reasoned justification will be made to improve the clarity and effectiveness of the policy.</p> <p>6. This is not agreed.</p> <p>7. Noted. Early consultation with neighbours can result in better development and this is linked with the overall objective of the policy.</p>
General comments	Tony Holt	<p>These proposed changes in Policy are carefully drawn to be within the scope of existing Planning law (see D.1). This was drawn up in 1947, long before subterranean were being built. The structural risks are already known. The long-term risk of problems is not yet known. As explained above in CL7 (k), there should be much stronger legal protection for neighbours, both while works are going on and for the future.</p> <p>&middot; Works should be protected by a bond to ensure completion and making safe if the developer gets into financial trouble.</p> <p>&middot; There should also be insurance to cover for long term damage for, say, ten or fifteen years after completion of the works (as is done in France)</p> <p>&middot; For buildings in multi long term ownership, subterranean should be with the agreement of all parties, not just the freeholder.</p> <p>&middot; Particular care in engineering design needs to be taken in Victorian, or earlier, terraces where the introduction of a stiff reinforced concrete box can risk damaging the neighbouring structures.</p> <p>&middot; Cracks below 5mm are not acceptable, as is mentioned. They would damage seriously decorative plasterwork and valuable wall paper.</p> <p>1. Legal protection to neighbours These proposed changes to Policy are carefully drawn to be within the scope of existing Planning Law (see Appendix D1). This was drawn up in 1947, long before subterranean were being built. The structural risks are already known. The long-term risks of problems is not yet known. As explained above in CL7 (k), there should be much stronger legal protection for neighbours, both while works are going on and for the future.</p> <p>Works should be protected by a bond to ensure completion and making safe if the developer gets into financial trouble.</p>	<ul style="list-style-type: none"> • The issues of damage compensation are not within the legal remit of Planning. These are better dealt with by the Party Wall Act or through the Civil Courts. • As above. • The policy is taking a precautionary approach in minimising risks to buildings by restricting basements to a single storey. It is also introducing a requirement for more robust technical studies to be undertaken before the planning application is determined. Further details of these will be set out in the revised basements Supplementary Planning Document. However, the Council is not able to deal with issues of legal protection which are better dealt with by the Party Wall Act or through the Civil Courts. • Noted. The policy is taking a precautionary approach in minimising risks to buildings by restricting basements to a single storey. An Engineering Design and Construction Statement will be required with the application. This will need to be approved by two independent chartered engineers. • Noted. The reasoned justification may be altered to specify that damage should be limited to Category 1. <ol style="list-style-type: none"> 1. See response in first bullet point above. 2. Noted. This issue is not within the legal remit of Planning. 3. and 4. As above

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		<p>There should also be insurance to cover for long-term damage for, say, ten of fifteen years after completion of the works (as is done in France).</p> <p>2. Buildings in multi-ownership For buildings in multi-long term ownership, subterranean should be with the agreement of all parties, not just the freeholder who probably does not live there and who is therefore not affected.</p> <p>3. Foundation stiffness Particular care in the engineering design needs to be taken in Victorian, or earlier, terraces where the introduction of a stiff reinforced concrete box can risk damaging the neighbouring structures.</p> <p>4. Cracking It has been said that cracks beneath 5mm are acceptable under a construction code. They are not acceptable because they would damage seriously decorative plasterwork and valuable wallpaper.</p>	
General comments	Sonata Persson	<p>The proposed policy and "reasoned justifications" are not easy to follow, at times confused. As this has not been a borough wide consultation I do not believe this policy represents the views of the whole borough rather a concerned yet vocal minority who I imagine live or have lived near works of this type.</p> <p>The proposed policy seems overly restrictive and designed to stop or severely restrict basement development. There seems to be a determination to add complexity and expense to the planning process for these types of development that is not being applied to above ground development which can be just as intrusive and disruptive. Arguably more so when it comes to elements such as light pollution as often cited in the "reasoned justifications". This focus on below rather than above ground development seems discriminatory and all the measures it cites in this document must be applied across the whole planning strategy.</p> <p>The policy has been drafted to include so many avenues for objection that effectively no one will be able to build anything. This has not been a borough wide consultation and so does not represent the views of the majority of residents, many of whom may well find themselves affected negatively by this policy if it is enacted. This lack of consultation will always result in a skewed set of responses as it is usually those that have been negatively affected who contact the council or respond to these types of questionnaires. By limiting respondents to those living near a basement development the council has ensured that it receives responses likely to "support" its skewed anti-basement policy.</p>	<p>Noted. This has been a borough wide consultation. Consultation has been carried out in accordance with Planning Regulations. Consultation documents have been available in all public libraries, Council offices and on the Council's website. In addition the policy review has been reported in the media including the press and radio.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>Light pollution is cited once (not often as stated) in para 34.3.70. This can be a particular issue when a box emanating light in a garden would be uncharacteristic of the area. Above ground developments normally have windows on the wall which generally follow a consistent building line and not create a similar issue. This is a specific policy on basements; the Core Strategy has a range of policies that apply to above ground developments.</p>

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			<p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>Basements underneath existing buildings are more complex and challenging than equivalent above ground extensions. The requirements are considered proportionate to the complexity of basements. These will ensure that proposals are thought through in detail from the outset and raise the standard of the planning applications.</p>
General comments	Sue Whittle	<p>Overall the policy seems to have been written with the express intention of reducing, limiting or potentially stopping basement development.</p> <p>This is against an economic background where all help and stimulation of the economy, both locally and nationally, is to be welcomed.</p> <p>Having read the comments from the previous draft policy I am expecting the response to the comment to be something about RBKC meeting its own targets etc but this is not thinking more broadly beyond RBKC's boundaries to the social and economic challenges across London.</p>	<p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues.</p>
General comments	Shelley Gubelmann	Just to say that I fully support the proposal sent to you by the Milner Street Residents' Association concerning the building of basements.	Noted.
General comments	Alastair Walton	We strongly support the Milner Street Area Residents' Association's representations in the above matter ,and believe they merit careful consideration	Noted.
General comments	Thomas O'Donohoe	<p>It is not realistic to commence party wall negotiations before an application is submitted for various reasons - planning lasts for three years, party wall awards for one year being one</p> <p>How will the Council manage pre-application enquiries? What will the guidance to pre-appliacants be?</p> <p>34.3.76 needs more detail and explanation. At present this is a woolly statement.</p>	<p>The Council supports this approach as it may have a bearing on the design of the development. However this is not set out as policy requirement rather as encouraging best practice.</p> <p>The Council has existing procedures to deal with pre-application enquiries. This can be found on the Council's website http://www.rbkc.gov.uk/planningandconservation/planningapplications/howtomakeanapplication/planningadvice.aspx</p> <p>34.3.76 is clear in encouraging applicants to undertake pre-application consultation with neighbours and taking pre-application advice from the Council. Further details will be provided in the revised basements Supplementary Planning Document.</p>
General comments	Christchurch Residents Assocaition (Victoria Jacobsen)	<p>We would like to suggest that there be a limit on how many basement developments were allowed over a period say of three years in any one street, Which one would hope might give residents a bit of a break from constant construction.</p> <p>We would like to thank the Royal Borough for being the first Council to make some effort to address the many problems suffered by those living close to such excavations.</p>	<p>Noted. Planning permissions should be implemented within three years from when permission is granted. The Council cannot stipulate when applicant implement the permission within that three year period.</p> <p>Noted.</p>

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General comments	K Howell	<p>Overall the policy seems to be written to reduce/limit/stop development. Reducing the impact of construction should not be addressed by arbitrarily limiting the size of basements.</p> <p>Actually, much more disruption can be caused by redecoration and remodelling of buildings - not by basement construction. Most of the time those putting in basements move out while the rest of the property is remodelled. It is the above ground work that causes much more noise etc. When the above ground work is not done, the disruption from putting in a basement is much less. I know this from experience in my neighbourhood.</p> <p>If Building Control were doing its job properly, then noise, dust and vibration would be properly controlled. This policy is not required for that.</p> <p>This policy is counter to the intention of the Government which seems to be trying to get the economy going by supporting/enabling building and development. The Council should also be encouraging this. Investments in new basements can add value to properties. This benefits everyone in the RBKC. Basements do not change the external look and feel and ambiance of neighbourhoods. However, they improve the value and overall liveability of properties.</p> <p>The Council should not be short-sighted by pandering to the few residents who are against any such work. NIMBYism is not good policy making.</p>	<p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>Basements construction entails major excavation works with large quantities of spoil. This is not an issue for above ground development on relatively shallow foundations.</p> <p>Building Control is no longer a function provided solely by the Council. This is also provided by private firms.</p> <p>The National Planning Policy Framework introduced by the Government in 2012 has a presumption in favour of sustainable development. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues not just be based purely on economic reasons. People will still be able to extend their properties to a reasonable size.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p>
General comments	Howard Green	Your Policy numbering has been changed which is confusing. Please cross reference with my previous (two) comments.	Noted. Responses are collated after submission to group them by topic.
General comments	Shrimplin Brown (Robert Shrimplin)	As the January 2013 consultation document explained, the justification for the new policy approach arises from the desire to control the construction impact of basements. However, it also makes clear that "planning is primarily designed to assess the final physical form and use of a proposed development. Construction is not normally regarded as a planning matter..." (paragraph 1.22). The consultation document therefore seeks to fundamentally	<p>Noted. The Council is aware that the policy should be formulated within the remit of the planning legislation.</p> <p>Given the scale of basement development in the Borough the Council considers it appropriate that the Construction and Traffic</p>

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		<p>alter the role of planning by weighing the construction process in the balance when deciding on the principle of development (paragraph 4.5). This is contrary to planning statute.</p> <p>Moreover, it went on to explain that there are various other statutory and regulatory regimes available to control construction impacts: "The Council exercises powers of control under environmental protection, control of pollution and highways legislation. It also attached appropriate conditions to planning permissions to mitigate impact. Damage to a property by a neighbour is a civil matter and is normally dealt with through the Party Wall Act" (ibid). There is therefore no need to add a further layer of control which acts as an added burden both on applicants and the Council.</p> <p>The current approach of requiring information relating to construction impacts via condition is entirely appropriate and there is no evidence presented to suggest that this has caused problems. It does mean the neighbours do not have the benefit of seeing this information before development is permitted, but they do have the comfort that the information required is set out in detail in the Council's SPD and in standard conditions. In contrast, providing meaningful details before a development has been approved and before a contractor has been appointed not only adds an unreasonable additional burden on the applicant but also risks being meaningless as the relevant details are not yet known.</p> <p>Moreover, the Council's survey of local opinion which has informed the need for a new Basements SPD found that of all the questionnaires sent out to neighbours affected by basement development only 8.5%-12.75% raised any concern about noise, traffic, dust, or vibration. Of those that actually responded to the questionnaire only half raised a concern. It is therefore far from clear that residents feel this issue is of concern and worthy of further planning controls, particularly bearing in mind the additional cost burden it would place on the Council.</p> <p>The recent NPPF emphasised the need for the planning system to work more effectively to stimulate development. It introduced a presumption in favour of sustainable development "so that it is clear that development which is sustainable can be approved without delay" (paragraph 15).</p> <p>More recently the Government have pledged to consult on increasing the scope of Permitted Development Rights, for a limited time period (Ministerial Statement, 6 September 2012).</p> <p>The proposed Basement SPD runs entirely contrary to this by adding another layer of control into the planning system. Moreover, in doing so it adds another cost to the Council. As the consultation document accepts, "when a planning application is required because permitted development rights have been removed, no fee is payable. This means the full cost of assessing applications must be carried by the Council. This means that the full cost of assessing applications must be carried by the Council. It is estimated that this cost, if Borough wide, is likely to be in the region of £65,000, though this cost could rise significantly were the number of eligible applications to increase" (paragraph 5.4).</p>	<p>Management Plan is part of the planning application. This will allow public participation and some local issues which may not be known can be taken into account at an early stage.</p> <p>It cannot be assumed that those who did not respond to the survey had no issues with construction impacts. Conclusions should only be drawn from those who responded. It is significant that half of those who responded raised concerns about the impacts of construction given the number of planning applications for basement development.</p> <p>The NPPF has three dimensions to sustainable development: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life.</p> <p>Last comment is related to an Article 4 direction which is not part of this consultation. The Council has not made a decision on whether to progress with an Article 4 direction. However if it is decided to progress with it separate procedures with accompanying consultation will apply.</p>
General	Steven	It is not realistic to commence party wall negotiations before an application is submitted for	The Council supports this approach as it may have a bearing on the

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comments	Aldridge	<p>various reasons - planning lasts for three years, party wall awards for one year being one</p> <p>How will the Council manage pre-application enquiries? What will the guidance to pre-applicants be?</p>	<p>design of the development. However this is not set out as policy requirement rather as encouraging best practice.</p> <p>The Council has existing procedures to deal with pre-application enquiries. This can be found on the Council's website http://www.rbkc.gov.uk/planningandconservation/planningapplications/howtomakeanapplication/planningadvice.aspx</p>
General comments	Canal & River Trust London (Claire McLean)	<p>Thank you for the recent consultations on these three documents.</p> <p>The Canal & River Trust is the new charity set up to care for England and Wales' wonderful legacy of 200-year-old waterways, holding them in trust for the nation forever. The Trust has responsibility for 2,000 miles of canals, rivers, docks and reservoirs, along with museums, archives and the country's third largest collection of protected historic buildings.</p> <p>The Trust launched on 2nd July 2012, taking over responsibility from British Waterways and The Waterways Trust in England and Wales.</p> <p>The Trust has a range of charitable objectives including:</p> <ul style="list-style-type: none"> * To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment; * To protect and conserve objects and buildings of heritage interest; * To further the conservation, protection and improvement of the natural environment of inland waterways; and * To promote sustainable development in the vicinity of any inland waterways for the benefit of the public. <p>The main sources of the Trust's funding are from a 15-year contract with government and income from boating, property and utilities. This funding is important for keeping our precious 200-year old waterways running, but it is not enough to fully support our canals and rivers as valuable resources for people and nature, particularly when under increased pressure and intensified use from expanding development.</p> <p>Our canals and rivers are today used by more people and for a wider variety of purposes than ever before, with over 35,000 boats and 13 million towpath visitors using them as an escape from the pressures of modern life. Once Britain's most important transport system, our waterways are now a focus for economic renewal in the towns and cities they helped to create.</p> <p>We have the following response to make on the consultations:</p> <p>We would like to add the following paragraph to be included in the document:</p> <p>"Any subterranean works near the Grand Union Canal or Regent's Canal may have an</p>	<p>Noted. Grand Union Canal flows through the North of the Borough. The Council has strong policies to protect historic environment. The area around the Grand Union Canal is allocated in the Core Strategy as Kensal Gasworks. The Canal and River Trust is a stakeholder in the Kensal Gasworks site and is consulted as part of the process of developing a Supplementary Planning Document for the area.</p> <p>The suggested text may be included in the revised basements Supplementary Planning Document to highlight the Code of Practice for Works Affecting the Canal & River Trust.</p>

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		<p>impact on these historic structures. Developers should refer to the Code of Practice for Works Affecting the Canal & River Trust to ensure all necessary consents are obtained: http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property"</p>	
General comments	Faireholme International Limited (Stephen Fairholme)	<p>London is a World Class International City with a massive shortage of affordable accommodation especially in Central London (particularly RBKC) we have extremely strict planning laws in RBKC which means we cannot build upwards in any way at all. Rear extensions are also becoming impossible.</p> <p>London is not like New York or Hong Kong where they build a new Sky Scraper virtually every week adding new residential accommodation. We have a massive shortage of residential accommodation which is reflected in the RBKC record high property prices. By law we are allowed only in Central London to build down-wards and now that right to private property extension is at risk of being stopped. There is an anti-basement movement in RBKC which is quite small but which has created a lot of noise, the movement is made up mainly of elderly well off residents whom purchased their large house of +2000-3000 square feet or large apartments of +1800 square feet whom paid several thousand pounds some 30-40 years ago. This movement does not represent the majority of RBKC residents and in fact most of my friends in RBKC are not even aware of this public consultation of sub-terranean basements as most are too busy going to work and to pay their high levels of income tax and National Insurance to keep the country going. The Anti-Basement movement consists mainly of this demographic profile or persons whom live in RBKC on housing benefit (or persons whom most of my friends are paying for them to live in RBKC out of their taxes). As they rent with their rent paid out of our taxes I believe it is undemocratic for these individuals to even have any say on this consultation process in any way. The "elderly house/mansion block group" have even organised to form what they try and present is a legitimate organisation such as "the Abingdon, Scarsdale and St. Edwards Square Association" which is run by an ex-architect whom himself lives in a +2000 square foot apartment with his wife with so much room 8 persons could live there. Anthony Walker whom is the Chairman of the of this organisation also lobby's in the name of the Kensington Society thus parading under 2 auspices in terms of lobbying in this consultation. Mr. Walker should not be allowed as he has been to make representations/comments on this consultation either under his personal name or one of his 2 organisations he parades under.</p> <p>Most residents unless they come to renovate their home don't even know or care about building regulations and they operate by apply for planning permission and renovate within the law and planning permission. This overly represented anti-basement movement is undemocratic and does not represent the majority of residents. RBKC is embarking on huge mistake by restricting subterranean development. Quite to the contrary I think the RBKC should be embarking on a policy of more subterranean development in the borough a policy. Why does the RBKC not embark on a compulsory purchase of all land below Mansion Blocks in RBKC for a nominal fee of £1 to Freeholders and build affordable housing for key workers/residents in RBKC, this group of essential workers in the hospitals, council, fire service etc is being pushed out of the borough, far from restricting sub terrain development the RBKC should be encouraging it and embarking of a huge expansions below public buildings and all Mansion blocks, we need more accommodation not less.....We are a Global World Class city and we need to have accommodation to reflect this and a planning policy encouraging subterranean development on a much larger scale.</p>	<p>Noted. The planning policy in the Borough is in-line with national policy for conservation areas and listed buildings as 70% of the Borough is designated conservation area and there are 4,000 listed buildings.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>Consultation on planning documents is undertaken in accordance with the Planning Regulations. Documents are made available in all public libraries in the Borough, at Council offices and on the Council's website. In addition the policy review has been reported in the media including press and radio. Anybody can respond to the consultation regardless of income levels or age.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>As stated above planning policy is not formulated by majority vote rather if valid planning issues as set out in national guidance are raised during consultation they can be taken forward.</p>

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General comments	James Copinger-Symes	<p>I am concerned at the potential negative economic effects of a restriction on construction in the Borough.</p> <p>The UK is experiencing a prolonged and difficult recession. The government is utilising many tools in order to stimulate growth and demand across many sectors and has put special measures in place to help the construction industry which has been particularly badly hit. The Borough is not isolated from this and experiences directly and indirectly the economic benefits of development by householders within the Borough.</p> <p>For every square foot of additional living space created within the Borough, be it above or below ground, there is a value created that feeds its way into the economy through various routes. Even basic examples illustrate the damage limiting construction at this point in the economic cycle will have:</p> <ul style="list-style-type: none"> - direct employment of construction workers. They pay tax, spend money supporting themselves and their families and reduce the benefit burden on the state. - construction buys materials, many of which are manufactured in the UK, generating jobs and paying taxes in that sector. Materials are subject to VAT which is a significant revenue generator to the Treasury. - Those employed or owning businesses in this sector spend money as they have jobs or are earning profits which gives them disposable income which they spend thereby stimulating the economy. - Increasing unemployment in this sector will lead to a direct increase in the benefit burden on the state - Workers buy products locally in the Borough from food and drink retailers and restaurant outlets, often small businesses who will feel the knock on effects of reduced construction - Support services will all be impacted due to a reduced multiplier effect <p>Limiting basement developments will have significant economic and social impacts across the Borough, London and the UK. The Borough needs to take a wider view and align the planning policy with the greater goals of the Government and the need to get the economy growing again.</p>	<p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development. Policy cannot be based purely on economic considerations.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p>
General comments	David Innes	<p>I am concerned that this plan is the result of the lobbying by a vocal minority within the Borough which will have far reaching consequences for those not only in the Borough (many of whom will have no idea this consultation is happening) and beyond.</p> <p>I am very concerned that "evidence" cited in parts of the "reasoned justification" are at times misleading representations of other documents. The concern is that this is a wilful misrepresentation based on the knowledge that many people will not have the time to read all the supporting references (eg London Plan) so will assume the council is being honest in its references and not check.</p>	<p>Consultation on planning documents is undertaken in accordance with the Planning Regulations. Documents are made available in all public libraries in the Borough, at Council offices and on the Council's website. In addition the policy review has been reported in the media including the press and radio.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements</p>

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			<p>and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations. Therefore the evidence will be tested by an Independent Inspector before policy can be adopted.</p> <p>The policy is consistent with the London Plan and a formal view on consistency will be sought from the GLA in due course.</p>
General comments	David Innes	<p>Overall it seems that this policy has not been very well research and key elements have seemingly not been considered at all. In addition is seem that a aspects of the policy relating to basements are totally out of kilter with other aspects of planning policy and there needs to be consistency across RBKC'sd entire planning policy.</p>	<p>It is not clear from this comment which key elements have not been considered.</p> <p>Planning policy is formulated in-line with higher level policies in the London Plan and the National Planning Policy Framework. The proposed policy is consistent with other planning policies and is specifically focused on basement development.</p>
General comments	David Innes	<p>This policy seeks to duplicate existing legislation.</p> <p>I do not believe the Borough is experiencing a torrent of basement development that is putting the fabric of the buildings in the Borough at risk. I understand that some residents are unhappy at the impact resulting from construction (OF ANY KIND). However enacting such an aggressive and limiting policy as this seems unreasonable. Is the council able to separate out the impact from above ground or below ground construction? If not, basing a policy of anecdotal evidence or a "rule of thumb" estimate seems premature.</p> <p>Surely the rules that serve above ground development should serve basement construction as well?</p> <p>The rationale given to support the proposed changes to planning policy is almost without exception totally without merit, unsubstantiated and often incorrect. For example, claiming that multi-level basements should be halted as they cannot be safely engineered / constructed is laughable. It seems that the council initially decided to indiscriminately limit basement development and then subsequently cast around for "facts" to support this decision.</p> <p>Finally, I do not believe the so-called consultation undertaken to be democratic, fair, nor in anyway legitimate. In this consultation the Council has disproportionately targeted (about 80% I understand) residents that have had a basement excavated next to them. In addition, I do not believe that the majority of residents in RBKC are even aware of this consultation or the proposed changes to planning policy. Hence the entire consultation is a farce!</p>	<p>Noted. The policy does not duplicate existing legislation.</p> <p>There are known cases where basement construction has caused structural damage to buildings. It is obvious that basement construction results in major excavation resulting in large quantities of soil.</p> <p>Rules that apply above ground do apply to basements and the Core Strategy should be read as a whole as other policies may also be relevant.</p> <p>The Council commissioned engineers Alan Baxter and Associates (ABA) to undertake a technical study of basement development. The ABA Report states that multiple basement levels are very much more challenging and complex than single level basements. It makes references to this issue at para 8.6 (h), 9.3.6.5 and in the recommendations at para 13.3.3 where it states that "underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible". The Royal Borough has a very special historic character and to reduce the risk as a precautionary measure the Council is proposing to restrict basements to single storey.</p> <p>Consultation on planning documents is undertaken in accordance with the Planning Regulations. Documents are made available in all public libraries in the Borough, at Council offices and on the Council's website. In addition the policy review has been reported in the media including press and radio.</p>

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			<p>The comment is referring to a survey undertaken by the Council which was targeted at those adjoining a basement construction. This was undertaken to understand the real issues experienced by neighbours.</p> <p>Three Borough wide consultations with a number of public meetings have been undertaken on the formulation of the policy itself.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>As stated above planning policy is not formulated by majority vote rather if valid planning issues as set out in national guidance are raised during consultation they can be taken forward.</p>
General comments	KPMG (Patrick Parke)	<p>predominantly neighbours of past or potential developments who themselves have no desire or need for the extra space. It is important that you take into consideration a more representative sample of residents, i.e. including more who have benefitted directly from being able to improve their homes, or buy homes that are larger than they would otherwise have been.</p> <p>The most important argument for allowing sensible basement applications is economic:</p> <p>Let's assume there are 100 jobs per year in the borough, and each one adds 1000 square feet of space, worth £1000/sq ft. (in fact, the numbers are likely higher)</p> <p>That is at least £100M of property value created that feeds its way through the economy, in many different ways. Even ignoring the (significant) multiplier effect, that would be a huge amount of money to be saying goodbye to, and this country can't afford to do that. Of the £100M, my guess would be</p> <p>50% for the cost of the job, goes to</p> <ul style="list-style-type: none"> - Employ labour, generating NI and tax, allowing people to have jobs and spend money, rather than be a burden on the state - Buy materials (most of which are produced in the UK, not imported) - thereby benefitting the producers of those materials and generating VAT 	<p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>The Council has received a range of view both supporting and opposing the proposals in the draft policy. As stated above planning policy is not formulated by majority vote rather if valid planning issues as set out in national guidance are raised during consultation they can be taken forward.</p> <p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance</p>

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		<ul style="list-style-type: none"> - Profits and dividends for the owners of the businesses, for their livelihoods (which is then spent elsewhere in the UK economy) 50% would be nominal profit for the owner of the property, which then has these impacts (this list is not exhaustive) - He is wealthier and less likely to need a state pension - If he eventually sells, he might pay CGT - A new buyer is often coming from abroad, will pay (higher) stamp duty, and is buying GBP using a foreign currency so this is effectively an export and helping mitigate the UK trade deficit - The wealthier owners of more desirable properties will employ more people (e.g. a housekeeper) and spend more money - The seller of the property might then buy another property, creating wealth for the seller, or might spend the extra money in another way that benefits the UK economy or stops him from being a burden on the state <p>Please take this impact extremely seriously in your considerations</p>	<p>differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development. Policy cannot be based purely on economic considerations.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p>
General comments	Physic Triangle Residents' Association (Richard Ashton)	I write to support strongly the letter from Lord Grantley and Mrs Margaret Moore of the Milner Street Area Residents' Association sent to you by email on 25 April, and their comments on RBKC's 2nd draft policy for consultation on basements.	Noted.
General comments	William H Buckley	<p>I am writing to put forward the views of many residents who are not perturbed by the level of basement or other construction impact in the RBKC.</p> <p>I believe that the majority of respondents to planning consultations are residents who are opposed or believe they will be negatively affected by the proposed policy. It seems to me that those who are unconcerned or supportive of a policy often are less motivated to respond and as a consequence the views of the respondents may be unfairly weighted towards negative views.</p> <p>I have witnessed basement excavations as well as experiencing other above ground refurbishments which I do not believe the council is trying to limit at this time although they are hugely disruptive and have a significant construction impact. Whilst there is an undeniable impact in terms of noise and disruption I do not think that it is unreasonable in the context of what is usual in a city such as London. The architecture of the RBKC is constantly evolving and basement development is just one part of that timeline of development as the requirements of householders changes. It seems to me that as long as the existing safeguards and regulations are adhered to by applicants and enforced by the council and its agencies then well designed developments should be allowed.</p>	<p>Noted.</p> <p>Planning policy is not formulated by majority vote rather if valid planning issues as set out in the national guidance are raised during consultation they can be taken forward. The Council recognises that basements are a useful way to add extra accommodation and is not proposing to ban them.</p> <p>The trend for basements is in part because policies do not allow large extensions above ground. This is because of the special character of the Borough with 70% of the area designated as conservation areas and 4,000 listed buildings.</p> <p>Basement construction underneath existing buildings is a relatively recent phenomenon not seen in other global cities such as New York or Paris as they have a completely different character. It is not usual rather unique to certain parts of London.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow</p>

Document Part Name	Respondent Name	Comment	Council's Response
			people to extend their homes but help minimise their impacts.
General comments	William H Buckley	<p>This policy seems designed to rule against basement development in general. The views of many residents who are not perturbed by the level of basement or other construction impact in the RBKC needs to be taken into account rather than just those of a highly vocal, opposed minority.</p> <p>It seems to me that those who are unconcerned or supportive of a policy often are less motivated to respond and as a consequence the views of the respondents may be unfairly weighted towards negative views.</p> <p>Whilst there is an undeniable impact in terms of noise and disruption I do not think that it is unreasonable in the context of what is usual in a city such as London. The architecture of the RBKC is constantly evolving and basement development is just one part of that timeline of development as the requirements of householders changes. I believe that as long as the existing safeguards and regulations are adhered to by applicants and enforced by the council and its agencies then well designed basement developments should be allowed.</p>	<p>Planning policy is not formulated by majority vote rather if valid planning issues as set out in the national guidance are raised during consultation they can be taken forward. The Council recognises that basements are a useful way to add extra accommodation and is not proposing to ban them.</p> <p>Basement construction underneath existing buildings is a relatively recent phenomenon not seen in other global cities such as New York or Paris as they have a completely different character. It is not usual rather unique to certain parts of London.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p>
General comments	Richard Grantley	<p>The Milner Street Area Residents' Association ("MISARA") is pleased to submit the following comments in response to the above consultation document of March 2013 ("Basements. Second Draft Policy for Public Consultation").</p> <p>Problems arising from basement developments are of very great concern to many of our residents.</p> <p>We very much welcome the Council's recognition that much more control is needed over basement developments, and many of the changes included in the Second Draft Policy as a result of consultation. Our comments comprise a list of recommendations and additions to the Second Draft Policy. We hope that the Council will adopt them.</p> <p>Article 4 Direction</p> <p>1. We understand there are separate procedures relating to the introduction of an Article 4 direction. We strongly encourage the Council also to progress with an Article 4 direction to ensure that all basement developments across the Borough are brought under proper planning control.</p> <p>Conclusion</p> <p>We trust that the recommendations we have made and our reasons for making them are clear. If there is any further information or clarification you would like us to provide, we would be happy to do so. We hope that you will consider our recommendations carefully and agree to implement them. We look forward to hearing from you.</p>	Noted.
General comments	Sally Duckworth	<p>This policy seems designed to rule against basement development in general. For many families looking for extra space a basement is a cost-effective way of gaining that extra space given the moving costs associated with buying a bigger house, not just the cost of the house itself.</p>	<p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p>
General comments	23 Architecture (Stuart)	<p>Thank you for your email, sent to me on 25th March, which was in relation to several of my queries regarding the proposed recent revisions to the draft basement policy.</p>	Noted.

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	Robertson)	<p>It has been frequently acknowledged by your policy team as well as the various reports that you refer to that the impact of subterranean development is less of a visual nature (and therefore part of planning policy's traditional remit) but rather based on methodology. In the large majority of cases the visual appearance of basements from the street is negligible. It has furthermore been proven that the council's current policy requiring significant soil depth above subterranean development is sufficient for large trees to grow and therefore negating the visual impact on internal and communal gardens.</p> <p>The various reports as well as the previous consultations - specifically the last Q & A session on 8th April - have made it clear that both residents and agents regard the construction method of subterranean development as the critical issue. Furthermore, the council has acknowledged the difficulty of controlling construction methodology as this is not part of its generally accepted remit. The justification it has given to the public is that subterranean development has an impact on the amenity of neighbourhoods during the construction process and it is this aspect that needs to be controlled. Again, both residents and agents agree on this principle.</p> <p>Construction methodology, whether above or below ground, is a highly scientific matter. This is made evident in the only scientific study of the subject matter so far produced - the Baxter report. This report is very specific about construction methodology and makes it clear that any risk to the existing built fabric can be mitigated by basement impact assessments prepared by qualified professionals. As part of it's recommendations and as stated in your email it recommends 25% of a garden to remain free of developments where these are located in areas with gravel substrate and 25% to 50% in areas with a clay substrate. We are not aware of any other reports or studies that make recommendations on this scientific matter. For instance are there any figures, reports or studies on the damage to the built fabric in RBKC caused by residential subterranean development or the impact on the amenity of neighbourhoods of such development that could be used as a material justification for the council to take a more conservative line than that which is recommended by specialist consultants?</p> <p>The draft policy proposes to increase the scope of the basement impact assessment. All parties, residents, specialist consultants and the council, agree that this is a necessary step to improve construction methodology. As outlined above and as residents and agents agree, it is the construction methodology through a significantly improved basement impact assessment that should be at the heart of the matter and not what appears to be a rather arbitrary focus on reducing numbers without any specialist justification.</p>	<p>It is within the remit of planning to require Engineering Design and Construction Statements and Construction and Traffic Management Plans.</p> <p>The 50% figure is not based only on the Alan Baxter and Associates (ABA) report which is purely linked to drainage.</p> <p>There are a number of reasons for restricting the size of basements as follows:</p> <ul style="list-style-type: none"> • There has been a significant increase in the number of basement proposals in the borough. This has resulted in a disproportionate impact on the residential amenity of the borough due to construction impacts. • Requiring a reasonable proportion of private garden space free of any development allows flexibility in planting major trees and maintain the natural character of gardens in the Borough. <p>The Council carried out a survey of neighbours living next to or close to properties that have benefitted from basement extensions over a three year period. The survey results show that a significant number of people were affected by the construction impacts. A number of people reported damage to properties.</p>
General comments	Geostructural Solutions Limited (Tim Jolley)	<p>It would appear that whilst being necessary to apply strict control over the contractors (and consultants) that are involved in the construction of basements, it does not appear to be in the interest of all parties to restrict the scope of permitted basement works unnecessarily.</p> <p>Financially, the construction of basements, in the long term, would appear to be to the benefit of RBKC as it increases the value of the properties in the borough and attracts UK and Overseas investment. The Overseas investment would appear to be of benefit to the UK economy in general.</p>	<p>The policy review is not focusing restricting the scope of permitted development.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in</p>

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			North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life.
General comments	James Dawson	<p>If you make it more difficult for people to build basements beneath their houses in the borough you would:</p> <ul style="list-style-type: none"> &middot; prevent living space from being built that would need to be built elsewhere instead, which is hard when London is so crowded already &middot; be removing the opportunity for residents to capitalise on the high price per square foot in the area, and the ability for their profits from improving their homes to help them afford the high cost of living in London &middot; be directly impacting the livelihood of construction workers at what continues to be a stubbornly difficult time in this industry sector &middot; be reducing the market for building materials (sourced mainly from local industries) &middot; make it more difficult for domestic workers to find suitable accommodation near their workplace, as often basement space includes a room for a nanny or housekeeper, and possibly stop these jobs from existing at all (meaning more unemployed people for the state to provide for) 	<p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life. The Council has policies to meet its housing targets through the provision of new housing which would support work in the construction industry.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts. People can continue to be employed in the construction of basements.</p>
General comments	Yasmin Ayoub	<p>I am concerned that the policy has been written in such a way as to make approval for basement developments the exception rather than the rule. The whole process looks like it is going to be overly involved and complicated leading to all sorts of difficulties for everyone so including the Council and neighbours as well as applicants.</p> <p>Throughout the reasoned justifications for the policy and the clauses in the policy itself there are examples of duplicated legislation, extension of planning into areas already controlled by other agencies eg Building Control and a requirement for basement applications to adhere to rules regarding design, light pollution, and external elements (to name a few) that are not being applied to above ground applications for rear, side or loft extensions.</p> <p>This lack of consistency gives the impression that basements are being targeted in a way that other forms of development are not. This does not seem fair or logical if the main reason for the policy is to reduce the impact of construction across the Borough, which appears to be the main underlying driver of the policy.</p>	<p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>It is not clear from the comment where legislation is implied to being duplicated. The Council is aware that planning policies can be formulated within the remit of the planning legislation.</p> <p>The Core Strategy should be read as a whole. It has numerous policies that apply to above ground development. The Council has strong policies to conserve and enhance its built environment evident in the high quality environment in this Borough.</p> <p>The policy is designed to address a number of issues not just to reduce construction impacts.</p>
General	Yasmin Ayoub	I am concerned that the policy has been written in such a way as to make approval for	The policy is not putting a stop to basements but proposing a

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comments		<p>basement developments the exception rather than the rule. This seems designed to satisfy the objections of a minority rather than considering the needs of the Borough as a whole.</p> <p>There are significant economic impacts to a reduction in construction in the Borough, not just locally but nationwide, and this does not seem to have been quantified anywhere or made available to the public as part of the discussion/consultation. Without this data how can the policy be considered within the wider social and economic context? It cannot. Central government is pushing for local building and extensions to houses to give the economy a much needed boost and this policy, no matter what is said, will result in less building work being done. So directly against what central government is trying to do.</p> <p>I am opposed to this policy.</p>	<p>reasonable scale of development. Planning policy is not formulated by majority vote but on valid planning issues as set out in national guidance.</p> <p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life.</p>
General comments	Philip Muelder	<p>In the absence of a separate area for comment on 34.3.76 I will do so here.</p> <p>This is a jumbled and confused "reasoned justification".</p> <p>It is obviously sensible and preferable to have your neighbours and other residents happy with your plans whether they be for a basement or a side extension. In reality many residents are opposed to ANY development and it is not their place but the planning department to determine what is an acceptable design or development.</p> <p>It is impractical to begin Party Wall discussions BEFORE planning applications are submitted given the limitations of the Party Wall process.</p> <p>How exactly does the Council expect applicants to share their proposals? In person? Email? A pamphlet? Surely this is already done as a part of the planning process as interested locals are more than able to access any details on the Council's website.</p> <p>Construction traffic plans should be put together once construction is about to start as it is only at that point that you can be aware of what is happening with other developments in the vicinity, roadworks, utility companies digging up the road and so on. By all means require a plan to be in place before construction is able to start (the award of a skip licence could be dependent on that for example to utilise an existing requirement) but including as part of the planning process is pointless as it will be redundant in the main before planning is approved let alone construction begins. This seems just another form to fill in and more expense for the applicant.</p>	<p>34.3.76 is clear in encouraging applicants to undertake pre-application consultation with neighbours and taking pre-application advice from the Council.</p> <p>Planning decisions are made in accordance with the development plan on sound planning issues.</p> <p>The Council supports this approach as it may have a bearing on the design of the development. However this is not set out as policy requirement rather as encouraging best practice.</p> <p>This is about encouraging applicants to talk to/consult their neighbour before submitting the planning application. The Council has its consultation procedures once an application has been submitted.</p> <p>Basements construction involves major excavation works with large quantities of soil. An upfront CTMP will enable neighbouring residents to comment on how construction traffic will be managed. Local involvement can highlight issues that are sometimes not known otherwise. The requirements are considered proportionate to the nature of basement development. These will ensure that proposals are thought through in detail from the outset and raise the standard of the planning applications.</p>
General comments	Harcus Sinclair (Damon Parker)	<p>I do not believe that the rise in basement applications is as big a concern as suggested by the proposal or this draconian planning policy.</p> <p>Construction impact across London, not just the Borough, is a fact of life for Londoners and whilst in the short term it may be an annoyance it is accepted by most people that this is</p>	<p>Noted.</p> <p>It is agreed that the bigger picture should be taken into account. The Core Strategy should be read as a whole and has a chapter dedicated to diversity of housing.</p>

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		<p>part of the price of living in one of the world's most desirable cities. I think the bigger picture needs to be taken into account.</p> <p>There is a general shortage of housing in London and larger family houses in particular, not just the Borough, across London. The Borough should be thinking beyond its own boundaries.</p> <p>Basements are a sensible and cost effective way of adding extra space just as loft extensions are. Whilst they have structural complexities these are mostly not an issue for specialist design and construction companies.</p> <p>Limiting basement developments will have knock-on effects, both economic and social, across the Borough and London and this needs to be weighed up as part of the consultation process which it has not been so far.</p>	<p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations.</p> <p>As mentioned above the Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life..</p>
General comments	The Chelsea Society (Terence Bendixson)	<p>The Chelsea Society welcomes many of the modifications to policy set out in the Council's second consultation and appreciates the tremendous amount of time and effort, including numerous evening meetings, devoted to them by you and your colleagues.</p> <p>However the Society's overall position is that the revised policy, which looks forward to 2028, needs to take still greater account of the following factors.</p> <ul style="list-style-type: none"> * The upward trend in the number of basements being dug. * The irreversible damage being done by undermining to the natural soils, drainage capacity and horticultural and arboreal potential of the world famous domestic gardens of Kensington and Chelsea. * The need to match high density living with increased, not reduced, natural green space. * The likelihood that, for every basement excavation, two to four households are seriously affected by the nuisance of construction. * Thames Water's evidence on flooding and the absence of any retraction. * The commercial and financial, as opposed to resident domestic, forces driving much basement development. * The effect of basement digging on the quality of life of residents. <p>For the Royal Borough 2013 is a land use policy turning point. It is akin to earlier ones that led a) to the protection of gardens squares from all development, and b) to the introduction of parking meters and later residents' parking controls. Before such controls, drivers did their own thing and parked anywhere. The result of this private freedom was the public</p>	<p>Noted.</p> <p>The policy does take account of the issues mentioned and seeks to address a balance between different issues.</p> <p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance these and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The Council's view is that as proposed the draft policy addresses this balance.</p> <p>As set out in para 34.367 it is the external manifestations of basements in conservation areas that have a bearing on their character and appearance. It would be unreasonable for the policy to not allow any basements in conservation areas and the policy would not comply with national guidance.</p> <p>The most recent representation by Thames Water on the second draft does not refer to basements being restricted to the footprint of properties. The Council has no evidence to suggest that basements should be restricted to the footprint of the property.</p>

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		<p>bane of traffic congestion. Parking policy was introduced to reduce the harm.</p> <p>So now private freedom to destroy virgin gardens, with all their, natural permeability and scope for different kinds of gardening and tree planting, hangs in the balance. In the view of the Chelsea Society, the Borough's natural, green assets are priceless and that their contued loss far outweighs the economic and social benefits of basement construction. It is on this basis that we set out our amendments to the Council's revised draft policy.</p> <p>Representing as we do residents of Chelsea living often in small scale streets and tightly packed terrace houses, where the impacts of civil engineering are extreme, we urge the Council to recognise the social, historical and heritage importance of Conservation Areas, including their natural green spaces, and to protect all of them from basement excavation.</p> <p>If this policy stance is not considered acceptable, then we ask the Council to accept our fall-back position, one put forward by Thames Water, which is to limit all excavation to the footprints of existing buildings.</p>	
General comments	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	<p>ASUC plus (www.asuc.org.uk [http://www.asuc.org.uk/]) represents around 23 vetted contractors and a number of the issues raised by the residents over quality of works and planning of progress etc would be resolved if they used a "proper" contractor such as one of our members.</p> <p>Whilst you seek to resolve such issues the market is flooded with small unregulated contractors who will continue to flout any current rules and regulations let alone a newly proposed planning policy.</p> <p>Whilst not a planning issue you raise the prospect of placing a considerable amount of construction workers out of work as the draconian measure you seek to impose will significantly reduce work for those contractors across the Borough . This is not a good thing for the London economy and a construction industry that has suffered badly from the recession in any event.</p>	<p>Noted.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life. The Council has policies to meet its housing targets through the provision of new housing which would support work in the construction industry.</p>
General comments	Michael and Jacqueline Hayes	<p>Depending on when any revised Policy is announced and implemented, there is likely to be a rush of applications to beat the deadline. Some transitional rules should be adopted to prevent this if possible, otherwise a "bulge" of constructions may appear which may make the position worse before it becomes better.</p>	<p>Noted. The Council can only implement the policy once it has been examined by an Inspector appointed by the Secretary of State and his report has been received. Given the significant interest in this issue it would be unreasonable for the Council to implement the policy before then and would not be in-line with the advice in the National Planning Policy Framework.</p>
General comments	Martin Dallison	<p>The proposed policy and "reasoned justifications" are not easy to follow, at times confused. As this has not been a borough wide consultation I do not believe this policy represents the views of the whole borough rather a concerned yet vocal minority who I imagine live or have lived near works of this type.</p> <p>The proposed policy seems overly restrictive and designed to stop or severely restrict basement development. There seems to be a determination to add complexity and expense to the planning process for these types of development that is not being applied to above ground development which can be just as intrusive and disruptive. Arguably more so when it comes to elements such as light pollution as often cited in the "reasoned justifications". This focus on below rather than above ground development seems discriminatory and all the measures it cites in this document must be applied across the whole planning strategy.</p>	<p>Three Borough wide consultations with a number of public meetings have been undertaken on the formulation of the policy itself. Consultation on planning documents is undertaken in accordance with the Planning Regulations. Documents are made available in all public libraries in the Borough, at Council offices and on the Council's website. In addition the policy review has been reported in the media including press and radio.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts. Basements underneath existing buildings are more complex and</p>

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		<p>The policy has been drafted to include so many avenues for objection that effectively no one will be able to build anything. This has not been a borough wide consultation and so does not represent the views of the majority of residents, many of whom may well find themselves affected negatively by this policy if it is enacted. This lack of consultation will always result in a skewed set of responses as it is usually those that have been negatively affected who contact the council or respond to these types of questionnaires. By limiting respondents to those living near a basement development the council has ensured that it receives responses likely to "support" its skewed anti-basement policy.</p>	<p>challenging than equivalent above ground extensions. The requirements are considered proportionate to the complexity of basements. These will ensure that proposals are thought through in detail from the outset and raise the standard of the planning applications.</p> <p>The Core Strategy should be read as a whole. It has numerous policies that apply to above ground development. The Council has strong policies to conserve and enhance its built environment evident in the high quality environment in this Borough.</p> <p>Planning policy is not formulated by popular vote rather if valid planning issues as set out in national guidance are raised during consultation they can be taken forward.</p>
General comments	The Markham Square Association (David Cox)	<p>This is the submission on behalf of The Markham Square Association to the RBKC Basements Second Draft Policy for Public Consultation dated March 2013. We welcome this opportunity to comment further, following the very useful question and answer discussion sessions which RBKC has organised. We are pleased to see that some of the points made in our submission dated 31 January 2013 in response to the December 2012 Draft Policy have been adopted. Where they have not, we do not repeat what we have said in our earlier submission, but we limit this submission to additional comments. As before, our particular concerns relate to the process of construction of basements, the impact upon neighbours and neighbouring properties and the relative enormous cost to the community in environmental and nuisance terms as against limited private benefit.</p>	Noted.
General comments	The Markham Square Association (David Cox)	<p>We note that the proposal to make a direction under Article 4 of the GPDO is no longer part of this consultation process, but we repeat our support for such a step.</p> <p>We remain of the view that more vigilant enforcement of planning requirements and conditions is required. If necessary, more staff should be employed. We believe that commensurate additional expense would be acceptable to residents within the Borough in order to protect the character and quality of our environment.</p> <p>Human Rights Act principles, in particular Articles 6, 8 and 1 of the First Protocol, need to be fully taken into account, both in the formulation of the new policy and in its application. Basement developments provide no benefit to the community yet generate enormous local upheaval. We are much encouraged by changes in the draft policy to date, which are clearly moving in the right direction.</p>	<p>Noted. Separate procedures apply to Article 4 directions should the Council decide to go ahead.</p> <p>Noted.</p>
General comments	Zai Nordmann	<p>We do not need more and more rules that are on things that are already covered by other rules. Most of the rules in the policy are doing exactly this. Please do not do this as it is already so difficult to do any building work.</p> <p>I am not sure how easy it is to separate the noise and traffic problems from basement building versus other normal building work. The council should show some data to back this policy which is doesn't seem to be doing at the moment.</p>	<p>The policy is not duplicating any rules. The intention is to provide clarity to those planning a basement on what planning criteria would apply.</p> <p>It is evident that constructing a basement will entail major excavation works with large quantities of soil required to be exported.</p>
General comments	Property Investment	<p>We understand the need for a bespoke policy on this issue. We feel that the current draft, which differs significantly to its predecessors, has moved from a position of reasonable</p>	Noted.

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	(Chelsea) Limited c/o Chancery St James Plc (Not Known)	balance to being overly prescriptive. It risks preventing a form of sustainable development and supply of additional accommodation that is at odds with the presumption in favour of such sustainable development established by the NPPF.	The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development.
General comments	Onslow Neighbourhood Association (Eva Skinner)	The Onslow Neighbourhood Association welcomed the Borough Council's review of the Core Strategy policies relating to basements and generally supports the revisions now proposed to be made by the Borough Council to the Draft Policy, subject, however, to the following exceptions and reservations, relating respectively to the paragraphs indicated of the Revised Draft Policy, March 2013:-	Noted.
General comments	Sam Gordon Clark	I welcome the second draft policy, and have the following comments:	Noted.
General comments	Sam Gordon Clark	Article 4 direction. There is no excuse for not getting on with this; the 12-month waiting period is long enough as it is without RBKC delaying further.	If the Council goes ahead with an Article 4 direction separate procedures will apply and consultation will be undertaken in accordance with those.
General comments	Kings Road Association of Chelsea Residentsts (James Thompson)	As you know I have contributed extensively in meetings to this document. I have previously sent you a 'wish list' and would like to say that I particularly support the Milner Street RA document on basements. In particular I think the idea of banning basements in conservation areas is excellent.	Noted. As set out in para 34.367 it is the external manifestations of basements in conservation areas that have a bearing on their character and appearance. It would be unreasonable for the policy to not allow any basements in conservation areas and the policy would not comply with national guidance.
General comments	R G Leeper	I understand there are separate procedures relating to the introduction fo an Article 4 direction. We strongly encourage the Council also to progress with an Article 4 direction to ensure that all basement developments across the Borough are brought under proper planning control.	Noted.
General comments	Physic Triangle RA (James Thompson)	As you know I have contributed extensively in meetings to this document. I have previously sent you a 'wish list' and would like to say that I particularly support the Milner Street RA document on basements. In particular I think the idea of banning basements in conservation areas is excellent.	Noted. As set out in para 34.367 it is the external manifestations of basements in conservation areas that have a bearing on their character and appearance. It would be unreasonable for the policy to not allow any basements in conservation areas and the policy would not comply with national guidance.
General comments	The Boltons Association (Calvin Jackson)	I am writing to let you have the views of The Boltons Association ("TBA") on the Council's March 2013 document "Basements: Second Draft for Public Consultation " ("the Basements Consultation Document") - in respect of which comments have been canvassed with a closing date of 2nd May 2013. I preface the views set out below by stating that these are based on matters discussed in mid-April this year with a nominated Council Case Officer, together with a review of the published comments in response to the Council's Survey on Basements carried out last	Noted. It would be unreasonable for the policy to not allow any basements and the policy would not comply with national guidance. Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing

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		<p>year and discussion and formulation of comments/views at a meeting of TBA 's Executive Committee a few days ago.</p> <p>I would also mention that TBA's policy stance on subterranean development has always been to resist such planning applications, irrespective of whether a particular property has an existing or planned lower ground floor. The only exception to this policy has been where an application is submitted for the modest enlargement of a current lower ground floor ("LGF") of an existing unlisted property.</p> <p>Our policy is supported by the members of TBA (our Association has been in existence for 43 years and has about three hundred household members) and has the merit of being straightforward to communicate to developers and applicants. We accept of course that our policy does not concur with that operated at present by the Council - which permits one, two or even more new basement levels (please note that for the purposes of this e-mail I have adopted the Council's definition of "basement" set out in the Consultation Document's Box I, page 7, i.e., LGFs are explicitly excluded from the definition of "basements" and that &middledot;&middledot;basement" means one or more floor levels substantially below the prevailing level of back gardens).</p> <p>I note too that the Council's present policy does not permit subterranean development below listed buildings, but does allow development to the side/in gardens, and that irrespective of whether a building is listed subterranean development cannot exceed 85 per cent of each garden. Another point worth noting is that currently a Construction and Traffic Management Plan ("CTMP") needs to be agreed prior to works actually commencing.</p> <p>Accordingly, the Council's present policy can permit the classic 'iceberg house' of two levels below LGF. A number of these developments have already taken place in the Boltons Conservation area, some are also in the course of construction, with more having already received planning permission or are the subject of current applications before the Council.</p> <p>We have lived with ongoing subterranean development in the Boltons Conservation Area for some years now - the inconvenience, noise and dirt caused by subterranean development to neighbours and the potential damage to their property is something with which the members of TBA are all too familiar. Accordingly, we welcome the Council's decision to revisit its present policy and are supportive of the rather stricter proposals for future policy encapsulated in the Basements Consultation Document. However, we note with some regret that the Council's proposals still fall some way short of TBA's policy stance.</p> <p>A final point we would wish to make is that unless the Council imposes a moratorium on considering applications for basements whilst any new policy is in active contemplation (or brings forward the relevant decision date for adopting the Basement Consultation Document proposals) there is now likely to be an absolute rush of applications as applicants/developers seek to 'get under the wire'.</p> <p>TBA is grateful to the Council for formulating its new proposals and canvassing views via the Basement Consultation Document. We would be obliged our the views of TBA could be</p>	<p>interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>The Council can only implement the policy once it has been examined by an Inspector appointed by the Secretary of State and his report has been received. Given the significant interest in this issue it would be unreasonable for the Council to implement the policy before then and would not be in-line with the advice in the National Planning Policy Framework.</p>

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		taken into account in due course.	
General comments	Kensington Society (Michael Bach)	<p>&middledot; London Plan policies which deal with the broader sustainability issues related to overall energy consumption and sustainable construction and design need that should apply to subterranean development also to be set out. These are explicitly mentioned in the GLA's Housing SPD (para 1.1.25):</p> <p>"Where subterranean extensions to existing dwellings pose planning policy (as opposed to enforcement/regulation) issues, boroughs are advised to consider the bearing of such development on London Plan policies addressing sustainable design and construction (5.3), retrofitting (5.4), overheating and cooling (5.9), flood risk (5.12), sustainable drainage (5.13), construction and demolition waste (5.18), water use and supplies (5.15), trees (7.12) and biodiversity (7.18/19)."</p> <p>The Society considers that these issues need to be mentioned</p> <ul style="list-style-type: none"> * The cumulative effects need to be dealt with more fully in the reasoned justification but particularly the SPD * Nothing on Article 4 Directions for those basements currently allowed under permitted development rights * There is nothing on monitoring 	<p>The London Plan policies referred to in GLA's Housing SPG (para 1.2.25) have been considered.</p> <p>Policy 5.3: Sustainable Design and Construction – one of the issues the policy is seeking to address is construction impact. The requirements for a Basement Impact Assessment which would be set out in the revised basements SPD will provide further details on this.</p> <p>Policy 5.4: Retrofitting – The BREEAM Domestic Refurbishment requirements relate to this.</p> <p>Policy 5.9: Overheating and Cooling – basements themselves are considered to be well insulated surrounded by ground on all sides and are unlikely to overheat. They may require plan for cooling but restricting the scale of basements both in terms of extent under the garden and number of storeys would reduce the need and/or scale of cooling systems.</p> <p>Policy 5.12: Flood Risk – Policy CE2 of the Core Strategy deals specifically with flood risk.</p> <p>Policy 5.13: Sustainable Drainage – the draft policy has a specific requirement for sustainable urban drainage systems.</p> <p>Policy 5.18: Construction and Demolition Waste – the BREEAM requirements set out in the second draft document would require that 80% of the construction waste is recycled.</p> <p>Policy 5.15: Water use and supplies – the BREEAM requirements include considerations of water use.</p> <p>Policy 7.12: Trees – second draft policy CL7c protects trees.</p> <p>Policy 7.18/19 Biodiversity – is linked to designated sites. Core Strategy policy CE4 specifically deals with biodiversity.</p> <p>The revised basements SPD may include more details of the cumulative effects.</p> <p>If the Council goes ahead with an Article 4 direction separate procedures will apply and consultation will be undertaken in accordance with those.</p> <p>The policy will have a monitoring framework.</p>
General comments	Jones Lang LaSalle (Kathryn Williams)	<p>We write in connection with the above which follows on from the consultation that was undertaken in December 2012. We act for a number of clients who bring forward basement developments within the Borough.</p> <p>For the record, we attach a copy of our Representations submitted on 30 January 2013 in response to your December 2012 Draft Policy. All of the points made continue to apply to the March 2013 Revised Draft Policy.</p> <p>The Council has prepared the Revised Draft Policy to respond to representations made against the first wave of consultation; in some areas it is to remove ambiguity and provide clarification whilst in others the approach has been tightened.</p>	<p>Noted. Response to previously submitted representation has been provided in the document 'Consultation Responses to Draft Basements Policy'.</p>

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		<p>In our previous representations, we stated that the policy is not:</p> <ul style="list-style-type: none"> - Positively prepared; - Justified; - Effective; or - Consistent with national policy. <p>These criticisms flow through to the Revised Draft Policy:</p>	
General comments	Jones Lang LaSalle (Kathryn Williams)	The other aspects of the policy set out generic considerations more in line with a development management document rather than a Core Strategy.	The Council's Core Strategy includes development management policies. The draft policy is intended to be a development management policy.
General comments	Jones Lang LaSalle (Kathryn Williams)	<p>Policy CL2 of the 2010 Core Strategy remains an acceptable benchmark - this does not need to change. Basements help provide family accommodation within the Borough and should be encouraged. The policy pays little or no attention to this objective.</p> <p>Appendix D of the Revised Draft Policy states that 'Planning can only deal legitimately with planning issues' (para D.1). We consider that the Revised Draft oversteps this mark and is unjustified, unnecessary and unduly restrictive.</p>	<p>The policy recognises that basements can be a useful way to add extra accommodation. The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>The Council is aware of the remit of the planning legislation.</p>
General comments	Basement Force (Simon Haslam)	<p>A bespoke basement policy must be consistent with the presumption in favour of sustainable development which the draft CL7 and supporting text is not. These are very clearly preoccupied with the perceived need to address a single source of complaint by some neighbours of some residential schemes and to do so through the planning system.</p> <p>The solution is not to reduce by arbitrary criteria the number of basements Borough-wide or their complexity, but to approve only those which are demonstrably well designed by those who are competent to deliver a structurally sound and well designed basement and to ensure that they are implemented in a considerate way.</p> <p>It needs to be recognised that construction techniques will themselves change and improve with innovation and that many parts of the Borough can accommodate basement development without undue interference with the amenity of local residents.</p> <p>Policy plays a role but if it is too prescriptive it puts at risk the considerable benefits of basement development which include</p> <ul style="list-style-type: none"> a) The generation of many highly skilled jobs in a range of disciplines; b) Its ability to provide the space required by increasing numbers of individuals of high net worth in a way which is sustainable, despite the intensely <p>developed character of the Borough and the proper planning constraints on</p> <p>additional building above ground;</p>	<p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing issues and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>Policies are constantly reviewed and can be changed if technological advances necessitate it.</p> <p>The reasoned justification to the policy acknowledges that basements are a useful in providing extra accommodation.</p> <p>Policy cannot be based purely on economic considerations; such an approach would not be in accordance with the NPPF.</p>

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		Basement or subterranean development is not a new phenomenon: the 2002 UDP included a policy setting out a range of criteria. However, it is recognised that the fallout for neighbours can be significant where it is undertaken by those who are not sufficiently expert or considerate.	
General comments	Basement Force (Simon Haslam)	<p>development and the role that conditions and s106 agreements can play in making proposals acceptable.</p> <p>The survey of residents undertaken by the Council in 2012 was not objective and does not reflect the views of all residents of the Borough, since those who were surveyed were predominantly those who had had basements constructed nearby.</p> <p>Factual evidence and expert opinion supporting basement development that runs counter to the first draft policy has been ignored or superficially dismissed</p> <p>As a member of the Basements Working Group I have given Council officers information to show that trees can be grown on garden basement roofs (report from our arboriculturalist to say that trees will grow on basement roofs; pictures of big trees growing on garden basement roof [Cavendish Square car park, Bloomsbury Square Gardens car park; Hyde Park car park]). Second draft policy then written and issued that does not take account of this. The impression given is that the Council is drafting policy which is not justified by the evidence available to them.</p>	<p>The surveys were specifically targeted at those who had real experience of living close to a basement construction. A significant proportion of people indicated issues with construction impact. Views of all residents of the Borough have been sought in all consultations as part of developing the policy.</p> <p>Evidence has not been disregarded by the Council. The proposals with car parks underneath are from a different policy era. The policy objective is to retain a significant proportion of natural gardens and the reasons relate to planting but also to character of gardens and natural drainage.</p>
General comments	Neil Collins	<p>I am the householder at 12 Gertrude St, SW10 0JN and have recently completed the development of a basement below the existing lower ground floor (which was about 1.5m below ground level). We complied with all the existing regulations, which are legion, and remained on good terms with our neighbours throughout. I submit that the existing rules are essentially adequate for planning purposes. My detailed comments are below.</p> <p>Thank you</p>	Noted.
General comments	Ladbroke Association (Sophia Lambert)	The Association generally welcomes the changes made and is also extremely appreciative of the trouble the Council has taken to consult those with an interest. We continue, however, to have a few concerns.	Noted.
General comments	Robert Ward-Booth	<p>I am writing on behalf of my client, Knight Build Ltd regarding the Council's emerging policy for the control of basement construction and the second draft policy consultation document which has now been published. I would make the following comments and would respectfully request that these should be taken into consideration by the Local Planning Authority.</p> <p>POLICY OBJECTIVES - VALIDATION OF BASEMENT DESIGN & MONITORING OF CONSTRUCTION PHASE WORKS</p> <p>In summary, the objectives of the council set out within the reasoned justification for the new policy are as follows :-</p> <ul style="list-style-type: none"> * To improve the living conditions of residents and neighbours * To ensure that the landscape value and potential of gardens is protected * To ensure good drainage and continued drainage through the "upper aquifer" 	<p>Noted.</p> <p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations.</p> <p>Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development.</p> <p>ECONOMIC AND SOCIAL COST OF PROPOSED POLICY</p>

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		<ul style="list-style-type: none"> * To minimise risk to existing building structures * To ensure the proper protection of the Historic Built Environment * To protect the amenity of residents and to ensure good quality contextual design * To reduce carbon emissions. * To reduce construction nuisance and disturbance to residents and neighbours during construction phase works. * To prevent flooding risk. * To ensure that schemes for basement works are properly designed <p>My client would wish to support these policy objectives and would acknowledge that basement development which is poorly designed and poorly managed does give rise to a very significant risk of damage to adjoining property and will result in substantial and unnecessary disruption for local residents.</p> <p>In this regard, my client would wish to encourage the Council to bring forward planning policy which will allow the Council to seek to require independent third party validation of the technical adequacy of basement design, the methodology of construction works and the monitoring of basement development throughout the construction phase.</p> <p>However, my client would respectfully query whether the simplistic approach which is currently proposed will in fact be effective in achieving the Councils fundamental objectives. My client would also point out that the arbitrary nature of the policy limits will result in situations where sustainable development is unnecessarily prevented and that this will result in unnecessary, and unjustified economic and social harm.</p> <p>I would also question the inherent logic of the policy approach which is proposed and would point out that elements of the emerging policy would appear to be inconsistent with National Planning Policy Framework.</p> <p>I would comment as follows :-</p> <p>ECONOMIC AND SOCIAL COST OF PROPOSED POLICY RESTRICTIONS SOCIAL COST</p> <p>In very large measure the residential built environment within the Royal Borough of Kensington and Chelsea results from a substantial 19th century building boom. Very substantial construction works occurred during this period and this would have caused substantial disruption and inconvenience for residents within the locality during that period.</p> <p>It would have been possible to reduce the amount of disruption for 19th-century residents by restricting the amount of development permitted and one possible, if somewhat arbitrary, option would have been to limit the construction of dwellings to a height of no more than one storey.</p> <p>Clearly, this might have reduced the level of short term inconvenience faced by 19th-century residents.</p> <p>However, I would respectfully suggest that an arbitrary restriction of this type would have</p>	<p>RESTRICTIONS SOCIAL COST</p> <p>The Council recognises the special built environment of the Borough built in the 19th Century and its policies have been successful in conserving and enhancing this environment. The context of development in the 19th Century when the Borough was characterised by vacant land is very different from today when there is a densely built up residential environment.</p> <p>The Core Strategy should be read as a whole and it has a chapter dedicated to Diversity of Housing which has policies in-line with NPPF para 17.</p> <p>As stated earlier different issues should be weighed up in formulating the policy and the suggested social harm to those wishing to build larger basements should be seen against the social impact on residents and environmental impacts.</p> <p>ECONOMIC COST</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts. People can continue to be employed in the construction of basements.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life. The Council has policies to meet its housing targets through the provision of new housing which would support work in the construction industry.</p> <p>WEIGHING UP</p> <p>Please see response on social and economic considerations above.</p> <p>ALTERNATIVE EVIDENCE BASED POLICY APPROACH</p> <p>Noted.</p> <p>RISK</p> <p>The restriction to a single storey is based on the structural risks to the Borough's built environment as well as construction impacts on residential amenity.</p> <p>The draft policy does specify an exception to this for large comprehensively planned sites.</p>

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		<p>materially degraded the quality and richness of the built environment which we enjoy today.</p> <p>Just as 19th century built investment benefits our community today so the built investment of current building owners will benefit successive generations of residents in the future to come.</p> <p>The National Planning Policy Framework recognises the need to provide the supply of housing and homes that the country needs and that meet the needs of present and future generations (NPPF paragraph 7, NPPF paragraph 17). These objectives extend to the adaption, alteration and extension of existing dwellings to meet the needs of residents as these change and evolve over time.</p> <p>By introducing an arbitrary restriction on the form and amount of basement construction which can occur the council's proposed policy will reduce the extent to which we are able to provide for the needs of residents and the extent of built investment which we will be able to pass on to future generations.</p> <p>As a result, introduction of the new policy restriction will result in a material social harm which should be weighed up and taken into consideration.</p> <p>ECONOMIC COST</p> <p>Large-scale deep basement construction represents a very significant financial investment by individual residents and, at an aggregate level, basement development within central London is of real and material economic benefit to our shared economy. Development of this type supports good quality well-paid jobs and substantial economic activity. It also generates substantial tax revenue which helps to support the public services of our community.</p> <p>In this regard it is important to acknowledge that the Government is committed to securing economic growth in order to create jobs and prosperity (NPPF paragraph 18) and that the economic role played by the planning system is one of the three key dimensions of sustainable development (NPPF paragraph 7).</p> <p>By introducing an arbitrary restriction on the form and amount of basement construction which can occur the Councils proposed policy will reduce construction and economic activity which will result in the destruction of jobs, a reduction in economic activity, and a reduction in tax revenue for our community.</p> <p>As a result, introduction of the new policy restriction will result in material economic harm which should be weighed up and taken into consideration.</p> <p>My client would respectfully request the opportunity to provide evidence at the forthcoming examination in public regarding the economic harm which will result from the introduction of the Councils proposed basement policy.</p> <p>WEIGHING UP</p>	

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		<p>The Council will say that it has had regard to all material considerations and that it has taken a balanced position in which it seeks to restrict but not prevent basement construction.</p> <p>However, having read the supporting text of both the first and second draft basement consultations I would respectfully query how much thought the council has really given to the social and economic cost of the proposed policy. Similarly, I would respectfully query how much consideration the council has given to alternative evidence based policies which might reduce adverse social and economic harm by allowing large/deep basements where these can be shown to be sustainable.</p> <p>My client would respectfully request the opportunity to provide evidence at the forthcoming examination in public and to provide evidence regarding alternative evidence based policy approaches which would provide a more appropriate strategy and achieve a better and more appropriate balance between the economic, social and environmental objectives of our community.</p> <p>ALTERNATIVE EVIDENCE BASED POLICY APPROACH</p> <p>The Council recognises the need for proposals for basement development to be supported by detailed analysis and evidence to demonstrate the sustainability of the individual scheme concerned. In this regard it is the intention of the Council to bring forward a supplementary planning document outlining the proposed Basement Impact Assessment which will be required to support each application for basement development.</p> <p>I would strongly support the councils requirement for detailed site investigation and an evidence based analysis of the impact of each individual basement proposal. This will provide good quality evidence about the impact of each individual scheme and on this basis the Council will be able to weigh up each individual proposal to determine whether they are, or are not, sustainable.</p> <p>My client would respectfully request the opportunity to provide evidence at the forthcoming examination in public in respect of the very wide range of different circumstances which can be encountered in basement construction within the Borough and will highlight the substantial variations in geotechnical, structural and drainage / hydrological conditions which can be experienced.</p> <p>In this regard, my client would acknowledge that there will be situations where even quite modest single storey basement proposals might result in an unacceptable level of harm and which should therefore be resisted by the Local Planning Authority. However, my client will give evidence to show that there are other circumstances (even in small and relatively constrained sites) where the construction of a deep basement or a basement which extends below more than 50 % of a property garden does not in fact involve any greater "risk" than the construction of a single storey basement, and that such larger basement proposals will not result in any material adverse harm to adjoining property, drainage, hydrology, landscaping or landscape potential. Similarly, my client will give evidence to show that there are circumstances where a deep basement does not in fact result in any materially greater disruption to traffic / highway safety and residents amenity than an</p>	

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		<p>alternative single storey basement proposal.</p> <p>As such, it is inevitable that the arbitrary limitations proposed within the current policy will result in the council refusing planning permission for basement development schemes which are demonstrably sustainable.</p> <p>This is illogical and I would respectfully suggest that it is contrary to guidance set out within the National Planning Policy Framework.</p> <p>RISK</p> <p>The Council's statement of justification makes the assertion that deeper basements have greater structural risks and complexities and that a "precautionary" decision has therefore been taken to limit basements to no more than one storey in depth .</p> <p>My client would respectfully request the opportunity to provide evidence at the forthcoming examination in public in respect of the structural risks involved in basement construction. In this regard my client will give evidence to show that the Council assertion is very simplistic and that in appropriate circumstances construction of a deep basement will not result in any material increase in structural risk.</p> <p>Indeed, the fact that the Council is forced to fall back on a "precautionary" justification is in itself evidence that there is no real evidence base to support a prescriptive ban on deep basement construction.</p> <p>Similarly, I would respectfully question whether the council has taken a proportionate approach to the weight which it has given to the perceived structural risks associated with basement construction.</p> <p>By way of example, I would point out that all buildings are subject to some form of structural movement, that many historic buildings have experienced significant structural deformation over their lifespan and that there are many other forms of development which also involve significant risk to building structures.</p> <p>Simple works such as re-wiring, re-plumbing or internal alteration can, if poorly implemented, cause devastating structural damage as a result of fire, leaking pipes, flooding or structural collapse.</p> <p>The risk which can result from poorly implemented basement development does justify the introduction of planning policy which ensures the proper validation of basement design and the proper monitoring of basement construction works. However, it does not justify the introduction of arbitrary limits of the size of basement construction.</p>	
General comments	Robert Ward-Booth	<p>My client would respectfully disagree with the proposed wording of draft policy CL7 and would respectfully request that the Council should give consideration to the comments set out above.</p> <p>My client would also respectfully request the opportunity to give evidence at the forthcoming examination in public in respect of the Councils emerging Basement Policy.</p>	Noted.

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General comments	Nicola Floyd	<p>I understand that construction of any kind can be hugely disruptive to neighbours and local residents. I believe that the particular issue of basements has become very important to some residents who are hugely opposed to the impact on their lives from the construction noise, materials deliveries and so on.</p> <p>However, my experience is not a negative one and I think it is important that the views of people such as myself are taken into account alongside as those who are very opposed and motivated to limit basement development in the RBKC.</p> <p>I am concerned that the policy presumes against basement development and will make it very difficult for even standard basement developments to take place. As the policy (briefly) acknowledges they are a very useful way of increasing living accommodation in an already crowded city.</p> <p>Whilst I appreciate that there may be some parts of the borough where there are a lot of basements there are many parts of the borough where this is not the case and I do not understand why a general presumption against basements should now become the norm.</p> <p>Londoners are used to noise whether it is from planes or building works and most accept this as part and parcel of daily life in this city. Whilst unacceptable or unreasonable levels of disturbance should not be tolerated there are already mechanisms in place for monitoring, enforcing or closing down sites where these agreed levels are consistently breached. Why are these mechanisms no longer deemed sufficient? An increase in basement applications doesn't seem a justification. What is the data for loft conversions? Are the council concerned about these? Will they be subject to a similar consultation? They are hugely disruptive and I am not sure how easy it is to distinguish between the impact of basement developments and that from loft conversions or in fact, whole house refurbishments. I believe the MAJORITY of basements are part of whole house refurbishments. How has the council analysed the impact from various types of construction. Without data this policy is derived on anecdotal evidence which is a weak basis on which to found any policy.</p>	<p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts by introducing greater restrictions on size and consideration of a range of other relevant issues at an early stage.</p> <p>The policy does not presume against basement development. Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development.</p> <p>Basement construction entails major excavation with large quantities of soil excavated and transported. The issues are not similar to loft conversions. The Council has existing policies to ensure that where loft conversions are proposed they are sympathetic to the architectural style and character of the building.</p>
General comments	Thames Water Utilities Ltd (Mark Mathews)	<p>Representations were made on the previous basement development policies consultation on behalf of Thames Water. Following the previous consultation there have been further discussions over how the policies would work in practice. Comments on the proposed basement policy are provided below; in addition a copy of the Basements Response Form has also been completed and attached.</p> <p>Thames Water's main concerns with regard to subterranean development are:</p> <p>1) The scale of urbanisation throughout London is impacting on the ability of rainwater to soak into the ground resulting in more rainfall in Thames Water's sewerage network when it rains heavily. New development needs to be controlled to prevent an increase in surface water discharges into the sewerage network.</p> <p>2) By virtue of their low lying nature basements are vulnerable to many types of flooding and in particular sewer flooding. This can be from surcharging of larger trunk sewers but can also result from operational issues with smaller sewers such as blockages.</p>	<p>Noted.</p> <ol style="list-style-type: none"> 1. The draft policy is more restrictive in terms of size of basements compared to the existing policy. It also requires sustainable urban drainage systems to both reduce the amount and speed of water run-off to the drainage system. Development that meets the policy criteria should help reduce the surface water run-off into the sewerage network. 2. In response to Thames Water's previous comments the policy now includes a requirement for positive pumped devices to be fitted to protect basements from sewer flooding.
General comments	Thames Water Utilities Ltd	<p>While the impact on groundwater is not a Thames Water issue, if the cumulative impact of subterranean development were to increase groundwater levels there would be increased</p>	<p>Noted. The Council requires ground water investigation as part of the Construction Method Statement. The impact on ground water is</p>

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	(Mark Mathews)	risks of groundwater infiltration into the sewerage network. This would reduce the capacity of the network to accommodate surface water and foul water flows. As such it is recommended that further work is undertaken to monitor groundwater levels and the impacts of subterranean development to inform any necessary future changes to planning policy.	tested for each site. This requirement will be further amplified in the revised basements supplementary planning document.
General comments	Mark and Sophie Fitzgerald	<p>There seems to be an ulterior motive behind these planning rules - most of which seem to duplicate existing regulation, and create an environment of preventing basement projects. This is the exact opposite of what the Borough, the Country and the economy need.</p> <p>The current proposals lack any form of meaningful impact assessment, and ignore fact and substance. They simply want to prevent basements being built, and force families that need extra living space into much smaller spaces.</p> <p>It seems a like a small but vocal group of RBKC residents in applying significant pressure on the council to introduce these unjustified and unfair rules, whereas most RBKC residents do want to see local employment flourish and houses on their street that are continually improved that actually enhance their area. As an RBKC resident myself, I'm concerned that most residents in the borough are either unaware of these proposals or don't have time to respond, meaning that the council base their decision making upon a vocal few, rather than a genuine poll of RBKC residents.</p> <p>Finally, given the economic climate of the country and the current government policy to encourage development, it is astounding that such a proposal has even been dreamt-up, let alone actually put out for consultation.</p>	<p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts by introducing greater restrictions on size and consideration of a range of other relevant issues at an early stage.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>As stated above planning policy is not formulated by majority vote rather if valid planning issues as set out in national guidance are raised during consultation they can be taken forward. The Council has received a range of views in the consultations.</p> <p>Consultation on planning documents is undertaken in accordance with the Planning Regulations. Documents are made available in all public libraries in the Borough, at Council offices and on the Council's website. In addition the policy review has been reported in the media including the press and radio.</p> <p>The Core Strategy should be read as a whole and has many planning policies directly supporting economic growth including the Fostering Vitality Chapter. The Core Strategy vision supports regeneration in North Kensington, enhancing the reputation of national and international destinations and upholding our residential quality of life. The Council has policies to meet its housing targets through the provision of new housing which would support work in the construction industry.</p>
General comments	Atoussa Parsa-Davis	My first concern and objection to this policy is that planning is duplicating rules already in place to balance the needs to of the borough to regenerate and develop whilst retaining the character and streetscape that make it such a desirable place to live.	<p>It is not clear what the policy is suggested to duplicate.</p> <p>The Council is mindful of the remit of the planning legislation and is not straying into areas under other legislation.</p>

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		<p>The trend in government is to try to reduce legislation and duplication of same and yet this policy seems to be running in the opposite direction.</p> <p>The construction industry is controlled by multiple forms of legislation including (but not only):</p> <ul style="list-style-type: none"> &middot; Town and Country Planning Act &middot; Building Regulations Act &middot; The Construction and Design Management Regulations &middot; The Highways Act &middot; The Environmental Health Act &middot; Party Wall Act <p>RBKC are extending planning powers into areas that are already the subject of alternative legislation - is this legally justifiable?</p> <p>My second concern regards and objection regards disruption and inconvenience</p> <p>RBKC single out basements but I don't think this is fair as all construction is disruptive and as basements often seem to be developed as part of a whole house refurbishment I do not understand how the disruption from one type of construction can be distinguished from another. I think the ARUP report from 2008 referred to in the policy justification actually suggests that the level of disruption attributable to basements is similar to other forms of domestic construction and only sometimes worse. This doesn't seem to warrant such a prohibitive policy in place when I don't feel disruption is really that bad.</p> <p>Perhaps the council should provide some more information on how many basements are dug in isolation versus in association with a wider refurbishment to give greater credence to this policy change?</p> <p>London is an evolving city and RBKC is part of that. Housing needs have changed and the cost of moving is increasingly expensive. The economy needs boosting and this policy will prevent that by impacting on all types of construction work and the knock-on effect of support industries. This looks like NIMBY-ism.</p>	<p>The Core Strategy should be read as a whole. It has numerous policies that apply to above ground development. As basements are a more recent phenomenon and has been increasing in recent years there is a need for a bespoke policy to appropriately consider all the issues associated with them.</p> <p>The report by Arup is not referred to in the second draft document.</p> <p>Whole house refurbishments have been undertaken for much longer than the more recent trend for basement development. The Council has no record of similar issues being raised when whole house refurbishments have been undertaken.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations.</p>
General comments	The Cherry Tree Residents' Amenities Association (Thomas Blomberg)	We trust that the recommendations we have made and our reasons for making them are clear. If there is any further information or clarification you would like us to provide, we would be happy to do so. We hope that you will consider them carefully and agree to implement them. We look forward to hearing from you.	Noted.
General comments	Wyatt Carruthers	WCJ are a firm of consulting Civil and structural Engineers. We are currently involved in a number of single and multi-level deep residential basement projects in and around London,	Noted. The limits are being proposed not just as a precautionary approach to minimise structural risks to the built environment of the

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	Jebb Ltd (Brian Thompson)	<p>some of which are within the boundaries of the RBKC.</p> <p>We have read the Second Draft Policy for Public Consultation on Basements (March 2013) and the earlier report produced by Alan Baxter entitled "Royal Borough of Kensington and Chelsea Residential Basement Study Report" (Dec 2012).</p> <p>We are in general agreement with the principles contained within both the Draft Policy and the Baxter report but do have some reservations as to the limits proposed for the limitation of such developments as related to the civil/structural engineering issues.</p> <p>The salient sections in Policy CL7 appear to be sections b, d, e, and I.</p> <p>We are pleased to note that the Baxter report does not necessarily preclude the construction of multilevel deep basements or those beneath listed buildings provided there is a coherent team approach involving both engineers and specialist contractors in a combined and coordinated effort. Such an approach can and does provide a more effective team approach in which the risk of damage to the application building and nearby buildings can be minimal.</p> <p>We have recommended this approach on all our multi level deep basement projects and have declined to act for those clients that do not accept such an approach.</p> <p>The secret here is in the appointment of competent engineers and specialist contractors. By this, one should be required to demonstrate the attributes of qualification, training, knowledge, experience and authority of the whole team if one is to be involved in the design of anything other than standard single storey basements.</p> <p>Conditions could be applied at the time planning consent is given which would have to be discharged before construction can begin.</p> <p>Perhaps a way of ensuring compliance with the discharge of conditions could be to set up a panel of chartered professionals to include civil, structural and geotechnical engineers to serve the RBKC and to which such multilevel deep basement designs must be submitted for an independent review before such conditions are discharged.</p> <p>The costs for this service would be borne by the applicant.</p>	Borough but also to reduce construction impact and limit carbon emissions.
General comments	Mary-Lu Bakker	<p>I would just like to ask that basement developments are banned completely, especially in conservation areas of Notting Hill, as they have been banned in Bedford Park and other important historic sites.</p> <p>Every friend who has had a basement dug next to them, on Elgin Crescent and Lansdowne Road has had cracked buildings, plumbing affected with one serious leak with all the digging next door and had to spend hours in court. We all just want to live peacefully and enjoy our homes.</p>	<p>Noted. Bedford Park is a different context to Notting Hill. Where basements have been dismissed in Bedford Park on appeal they have been in the context of listed buildings.</p> <p>Noted. The draft policy should help alleviate such problems in the future.</p>
General comments	Cadogan Estates (Cadogan)	We write on behalf of our client, The Cadogan Estate Limited, in order to make representations in respect of the second draft policy document for public consultation relating to basements.	<p>Noted.</p> <p>The NPPF is clear at para 132 that "substantial harm to or loss of a grade II listed buildingshould be exceptional. Substantial harm to</p>

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		<p>The Cadogan Estate</p> <p>The Cadogan Estate is one of the largest single land holdings in London comprising 38 hectares of one of the capitals most fashionable districts stretching from Knightsbridge in the North to Cheyne Walk in the south and Cadogan Place in the east to Beaufort Street.</p> <p>Today, the estate currently comprises some 3,000 flats, 200 houses, 255 shops and stores, 6 schools and approximately 40,000 sq m of office accommodation. The shops and stores include world famous fashion names. In addition, the Estate also owns the Royal Court Theatre and Cadogan Hall, along with a number of hotels and public houses.</p> <p>As a result of these land holdings, Cadogan are extremely aware of the day to day practicalities of maintaining the efficient use and balance of land and buildings that make up a thriving community.</p> <p>Cadogan's underlying estate management objectives can be broadly summarised as follows:</p> <ul style="list-style-type: none"> * To ensure that buildings meet the expectations and requirements of occupiers and conserve the character and quality of the area; * To maintain an effective process of urban regeneration and enhancement through continued maintenance and creation of high quality buildings set in an attractive environment; * To strike the optimum balance between conservation and development whilst taking a long term view based on the husbandry of the estate as a whole. <p>In summary, the Cadogan Estate is not only a major land holder for this area of London but has taken, and is continuing to take, a responsible approach to the long term stewardship of the Estate and its role within the Royal Borough of Kensington and Chelsea. Due to the on-going management by Cadogan, the estate has evolved to respond to market demand which they are able to do through flexible management of their portfolios.</p> <p>It is as a result of this background and experience that they take a great deal of interest in the emerging planning policies as they clearly have a significant effect upon the Estates approach and ability of manage its land holdings.</p> <p>We have reviewed the most recent draft policy relating to basements. Generally, the Estate supports the Council's objective of ensuring that basement works are controlled and well managed to minimise disturbance to the wider surrounding area and local residents. The Estate reviewed the first draft policy document which was published in December 2012 but did not seek to make representations as it was considered that, overall, the draft policy was sufficiently balanced between the objectives of both conserving the built environment and allowing buildings to evolve to meet the requirements of modern occupiers.</p> <p>However, the latest alteration of draft policy CL7 is considered to be significantly more restrictive placing unnecessary restrictions in respect of basement works. The previous</p>	<p>or loss of grade I and II* listed buildingsshould be wholly exceptional." Para 134 states that less than substantial harm to the significance of heritage assetshould be weighed against the public benefits of the proposal, including securing its optimum viable use."</p> <p>The draft policy considers that basements that would cause extensive modification to the foundations of a listed building would cause substantial harm. These would alter the historic foundations of the building, alter the plan form and pose a structural risk to the building. The Council has a duty to preserve listed buildings. This is an existing policy.</p> <p>The policy does allow exceptions to be made where a basement can be built in a large garden of a listed building without causing extensive modifications to the foundations of a listed building by being sited substantially away from the listed building.</p>

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		draft policy was based on a pragmatic approach to the consideration of basements and the effect of these proposals upon the significance of a heritage asset. However, the current approach does not allow for sensible consideration of the effect on heritage assets and automatically presumes that basement works are unacceptable where they are proposed beneath a listed building. We consider that this is the wrong approach and fundamentally ignores the need to consider the significance of the Heritage Asset and the extent to which its significance is harmed or lost through alterations or destruction of the Heritage Asset.	
General comments	Alison Durden	Monitoring is important in respect of subterranean development since it is all too easy for developers to flaunt approval proposal by increasing the area of work or widening soil cover. Inspection by the LPA should be a mandatory condition of approval and an additional charge could be imposed to cover the expense of this.	All planning permissions are granted with the condition that they are implemented in accordance with the approved plans.
General comments	Cadogan Estates (Cadogan)	See enclosed letter.	Noted.
General comments	Christian Leigh	Welcome the acceptance of many comments made at the first consultation stage, and that RBKC do appear to recognise that basements remain an important and valued way for residents to achieve extensions. With the further few small changes suggested in this response then the new policy would be further consistent with policies and practicality for implementing such extensions.	Noted.
General comments	Savills (Nick de Lotbiniere)	<p>Letter to Savills from Geotechnical Consulting Group</p> <p>Dear Miss Handscombe,</p> <p>PROPOSED CHANGEES IN RBKC'S PLANNING POLICY FOR BASEMENTS</p> <p>Thank you for asking us to give our views on the Council's proposals and the background information to them. As you know, we carry out a lot of work in the area and are well aware of the issues on all sides.</p> <p>We have read the Alan Baxter (AB) report which has been prepared for the Council with a mind to the proposed policy changes. The report and indeed the report prepared previously by Arup for RBKC is helpful in explaining the issues that need to be considered when contemplating basement construction in the Borough. They do not, however, make anything other than 'rule of thumb' statements which justify their recommendation concerning limits to the plan area of a basement, nor make any statements at all concerning limiting the depth of basement construction, nor any suggestions that there should be no basements under listed buildings. The report does not therefore provide any reasoned justification for the proposed changes in RBKC's Planning Policy based on engineering matters. Both this document and the one prepared by Arup should help RBKC's Planners (and Councillors) understand the issues, but as AB say, each case must be judged on its merits. We do disagree with some details of what they say, but these are details, not substantive points. However in some cases we fear that, taken literally by lay persons, they may result in unnecessary concern and work.</p> <p>The message that comes out of both the Arup and the AB reports is that it is absolutely essential to make sure that those concerned with both design and construction of this sort of development have the right qualities. I also entirely agree with the need to enter into dialogue with the parties likely to be affected at an early stage. This is just common sense.</p>	<p>The ABA report makes 'rule of thumb' recommendations regarding an area of the garden to be left free of development for drainage purposes. However, it is clear that a proportion should be left free for drainage. This is combined with the fact that a reasonable proportion of the garden should be left free of development to enable flexibility in planting and maintain the character of gardens in the Borough. Therefore a limit on development to a maximum of 50% of the garden is considered reasonable.</p> <p>The ABA report does highlight that multiple level basements are more challenging than single level basements. It makes references to this issue at para 8.6 (h), 9.3.6.5 and in the recommendations at para 13.3.3 where it states that "<i>underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible</i>". The Royal Borough has a very special historic character and to reduce the risk the Council considers it is appropriate to restrict basements to single storey. However the limit to a single storey will also help minimise construction impacts of large basements in densely built up residential areas of the Borough.</p> <p>The policy allows exceptions to the limits for larger comprehensively planned sites.</p> <p>The issues that the policy is designed to address extend beyond technical concerns covered in the ABA report.</p>

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		<p>We are well aware that the main issue that RBKC has to deal with is concerns over the number and scale of basements being constructed in the Borough. This is entirely understandable. The Council seem to think that by raising concerns over the engineering issues, they can justify reducing the scale of any single scheme. In our opinion this is misguided because it can be challenged. Deeper basements would be more risk than shallower ones if all basements were done by the same team, but done by a competent team, basements of any reasonable depth should not give rise to unacceptable risk. However, it doesn't work that way. Larger projects do tend to have experienced teams. The projects most at risk are the smaller projects which are carried out by inexperienced teams. These are the main ones to target. From an engineering perspective the most important thing is to find a way of ensuring that all projects are done by competent and experienced teams.</p> <p>In summary either the proposed policy changes cannot be justified on the basis of the advice that RBKC have received from their consultants or, in some cases (for example in the case of limitations based on the proportion of a plot taken up by basements) the advice given is not backed up by proper engineering considerations. Were the latter advice to be reasonable, RBCK should be telling their residents that they must not place an impervious surface over their gardens.</p> <p>We would be happy to elaborate on these views should the need arise.</p>	
General comments	Savills (Nick de Lotbiniere)	<p>We write on behalf of a number of clients to submit a representation towards the "Basements" consultation document, which incorporates proposed revisions to Core Strategy Policy CL7 'Basements'.</p> <p>Savills The London Planning Practice has extensive experience in preparing and progressing subterranean planning applications . Within the Royal Borough of Kensington and Chelsea, Savills LPP have achieved planning permission for subterranean development at over 40 properties across the Borough. Additionally , we have extensive experience of subterranean development within other London Boroughs including the City of Westminster and the London Borough of Camden and as such we have worked within various planning policy contexts and restrictions.</p> <p>The remainder of this representation sets out our concerns in relation to specific aspects of the proposed revised policy, under the following headings:</p> <ul style="list-style-type: none"> * Restricting the size of basements * Proposed limitation of basements to 50% of garden area * Garden character * Water drainage * Proposed limitation of basements to one additional level * Heritage/listed buildings * Sustainability 	Noted.
General comments	Cranbrook Basements	With reference to the above we have considered the contents of the Second Draft Policy and wish the following comments to be taken into consideration.	Noted.

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	(Kevin O'Connor)	Please note that to assist you with have grouped the comments with reference to individual policies but in certain circumstances the same comment would apply to more than a single policy.	
General comments	Bell Cornwall (Simon Avery)	<p>Bell Cornwell LLP has separately submitted representations on .the First Draft.</p> <p>These comments on the Second Draft are in the form requested by the Public Consultation document.</p> <p>Our comments look ahead to the next Pre-Submission stage and apply the principles of testing the "soundness" of the draft policy in relation to the criteria set out in the Framework paragraph 182, using the Second Draft text numbering, as follows:</p>	Noted.
General comments	Cranbrook Basements (Kevin O'Connor)	<p>The policy changes proposed are not evidenced based or supported by professional, peer reviewed studies.</p> <p>The reports relied upon within the policy review contain statements that the authors are not professionally qualified to make.</p> <p>The proposed policy changes fail to meet the standard set out within the National Planning Policy Framework.</p> <p>The proposed policy changes fail to meet the standards set out within the London Plan.</p> <p>The proposed policy changes seek to stop construction based upon "inconvenience" - this is unreasonable and not supported in Planning Law.</p> <p>The proposed policies seek to acquire powers to control matters through the planning process which are the subject of alternative legislation.</p> <p>Statutory controls already exist to deal with all of the issues relating to construction impact that are subject of planning control.</p> <p>The proposed policy changes are totally contradicted by countless written statements made by Senior Planners, Senior Arobicultural Officers, Highways Officers, etc over many years.</p> <p>We acknowledge that the document under consideration is merely a "Second Draft Policy for Public Consultation" and will be subject to further review before the "formal draft policy" is published in the summer.</p> <p>The RBKC "Basement Development - Neighbours Survey" has not been correctly conceived and the sample is wrong - conclusions are being drawn from an inaccurate source</p> <p>- this is potentially open to legal challenge.</p> <p>Within this document we have outlined our broad objections to the potential policies and we reserve the right to bring forward further detailed professional arguments once the "formal draft policy" has been issued for public consultation.</p>	<p>Noted. It is not clear which statements the authors are not qualified to make.</p> <p>The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy is in-line with the NPPF and the London Plan.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts by introducing greater restrictions on size and consideration of a range of other relevant issues at an early stage.</p> <p>The Council is aware of the remit of planning legislation and the policy is drafted within this remit.</p> <p>The neighbours' survey was a survey specifically targeted at those who had real experience of basements being constructed in their neighbourhood. It would not have been meaningful to ask those who had no experience of this issue to comment. The survey has raised meaningful issues.</p>

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		Continued	
General comments	Greater London Authority (Mathew Carpen)	<p>I write regarding the above consultation. As you are aware, all development plan documents have to be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. At this particular stage the Mayor has delegated authority to me to respond.</p> <p>The Mayor will issue his formal opinion on general conformity when requested at the pre&shy; submission stage. For now, I set out below some specific comments on the various strategic matters raised within the documents. I hope that the policy matters raised at this stage will be carefully considered as you progress with the review. I have set out headings which correspond to each consultation document for ease of reference. These include comments from Transport for London.</p>	Noted. The Council will request formal opinion on general conformity at the submission stage.
General comments	Greater London Authority (Mathew Carpen)	As previously stated the GLA supports the introduction of policy guidance regarding basement development. Transport for London has provided the following comments as set out below:	Noted.
General comments	Friends of Portobello (Robina Rose)	<p>It would appear that something went seriously wrong in the numbering system of this response form.</p> <p>37 replaces 34 (I think) and the Renewing the Legacy points numbering are not on the correct page for thier CL7 lettering system.</p> <p>This is very confusing.</p> <p>I am therefore attaching my on going notes (still in progress) for the "Tests of Soundness" stage of consultation - to help make myself clear.</p>	Noted. Forms were replaced on the website to correct this error.
1.3	rutter	<p>Almost every basement application granted pleases one non voting entity and distresses at least 4 of your constituents.</p> <p>The entity making the application is often not a "real" person but has resources and influence.</p> <p>Any reduction in distress for your real constituents would be a welcome recognition of democratic principles.</p>	Noted.
1.3	3xArchitecture (Michael Mozny)	<p>Dear Policy Team,</p> <p>Re: PARTIAL REVIEW OF THE CORE STRATEGY: BASEMENTS; SECOND DRAFT</p> <p>In response to the document 'Basements: Second Draft Policy for Public Consultation' we have a number of comments relating to specific items within the draft document. Our comments reflect feedback received from clients and other consultants as well as our own concerns.</p> <p>Under Proposed Policy CL7 subsection a) of the supporting text the draft policy proposes to restrict development to 50% of the garden area. Our comments are as follows:</p>	<p>The 50% figure is not based only on the Alan Baxter and Associates (ABA) report which is purely linked to drainage.</p> <p>There are a number of reasons for restricting the size of basements as follows:</p> <ul style="list-style-type: none"> • There has been a significant increase in the number of basement proposals in the borough. This has resulted in a disproportionate impact on the residential amenity of the borough due to construction impacts. • Requiring a reasonable proportion of private garden

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		<p>- Alan Baxter & Associates argue that the extent of any basement covering a maximum of 75% of the garden area is an optimal figure for areas with a gravel or sand sub base. This is reduced to 50 - 75% in areas with a clay sub base. We feel that these figures prepared by a specialist consultancy should be adhered to, especially in instances where significantly improved sustainable urban drainage methods are proposed.</p> <p>The supporting text under Proposed Policy CL7 subsection b) makes reference to restricting basement development to a depth of a single story. Our comments are as follows:</p> <p>- The Alan Baxter report makes very little mention of deep basement construction. In the few instances where it does, much emphasis is put on methodology and in no circumstance does it expressly advise against it. The question is raised in the Q&A section (question 4) of the Baxter report and the consultants argue here merely that special care is to be taken when deep basements are designed.</p> <p>- Most basements have little, if any, visual impact on the city and streetscape and the depth of a basement has no relation to its visual appearance at ground level.</p> <p>- Presumably the argument is that deeper basements result in more significant construction impact and therefore a greater loss of amenity to the neighbouring properties / occupants. However, we would argue that the impact of construction is more closely related to method than it is to size. Construction methodology is and should be controlled through the use of the Basement Impact Assessment. If the option of a double basement is taken away residents seeking additional space will naturally seek to develop the maximum possible single basement. In many instances a double basement covering a smaller area will have less impact than a single basement covering a larger area.</p> <p>- Paradoxically, double height spaces in subterranean developments can require less obtrusive provision of natural light (and therefore less external manifestation) since a given area of horizontal glazing (in the ground plane) will illuminate a greater area of a lower floor surface.</p> <p>- It appears that opinion is guided largely by very vocal groups opposed to basement development while those in favour of or indifferent to basement development generally do not respond to consultation. The opinions of these lobby groups appear to be taking precedent over the needs of applications. This lack of balance is reflected in the current consultation document. There are many sound arguments for the use of carefully designed and well-managed basement developments, which are not addressed in this document. Amongst these are the need to adapt existing, largely Victorian, housing stock in high density urban areas to the changing demands of contemporary lifestyles and the increasing demand for family homes in areas where larger scale development is rarely possible.</p> <p>Proposed Policy CL7 subsections j), k) and l) propose the preparation of a Basement Impact Assessment prior to submitting a planning application. Our comments are as follows:</p>	<p>space free of any development allows flexibility in planting major trees and and maintain the natural character of gardens in the Borough..</p> <p>The depth of basements is not being limited due to visual impacts. The ABA report states that multiple basement levels are very much more challenging and complex than single level basements. It makes references to this issue at para 8.6 (h), 9.3.6.5 and in the recommendations at para 13.3.3 where it states that <i>“underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible”</i>. The Royal Borough has a very special historic character and to reduce the risk as a precautionary measure the Council is proposing to restrict basements to single storey. The restriction will also help reduce construction impacts.</p> <p>The Council is proposing that a Basement Impact Assessment is undertaken, details of which will be included in a revised Basements Supplementary Planning Document in due course.</p> <p>The policy allows for exceptions to the extent into the garden and depth for larger comprehensively planned sites.</p> <p>Comment on less external, manifestations for deeper basements is noted.</p> <p>Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>Basements underneath existing buildings are more complex and challenging than equivalent above ground extensions. The requirements are considered proportionate to the complexity of basements. These will ensure that proposals are thought through in detail from the outset and raise the standard of the planning applications.</p>

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		<p>- It is unrealistic to expect an applicant to develop a fully specified scheme and engage a building contractor, at risk, prior to submission. In many circumstances it might become necessary that a CTMP or DCMP needs to be altered slightly after planning approval is granted. Under the current proposals it would become necessary to re-engage in the complicated two-stage planning application process at departmental and Council level.</p> <p>- The cost of an application for any basement development will increase substantially. Whereas most applicants applying for large and deep basements will be able to afford this increase it will not be viable to apply for basements under smaller properties where the need for additional space is perhaps even greater and the addition of a basement would add much to the amenity and long term sustainability of the property.</p> <p>General Matters:</p> <p>- It is proposed to restrict visible manifestations to the rear wall of the house. However, if well designed, these can be disguised by planters, screens and other soft landscaping measures and therefore have very little visual impact, even if positioned deeper within the garden area.</p> <p>- The Alan Baxter report frequently proposes the timely and continuous engagement of structural and civil engineers. While this requirement relating to structural engineers is to be encouraged it should be expanded to include other qualified consultants such as chartered architects. Through their education and experience chartered architects will be able to advise on most aspects of contract administration and construction, including Party Wall matters (which are frequently mentioned although it is agreed that these are civil matters and cannot be bound into the planning system) and other general planning issues. An experienced architect might, for instance, advocate the use of a top-down basement construction method to reduce nuisance to neighbours and minimise the risk of structural damage to neighbouring properties.</p> <p>- Neighbours are currently informed of proposed developments through the advertisement mechanism during the application stage. However, we feel that more information about the issues of basement construction in relation to neighbouring properties should be provided to neighbours by the council after an application has been approved. This, together with an insistence on high quality design and professional management, would go a long way towards alleviating the understandable fears that residents have in relation to development of this nature. The information given to neighbours should include Party Wall procedures and information on the insurance policies which should be in place for any subterranean development.</p> <p>In Summary:</p> <p>We believe that with an emphasis on good design and management by qualified and experienced professionals many of the matters of concern raised by residents and covered by the draft consultation document could be effectively alleviated without recourse to blanket rules governing specific aspects of basement development. In general a modestly sized but poorly designed and badly managed basement development will have a far greater impact on the short and long term amenity of neighbouring properties than a well</p>	<p>General Matters Noted. Planters, screens are often of a temporary nature. It is not agreed that positioning light wells or rooflights deeper into the garden can have little visual impact.</p> <p>The revised Basements SPD may specify the benefits of engaging chartered architects.</p> <p>The Council has also produced a note on Advice to Builders and Residents http://www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx which provides useful information on the raft of other legislation covering basements and other development.</p> <p>The Council is seeking to improve quality as well through the requirements for a Basement Impact Assessment.</p> <p>Noted. It is agreed that a number of legislations including environmental health and transport apply to basements. The Basement Impact Assessment will ensure that the Construction and Transport Management Plan and Demolition and Construction Management Plan are vetted by Highways and Environmental Health respectively before planning applications are submitted.</p>

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		<p>designed and professionally managed development of a much larger scale. This self-evident truth seems to have been largely ignored by the current document in favour of the imposition of relatively arbitrary limitations on the scale of development. We believe that the council should be seeking to control quality rather than scale.</p> <p>There are clearly real and legitimate concerns about subterranean development, many of which relate to relatively short term disruption and loss of amenity. Attempting to control these through restrictive planning regulation is, for the most part, inappropriate and ultimately fails to address the real issues. Tighter control by Environmental Health and Highways would more effectively address these issues. Concerns about structural integrity and sustainability are equally important but these would be more effectively and appropriately dealt with through Building Control and the Party Wall Act.</p> <p>We hope that these comments will form part of a comprehensive review of the draft policy before publication. We appreciate the opportunity to be part of this consultation process and hope that you will find our input to be both useful and constructive.</p> <p>Yours faithfully</p> <p>MICHAEL MOZNY</p>	
1.4 - 1.8	Greater London Authority (Mathew Carpen)	The scale of the development covered by the proposed Core Strategy policy and future SPD are unlikely to be a concern for TfL unless the basement extension proposals relate to property adjacent to the Transport for London Road Network (TLRN), above London Underground (LU) tunnels, especially shallow ones such as the District and Circle Lines or, more generally, are adjacent to TfL operational and non operational land and property holdings. We would be particularly concerned if a basement was proposed above or below an LU or London Overground (LO) tunnel or viaduct, or the TLRN.	Noted. There is a 50m wide corridor around London Underground tunnels where TfL is consulted on planning applications. TLRN is consulted on adjoining planning applications.
1.4 - 1.8	Greater London Authority (Mathew Carpen)	As such, paragraph 1.6 of the consultation document, confirming that planning permission can be refused on transport grounds, is welcomed. However, it is suggested that TfL as well as local residents would, when appropriate, wish to be consulted and if necessary raise concerns about specific proposals. As such, with any development proposals that could affect the TLRN, LU/LO infrastructure or TfL land and property, TfL should be consulted, in accordance with London Plan policy 6.3 (assessing effects of development on transport capacity).	Noted. TfL is consulted on relevant proposals. There is a 50m wide corridor around London Underground tunnels where TfL is consulted on planning applications. TLRN is consulted on adjoining planning applications.
1.9 - 1.14	Panorama Property Services Ltd (James Agace)	Para 1.12 - uses the London Plan Policy 3.5a against garden basements. This seems wrong. The LPP is against development on back gardens and not under back gardens. As I read this I wonder if the council is looking to grab onto any straw to justify a poor policy.	<p>When applying policy, the policy objectives should be considered. Reasoned justification to Policy 3.5 states that <i>“back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities’ sense of place and quality of life.”</i> The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i>

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			<ul style="list-style-type: none"> • <i>Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and</i> • <i>Enhancing the distinct character of suburban London."</i> <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Development both above or below ground can alter the character of gardens and adversely impact on the roles defined in the London Plan Housing SPG. It is reasonable to expect a significant proportion of gardens to be kept free of any development to allow their natural character to be maintained.</p> <p>Para 53 of the NPPF also states "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."</p>
1.9 - 1.14	K Howell	<p>Para 1.12</p> <p>There is an error in the policy statements. The London Plan Policy 3.5A allows councils in certain situations to preclude building on back gardens. This policy is clearly about building under back gardens. The surface area of gardens themselves would not be reduced by such work. The London Plan is being misinterpreted.</p>	<p>When applying policy, the policy objectives should be considered. Reasoned justification to Policy 3.5 states that "<i>back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life.</i>" The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>"defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and</i> • <i>Enhancing the distinct character of suburban London."</i> <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Development both above or below ground can alter the character of gardens and adversely impact on the roles defined in the London Plan Housing SPG. It is reasonable to expect a significant proportion of gardens to be kept free of any development to allow their natural character to be maintained.</p>

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			<p>Para 53 of the NPPF also states <i>“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”</i> The NPPF further precludes gardens from the definition of previously developed land.</p>
1.9 - 1.14	Jones Lang LaSalle (Kathryn Williams)	<p>The quoted (para 1.12) justification (from the London Plan Policy 3.5A) supporting a limit to the development within the garden is unsound. Policy 3.5A represents the strategy to prevent garden grabbing for the development of new houses; there is no evidence to suggest this is a threat to the Royal Borough or that basement proposals are an intrinsic part of such developments. Garden basement schemes are usually part of developments at existing houses.</p>	<p>When applying policy, the policy objectives should be considered. While seeking to stop infill development the reasons to stop such developments apply equally to basement development. Reasoned justification to Policy 3.5 states that <i>“back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities’ sense of place and quality of life.”</i> The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Development both above or below ground can alter the character of gardens and adversely impact on the roles defined in the London Plan Housing SPG. It is reasonable to expect a significant proportion of gardens to be kept free of any development to allow their natural character to be maintained.</p> <p>Para 53 of the NPPF also states <i>“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”</i> The NPPF further precludes gardens from the definition of previously developed land.</p>
1.9 - 1.14	Savills (Nick de Lotbiniere)	<p>We would firstly highlight that the reasoning behind the second draft consultation document , as set out on page 4 of the consultation document, is flawed. Paragraph 1.12 states that:</p> <p>"London Plan Policy 3.5A supports policies in LDFs to "introduce a presumption against development on back gardens or other private residential gardens where this can be locally</p>	<p>When applying policy, the policy objectives should be considered. While seeking to stop infill development the reasons to stop such developments apply equally to basement development. Reasoned justification to Policy 3.5 states that <i>“back gardens play important roles in addressing many of these policy concerns, as well as being a</i></p>

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		<p>justified >>. The desirability to maintain 'green and leafy ' gardens, flexibility to plant major trees together with the recommendations in the ABA report regarding drainage indicate substantial proportion of the garden should remain free of any development "</p> <p>The Council have misinterpreted the purpose of London Plan Policy 3.5A. The supporting text of the London Plan Policy highlights that the main reasoning behind the introduction of the Policy relates to significant local concern which can be caused by the loss of gardens. The supporting text goes on to state that the London Plan supports development plan-led presumptions against development 2.!!back-gardens . The introduction of basements , by their very nature, do not result in the loss of a garden and clearly do not represent development on back gardens, as such the use of this London Plan Policy to justify the restricf1ons introduced through RBKC's revised basement policy is fundamentally flawed.</p>	<p><i>much cherished part of the London townscape contributing to communities' sense of place and quality of life.</i>" The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>"defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and</i> • <i>Enhancing the distinct character of suburban London."</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>"Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</i></p> <p>Development both above or below ground can alter the character of gardens and adversely impact on the roles defined in the London Plan Housing SPG. It is reasonable to expect a significant proportion of gardens to be kept free of any development to allow their natural character to be maintained.</p> <p>Para 53 of the NPPF also states <i>"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."</i></p>
1.17 - 1.20	Cheyne Walk Trust (David Waddell)	<p>We note the progress in developing the stage 2 Basement SPG and that this concentrates on the guidance to be applied to planning matters.</p> <p>A major element of public concern is the weak control over the manner in which such developments are carried out and the related nuisance and disturbance for neighbours and others in the vicinity as well as potential collateral damage.</p> <p>To an extent the CTMP seeks to address these matters. We believe this would be much enhanced by two additional measures:</p> <ol style="list-style-type: none"> 1. Introducing a requirement as part of the CTMP that the applicant agree with the Council a fair period in which the development is to be completed and hence limit the period of disruption and nuisance likely to arise. 2. To require the applicant to place in escrow a substantial prior deposit of 10% of the project value which may be subject to be drawn against as follows: <p>* To compensate adjoining neighbours for damage resulting directly form the development</p>	<p>Noted. Details of the CTMP will be set out in the revised basements SPD. However the issues highlighted cannot be covered within the legal remit of planning.</p>

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		* As a surety to provide for penalty payments that the Council should be able to demand on a monthly basis if the applicant/developer exceeds the agreed period of active development construction work that would be required as a condition of agreeing the CTMP	
1.17 - 1.20	Jones Lang LaSalle (Kathryn Williams)	In paragraph 1.20, the council states that: 'while residents would generally like to see greater restrictions than those proposed, those involved in basement development find the proposals too restrictive' It is clear that the council in the drafting of the second stage consultation has paid no weight to those who are engaged in basement developments.	The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The draft policy is seeking to promote sustainable development. It is not formulated on popular vote.
34.3.56	Mrs Clark	Having read the new proposals for basement developments, I approve of any regulations that will curtail the madness going on in K&C right now. The impact of flash flooding when heavy rain has no ground to sink into and has to enter drains, because of all these 'iceberg' developments is a worry, plus what it does to the beautiful big trees we enjoy in K&C. A big development is going on next door and the feeling of being helpless with no rights, even though the noise, dust and house movement from excavation is dreadful. So I suggest that big developments of more than 1 million pounds need to be self financing in planning, so it will cost the developer the time, salary etc of council staff to oversee the work, hence the cost of supervising these big developments will not cost residents any of their council tax. Also close neighbours need to be recompensed for the inconvenience of the ongoing work. If it lasts more than 6 months, I suggest £ 10,000 compensation, 1 year £ 50,000 etc plus all repairs to neighbouring property sorted with no expense to victims. This will make a lot of people more tolerant to the nightmare of these value adding property enterprises.	Noted. The policy recognises that one of the functions of gardens is to enable surface water drainage and this is one of the reasons for the proposals to restrict the extent of basement development. The other issues mentioned are not considered to be within the legal remit of planning. The Party Wall Act and civil courts are better designed to deal with compensation rather than the Planning Act.
34.3.56	Kensington Society (Michael Bach)	Delete "substantially" before "below the prevailing level" This is imprecise and therefore arguable.	It is acknowledged that the definition of basement needs more clarity and text will be altered as appropriate.
34.3.56	P Whitehouse-Vaux	Clearly multi-story basements are a complex problem, which cannot be solved by a blanket regulation. Each application should be dealt with on a case by case basis, perhaps with the emphasis on minimising multi-story basements due to drainage issues and due to nuisance and disturbance to the neighbours.	Planning policies are written to ensure that there is clarity on what is considered an appropriate form of development. There could be inconsistency in planning decisions if every case was dealt with on a case by case basis.
34.3.56	Tim Nodder	The reference to Lower Ground Floor not being a basement is unclear and not acceptable as it stands. The definition of "Basement" by reference to the back garden level is also unsatisfactory. For instance, the level may have been lowered by excavations (not requiring permission, but in anticipation of a basement application). What of the case that the slope of the site means that the lowest existing floor is significantly below the prevailing level of the front garden, but significantly above the level at the back: or vice versa? Also, is there no control of DEEPENING existing basements in order to increase the floor to ceiling height. (much soil removal can be involved)?. Does the policy apply to improvement/ excavation in an existing CELLAR? Is the term " Lower Ground Floor" perhaps a marketing one by estate agents to avoid offering a residence in a basement? I note that in the Register in Electors (2002) for Oakley St. the term is not used; only "basement" or "Basement/Ground". Moreover some terraces have front doors up a flight of steps, and the basement windows have their upper portions well above street level: other terraces have front doors at street level, and the basement aspect is below the street. Is either type to be denoted a "Lower ground Floor"?	It is acknowledged that the definition of basement and lower ground needs more clarity and text will be altered as appropriate. The reference is to the 'prevailing level of back gardens' therefore if a single garden has been deliberately lowered it will not alter the reference. The policy relates to all basements.

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34.3.56	Marianne Harris	<p>Agree that there is a need for a separate policy for basements.</p> <p>Given the increase in applications, would suggest: (1) the cost of applying for a basement extension should be significantly increased and made a percentage of the estimated cost. This put the cost of monitoring these developments where it belongs/ (2) a quota of applications in any one area (by ward or by street) each year.</p> <p>Para 34.3.56 states that basements are a "useful way to add extra living accommodation"</p> <p>When a basement is proposed who purpose is to provide a recreational space like a swimming pool, or perhaps a gym although this would be harder to monitor, Planning should be subject a further charge. A per square meter charge for example. At a time when charges are being increased for public pools , and with a shortage of recreational space for young pelpe in the borough, money raised in this way could be used to to fund public sports areas.</p>	<p>Noted.</p> <p>(1) The Council cannot increase the fees for basement planning applications (2) The Council cannot put a quota of applications.</p> <p>The Council cannot put an extra charge specifically targeted at recreational space.</p>
34.3.56	Anthony Temple	<p>'Substantially below' invites problems. Why not delete 'substantially'?</p> <p>'... the prevailing level of the back gardens ...' Why refer to back gardens (plural).</p> <p>This might read '... below the prevailing level of the immediately adjacent back garden ...'</p>	<p>It is acknowledged that the definition of basement needs more clarity and text will be altered as appropriate. The reference to gardens in a wider area is deliberate to avoid lowering of back gardens.</p>
34.3.56	Nellen (Gideon Nellen)	<p>I believe that a basement should not be defined as a level which is "substantially" below ground but rather as a level which is " which is more than 50% below the prevailing level". Is the concept of the "prevailing level " well understood? This definition should be definitive as "lower ground floor" is a loose term with many interpretations and might well lead to confusion.</p>	<p>It is acknowledged that the definition of basement needs more clarity and text will be altered as appropriate.</p>
34.3.56	Nellen (Gideon Nellen)	<p>See comment re 34.3.56 above.</p>	<p>Response as above.</p>
34.3.56	Norland Conservation Society (Libby Kinmonth)	<p>Need to define Lower Ground Floor v Basement: suggest if the top of the basement/lower ground window on street side is lower than 30cm above street level, it is a basement, otherwise it is a lower ground floor.</p>	<p>It is acknowledged that the definition of basement needs more clarity and text will be altered as appropriate.</p>
34.3.56	Norland Conservation Society (Libby Kinmonth)	<p>Should the policy also cover basements extending out from the building footprints to under pavements? (Already specifically excluded for LB's)</p>	<p>There are not many instances of this. Considerations of highway and utility infrastructure will apply to such proposals. It is not considered that this needs to be included in the policy.</p>
34.3.56	Tony Holt	<p>Agreed</p>	<p>Noted.</p>
34.3.56	Paula McPherson	<p>Basements are a useful way to increase living accommodation. They are also brownfield sites and so overall in Greater London will decrease the amount of Greenfield land that will be needed to meet London's growing housing needs - families will be able to increase the size of their existing houses and so will be less inclined to move to larger new houses.</p> <p>Somewhat counter intuitively basements are therefore a long-term environmentally friendly development route and should be encouraged.</p>	<p>Private residential gardens are no longer considered brownfield sites by national planning guidance. The National Planning Policy Framework (NPPF) categorically excludes them from the definition of previously developed land.</p>
34.3.56	Panorama Property Services Ltd (James Agace)	<p>"A basement will not be allowed where a property already has an existing basement" - this is a Proposed Policy and not reasoned justification. Either delete this sentence or move it to the Proposed Policy section.</p>	<p>Agreed this should be appropriately incorporated in the policy.</p>

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34.3.56	Scott Morgan	<p>Putting a basement under a basement in an existing property should not be precluded. It is no more difficult or risky to build a basement under an original basement than it is for a single storey basement.</p> <p>Nothing to counter this is given in the Alan Baxter report. The Alan Baxter report states that multi-level basements are more complex. I think that this refers to multiple levels of new reinforced concrete basement being built at the same time.</p> <p>Limiting the extent and duration of construction is not a matter for planning.</p> <p>Provided the design and engineering is demonstrated as acceptable then the number of storeys is irrelevant.</p>	<p>The policy allows a new basement to be built under a lower ground floor. Most buildings in this Borough have an existing lower ground floor rather than an existing basement.</p> <p>It is a planning matter to protect residential amenity in the Borough that is being affected by construction impact.</p>
34.3.56	Sonata Persson	<p>Stating that you will not allow a basement below an existing basement is not "Reasoned Justification." This sentence should be deleted. The reason for this decision should be explained here. It is not.</p>	<p>Agreed this should be appropriately incorporated in the policy.</p>
34.3.56	Jennifer Ware	<p>I have been thinking the proposals over. Whilst I appreciate the work and thought that has gone into the document and welcome its recommendations, I believe the fundamental suggestion of restricting the depth of excavation to one storey below ground level (34.3.56) in order to reduce the impact of construction work and subsequent material damage to adjacent properties is misdirected. As I said at the meeting, it is apple pie and motherhood which everyone applauded but in reality will change very little.</p> <p>In response I am using my own experience as a lower ground floor flat owner in a classical Victorian terrace, built in 1878 to exceptionally high standards, with a new basement development nearly finished next door. I have come to the conclusion that what you suggest would not have helped with the awfulness of what I have endured over the past two years. I believe the damage it has caused to the whole of my building, especially at my level, would not have been prevented either. Nor would the length of time taken have been shorter.</p>	<p>Noted. The Council considers that the proposed policies achieve a reasonable balance. It would allow people to extend their homes but help minimise their impacts by introducing greater restrictions on size and consideration of a range of other relevant issues at an early stage.</p>
34.3.56	Thomas O'Donohoe	<p>Basements are a VERY useful way to increase living accommodation. For many families they are the most cost effective way to achieve greater living space for their family given the limitations of London housing stock and increasing levels of Stamp Duty.</p> <p>Basements under existing dwellings also reduce the need for development on back gardens or other 'green' land.</p>	<p>Noted.</p> <p>Basements quite often extend beyond the footprint of dwellings into gardens.</p>
34.3.56	KPMG (Patrick Parke)	<p>There seems no reasonable justification for not allowing a basement beneath an existing basement. The fact that there has been a rise in applications is no reason to restrict them. The reason there has been a rise in applications is that there is no enough living space available in central London, and the price of moving is often restrictively high (in particular due to the large recent increases in stamp duty), and the value of floor space in central London has risen considerably recently.</p> <p>The most important argument against your current proposal is economic, and I will expand on this later.</p>	<p>The policy is based on a number of reasons. The increase in applications has lead to the need for a bespoke policy but the policy is not seeking to reduce the number of basement applications.</p>
34.3.56	Geostructural Solutions	<p>A basement will not be allowed where a property already has an existing basement'</p>	<p>Agreed this should be appropriately incorporated in the policy.</p>

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	Limited (Tim Jolley)	This statement appears to be unqualified with the words 'generally' or 'normally' etc.	
34.3.56	James Dawson	Basements beneath existing basements are often the only way that a house can be extended without changing the look of the street. I do not believe they do anyone any harm if they are constructed thoughtfully and professionally by real experts.	Noted.
34.3.56	Philip Muelder	Surely the point of the consultation is to determine the "bespoke basement policy" (Reasoned Justification 34.3.57. Stating that basements will not be allowed where there are existing basements seems to have determined this part of the policy already.	The consultation is on a draft policy. This is the third formal consultation in formulating the policy and the policy has been written in draft at this stage. At the next stage the policy will be submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations and is not determined at this stage.
34.3.56	Harcus Sinclair (Damon Parker)	No justification is advanced for a wholesale prohibition of building basements, however small, beneath existing basements. It is a position the council has adopted as a policy.	There is no ban on extending existing basements underneath the garden. Most buildings in this Borough have an existing lower ground floor rather than an existing basement. At the next stage the policy will be submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations and is not determined at this stage.
34.3.56	The Chelsea Society (Terence Bendixson)	Accept	Noted.
34.3.56	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Not allowing more than a 1 storey basement is very restrictive and the disruption referred to is no worse than an above ground redevelopment or refurbishment.	Noted. However, above ground developments would not require the level of major excavation involved in constructing basements.
34.3.56	Martin Dallison	Your statement "a basement will not be allowed where a property has an existing basement" is not fully justified and this should be omitted. No reasonable explanation for this decision given.	Most buildings in this Borough have an existing lower ground floor rather than an existing basement. This will be incorporated into the policy appropriately. The reasoned justification is clear on a limit to a single storey. This statement stops applicants from building a basement and subsequently applying for another basement.
34.3.56	Michael and Jacqueline Hayes	The distinction between lower ground floors and basements is not made clear. At what stage does a lower ground floor become a basement? Both usually involve the entire bottom floor being situated below ground level, so that the problems that arise when further excavation takes place are similar for both.	It is acknowledged that the definition of basement and lower ground floor needs more clarity and text will be altered as appropriate. The suggestion would put a stop to most basement proposals in the

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		Accordingly, the policy should treat existing lower ground floors as basements, and prohibit excavation beneath floors which are already below ground, whether or not they might be considered as basements or lower ground floors.	Borough. The policy is not intended to stop basement development. The proposed policy would allow people to extend their homes but help minimise their impacts.
34.3.56	Michael and Jacqueline Hayes	The policy must go further and prohibit additional floors below existing lower ground floors, both because there is no clear distinction between a lower ground floor and a basement, and because excavations beneath both involve similar risk to adjoining properties.	It is acknowledged that the definition of basement and lower ground floor needs more clarity and text will be altered as appropriate. The suggestion would put a stop to most basement proposals in the Borough. The policy is not intended to stop basement development. The proposed policy would allow people to extend their homes but help minimise their impacts.
34.3.56	TOLA (Lennart Perlhagen)	Support	Noted.
34.3.56	The Markham Square Association (David Cox)	We are pleased to note that the policy will apply to all basement proposals: extensions and new developments, across all land uses. There should be no change to this wording.	Noted.
34.3.56	Geostructural Solutions Ltd (Sean Bennett)	The statement 'A basement will not be allowed where a property has an existing basement' needs to be amended. The owner of a property that already has a partial basement should be permitted to extend that partial basement or construct a new basement remote from the existing partial basement, provided that care is taken in the development of the scheme to be sympathetic to the existing property.	Noted. The policy does not propose a ban on extending existing basements underneath the garden.
34.3.56	Geostructural Solutions Ltd (Sean Bennett)	All aspects of a basement development should be designed and constructed to the highest standard and quality. It is good to hear that on large, comprehensively planned developments the requirements of paragraphs 7a and 7b may be varied. What would be considered a large basement? Could the requirement of paragraphs 7a and 7b be similarly varied for small comprehensively planned developments?	Text will be amended to clarify what is meant by larger comprehensively planned developments.
34.3.56	Onslow Neighbourhood Association (Eva Skinner)	To improve clarity, in the sentence "'Basement' means one or more floor levels substantially below the prevailing level of the back gardens", "surface" should be inserted after "prevailing". The next sentence, "Lower ground floors are not regarded as basements in this context", ought in our view to be omitted, since most basements have a door into a basement area to provide a means of escape in case of fire, or to provide a "tradesmen's entrance" to a house, and therefore would appear to qualify as "lower ground floors".	It is acknowledged that the definition of basement and lower ground floor needs more clarity and text will be altered as appropriate.
34.3.56	R G Leeper	Problems arising from basement developments are of great concern to residents.	Noted.
34.3.56	Kensington Society (Michael Bach)	The Society particularly welcomes: * limiting basements to one basement, not adding a further basement where one exists - however, we consider that there is a need a much clearer definition than in para 34.3.56.	It is acknowledged that the definition of basement and lower ground floor needs more clarity and text will be altered as appropriate.
34.3.56	Kensington Society (Michael Bach)	Definition of a basement needs clarification	It is acknowledged that the definition of basement and lower ground floor needs more clarity and text will be altered as appropriate.
34.3.56	Abbey Pynford (Lewis O'Connor)	A basement will not be allowed where a basement already has a basement · Objection: There is not a reasonable justification for this.	The reasoned justification is clear on a limit to a single storey. This statement stops applicants from building a basement and subsequently applying for another basement.

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			<p>However this statement will be integrated into the policy.</p> <p>Most buildings in this Borough have an existing lower ground floor rather than an existing basement.</p>
34.3.56	Jones Lang LaSalle (Kathryn Williams)	A basement will not be allowed where a property already has an existing basement	<p>The reasoned justification is clear on a limit to a single storey. This statement stops applicants from building a basement and subsequently applying for another basement.</p> <p>However this statement will be integrated into the policy.</p>
34.3.56	Basement Force (Simon Haslam)	To impose a blanket ban on provision of a second storey underground is arbitrary in the same way as the 50% cap. The unspoken objective appears to be to find reasons to refuse projects which are relatively large or complex.	The proposed policy objective is to allow people to extend their homes reasonably but minimise the impact of basements.
34.3.56	Neil Collins	Not sure why you can't have a basement below an existing basement. Does not seem to make any sense.	<p>The reasoned justification is clear on a limit to a single storey. This statement stops applicants from building a basement and subsequently applying for another basement.</p> <p>However this statement will be integrated into the policy.</p> <p>Most buildings in this Borough have an existing lower ground floor rather than an existing basement.</p>
34.3.56	Ladbroke Association (Sophia Lambert)	<p>The text notes that "Basements are a useful way to add extra living accommodation to homes". We note that most basement developments seem to be to provide facilities such as gyms, swimming pools, cinemas, games rooms etc. We are not sure what the definition of living accommodation is, but are not convinced that luxury facilities of this sort really count as living accommodation in the way that most people would understand it. We note in passing that the HMRC view is that "living accommodation is something that gives the occupant the necessary facilities to live domestic life independently without reliance on others to supply basic needs." Borough residents might have more sympathy with such developments if it was thought that they were adding to the number of people who could be accommodated to a reasonable standard within the borough. We would suggest wording more like:</p> <p>"There has been a significant rise in basement applications in the Royal Borough with 182 cases in 2010, 186 in 2011 and 307 cases in 2012. The vast majority of these are extensions under existing dwellings within established residential areas. Basements can be a useful way provide useful extra residential accommodation, although in most recent cases they have chiefly served to provide extra facilities to the occupants of the property. Basements also, however, give rise to particular issues not raised by above ground extensions. There is therefore a need for a bespoke basement policy."</p>	Noted. It is agreed that basements can provide different types of space including living and for other purposes such as leisure and recreation. Text will be amended as appropriate.
34.3.56	Underpin & Makegood (Contracting) Ltd (David Gakhar)	The construction of a basement below and existing lower ground/basement is no more disruptive than the construction of a basement where there is not an existing lower ground/basement, or an above ground development.	Noted.

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34.3.56	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
34.3.56	Thames Water Utilities Ltd (Mark Mathews)	No comment	Noted.
34.3.56	Mark and Sophie Fitzgerald	Basements are a very important way of increasing living accommodation - especially for families with young children, who need more space as their families grow. For many families they are the most cost effective way to achieve greater living space for their family given the limitations of London housing stock.	Noted.
34.3.56	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.56	Bell Cornwall (Simon Avery)	The definition of "basements" is not clear or precise and does not take account of sloping back garden levels which are encountered across much of the Borough, particularly in the central and northern areas. There is no justification for why, in material planning terms, a basement below an existing basement is not acceptable.	The reasoned justification is clear on a limit to a single storey. This statement stops applicants from building a basement and subsequently applying for another basement. Most buildings in this Borough have an existing lower ground floor rather than an existing basement. However this statement will be integrated into the policy.
34.3.57	Oliver Parr	"Basements are a useful way to add extra living accommodation to homes." A large proportion of the basement applications seen in RBKC provide little or no additional bedspace and therefore do not add extra accommodation in the normally understood sense of the word. The chosen words (particularly "useful") suggest a lack of objectivity and are misleading. The reality is that most basement excavations are undertaken to provide additional leisure space for the owner. A more objective way to introduce 34.3.57 would be to say "Excavation of a basement enables a property owner to increase the size of his property. Moreover, given the substantial rise in value of properties in the Royal Borough in recent years, there has been..."	Noted. It is agreed that basements can provide different types of space including living and for other purposes such as leisure and recreation. Text will be amended as appropriate.
34.3.57	Kensington Society (Michael Bach)	Line 1: Delete - "useful" and delete "extra living accommodation" and insert "living space". "living accommodation" suggests bedrooms, which will be inappropriate in areas of flood risk. Line 6: Delete "particular issues" and replace with "serious problems of a kind" - the "issues" raised are "problems"	Noted. It is agreed that basements can provide different types of space including living and for other purposes such as leisure and recreation. Text will be amended as appropriate.
34.3.57	Tony Holt	Agreed	Noted.
34.3.57	Steven Aldridge	Basements are a VERY useful way to increase living accommodation. For many families they are the most cost effective way to achieve greater living space for their family given the limitations of London housing stock and increasing levels of Stamp Duty. Basements under existing dwellings also reduce the need for development on back gardens or other 'green' land.	Noted. Basements do extend into back gardens which are no longer considered brownfield land by national guidance.
34.3.57	Sally Duckworth	London has ever increasing housing needs and basements are a useful way to increase living accommodation.	Noted. The draft policy recognises that basements are a useful way to provide extra accommodation.

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		<p>They do not impact on greenfield sites or conflict with the aim of preventing development ON back gardens as they are UNDER the ground.</p> <p>As basement extensions (and loft extensions - also disruptive and create construction impact, noisy, dusty, vibrations etc) enable families to increase the size of their existing house they are less inclined to move to larger new houses and so eases the pressure on creating new housing stock.</p> <p>Given the longer term problem of pressure on housing basements are actually a sensible element in the greater plan for fulfilling London's growing and changing housing needs.</p>	<p>The policy objective is to protect gardens in their natural state irrespective of whether development is above or below ground. Basements can impact on surface water drainage, trees and natural character of gardens. Gardens are categorically excluded from the definition of previously developed land (or brownfield land) in the National Planning Policy Framework.</p> <p>Noted.</p>
34.3.57	Geostructural Solutions Limited (Tim Jolley)	<p>Agreed.</p> <p>There is a need for a bespoke basement policy. Reference is made to our comments under 34.3.62 regarding the auditing of contractors wishing to undertake the construction of basements.</p>	Noted.
34.3.57	Philip Muelder	A rise in applications is not necessarily a bad thing. Not all approved applications go on to be constructed. I imagine the combination of increases in stamp duty and other associated moving costs plus the rise in house prices in this very desirable borough means it makes economic sense to add space to an existing house rather than move.	Noted. The point being made is not that a rise in planning applications is a bad thing rather that with increasing applications clear guidance is needed to ensure sustainable development.
34.3.57	The Chelsea Society (Terence Bendixson)	<p>Omit 'useful' and 'extra' in line 1.</p> <p>Add after '...2012' in Line 4. 'It is not clear if this rate of growth will continue but, even a 10% increase per year over ten years, would result in 789 applications annually by 2022. This possibility will need careful monitoring.'</p> <p>Line 6. Delete 'particular issues'; insert 'serious problems of a kind.....'</p>	Noted. Text will be amended as appropriate.
34.3.57	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Basements are a positive environmental development that is brownfield rather than a Greenfieldsite .	Private residential gardens are not brownfield sites. The National Planning Policy Framework (NPPF) categorically excludes them from the definition of previously developed land.
34.3.57	Martin Dallison	Above ground extensions are already overly restrictive in RBKC, no surprise that residents want to add space under their houses. Basement construction is by no means different to any other form of construction, therefore I see no need for a bespoke basement policy.	Noted. Basement construction underneath existing buildings is more challenging than above ground development. It includes major excavation of a scale not seen in above ground developments.
34.3.57	TOLA (Lennart Perlhagen)	Support	Noted.
34.3.57	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	We do not object to the principle of a bespoke basement policy. Our concerns relate to certain aspects of the detail of the policy which are considered below.	Noted.
34.3.57	Geostructural Solutions Ltd (Sean Bennett)	I agree that there is a need for a bespoke Basement Policy but it shouldn't be so prescriptive as to limit the owners right to create a property that fulfils their requirements	Noted.

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		Every basement development is unique and should be considered on its merits	
34.3.57	Onslow Neighbourhood Association (Eva Skinner)	In the first sentence, "Basements are a useful way to add extra living accommodation to homes", "useful" and "extra" should be omitted since those words give an unwarranted support to constructing further basements.	Noted. Text will be amended as appropriate to recognise that basements proposals include accommodation of different types not just living accommodation.
34.3.57	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
34.3.57	Mark and Sophie Fitzgerald	Basements under existing dwellings also reduce the need for development on currently undeveloped land.	Noted.
34.3.57	Mark and Sophie Fitzgerald	Basement development is meeting desperately required housing needs. With London property prices excluding so many from buying a house of a size that's fit for bringing up a family, it seems highly unjust to prevent basement development in the manner proposed. This policy is also at odds with the ethos of current Government policy supposedly focussing on promoting economic growth via residential planning rule relaxation. In short, development should be encouraged not trampled on.	Noted. The policy is not putting a stop to basements but proposing a reasonable scale of development. Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development.
34.3.57	Alison Durden	support	Noted.
34.3.58	Kensington Society (Michael Bach)	Line 1: After the word basements add "especially limiting them to the footprint of the building" Lines 2/3: Delete "improve the living conditions' and replace with "reduce the level of suffering " Reducing the size merely reduces suffering - to "improve the living conditions" would suggest no basement at all. Lines 3/4: Change to read: "of neighbours and residents in the neighbourhood of the basement development"	Noted. There is no evidence to support limiting to the footprint of the building. No change. Text will be amended as appropriate.
34.3.58	P Whitehouse-Vaux	This part seems very confused and lacking in evidence to back up its drafting. There is no evidence given for the drainage , the planting, or the levelness of gardens. Is this paragraph really trying to say that gardens overlying basements can only be flat and this is a reason for limiting the size of basement under gardens? Just about every garden in Chelsea is flat as it is.	Noted. The evidence on drainage is in the Alan Baxter and Associates report. Further evidence on character of gardens will be provided. The text is about the character of gardens, the reference to artificially flat is about gardens having a sterile appearance once a basement has been constructed and soil put on top.
34.3.58	P Whitehouse-Vaux	Limiting the extent and duration of construction is not a matter for planning surely as Building Control already deal with impact and surely there are other ways to manage duration of build? Seems a very clunky tool.	There is a direct link between size of development and construction impact. A smaller basement will produce a smaller volume of excavated soil. It is the role of planning to protect residential amenity.
34.3.58	Stuart Bates	34.3.58 suggests that by restricting a basement development to one storey this will put an acceptable limit on the time that an adjoining property will be inconvenienced. Is two years considered to be acceptable not only for the neighbouring property owners but also for the pedestrians and traffic which have to negotiate the contractors' plant and equipment?	The policy has to consider a range of issues and come to a balance of social, environmental and economic issues to support sustainable development. The time limits on each site will be different but limits on the scale of development help shorten the duration for each site.
34.3.58	Norland Conservation Society (Libby Kinmonth)	50% is too much. Thames Water maintain that any basement outside the footprint of the house is unacceptable due to loss of soakaway. We agree. Why not limit to 3m out from rear wall (ie current permitted development)	Noted. The most recent representation from Thames Water does not ask for a limit to the footprint of the property. Thames Water support the 50% limit on extent into the garden in their representation on the

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			second draft.
34.3.58	Norland Conservation Society (Libby Kinmonth)	Limiting the extent and duration of construction is not the only reason for restricting to single storey: be specific about risk of flooding and water penetration (see Thames Water letter of 31/1/2013)	Noted. The Thames Water letter does not mention a link between deeper basements and flooding. There are different types of flooding – fluvial, surface water, ground water penetration and flooding from sewers. Core Strategy Policy CE2 deals with fluvial flooding and is referred to in the draft basements policy. A flood risk assessment is required for sites which have a risk of fluvial flooding. Surface Water – the draft policy is requiring sustainable urban drainage system to deal with surface water drainage. The requirement is to reduce the existing volumes and flows. Ground water – borehole investigations are required and basement design takes this into account if ground water is found on-site. Basements are designed to be water proof and protect them from ground water flooding. Flooding from sewers – this is referred to in Thames Water's previous letter. The policy has been amended to include a requirement for positive pumped devices to protect them from sewage flooding.
34.3.58	Paul Lever	The policy fails adequately to acknowledge the scale of the problems which basement construction poses for neighbouring residents, namely months if not years of intolerable disturbance and the deprivation during construction hours of any normal home life. Given that this is a principal rationale for some of elements of the new policy (such as the limitation to one storey and to 50% of gardens), this needs to be much more specifically recognised.	Noted. The reasoned justification adequately makes the link between the proposed restrictions on size and construction impacts along with a range of other reasons supporting the policy.
34.3.58	Panorama Property Services Ltd (James Agace)	The logic is confused leading to an unsound policy. If you want to control construction impact then have a rule about construction impact, don't have a tangential rule on something else like percentage of garden built. Having proper control of construction impact will benefit residents. Having no control over construction impact but limiting the size of a garden basement benefits no one.	It is unclear what the respondent found confusing. The policy is not formulated on construction impact alone. A range of other reasons have been explained. However, there is a clear and direct link between size of development and construction impacts. For instance a smaller basement will produce a smaller volume of excavated soil.
34.3.58	Panorama Property Services Ltd (James Agace)	Limiting basements to a single storey is aimed at limiting construction impact. Given this aim then have a policy and justification that controls construction impact. The current justification is unsound if used to limit construction to a single storey.	Noted. The limit to a single storey is based on limiting construction impacts and in recognition that multi-storey basements are much more complex and challenging than single storey basements. These are linked to protecting residential amenity and the high quality built environment of this Borough.
34.3.58	Sonata Persson	Construction impact is dealt with in CL7 (j) and should not be part of the "reasoned justification" here. It should not be linked to size of basement.	Basement construction involves major excavation works with large quantities of soil. Limiting the size to a single storey would put a limit on the volume of excavation in turn reducing timescales and is linked to construction impact.
34.3.58	Sonata Persson	If the concern is the extent and duration of construction impact then develop a tool that will directly manage this.	Noted. This is one of the concerns. The policy is designed to define criteria for sustainable development of basements.
34.3.58	Sue Whittle	Again, if construction disruption is the problem then work out a policy that deals with that. Simply restricting the size of basements doesn't seem to deal with the real objection which is the level of disruption due to construction going on at any one time.	Noted.

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34.3.58	Thomas O'Donohoe	<p>Basement development is meeting housing needs - not just in Kensington & Chelsea but across London. Reducing garden basements in K&C means people will move out of town and build larger houses on new land - so putting more pressure on precious green spaces around London.</p> <p>The Government is keen to encourage residential building to generate economic growth. The proposed policy goes against this.</p> <p>As long as the construction impact of any development (basement or otherwise) as well as any other areas of concern can be met or where necessary mitigated then development should be encouraged not stamped on</p>	<p>The Core Strategy's housing policies consider housing needs in the Borough in great detail. Housing evidence shows a greater need or smaller private homes in the Borough.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts by introducing greater restrictions on size and consideration of a range of other relevant issues at an early stage.</p>
34.3.58	Steven Aldridge	<p>Basement development is meeting housing needs - not just in Kensington & Chelsea but across London. Reducing garden basements in K&C means people will move out of town and build larger houses on new land - so putting more pressure on precious green spaces around London.</p> <p>The Government is keen to encourage residential building to generate economic growth. The proposed policy goes against this.</p> <p>As long as the construction impact of any development (basement or otherwise) as well as any other areas of concern can be met or where necessary mitigated then development should be encouraged not stamped on</p>	<p>The Core Strategy's housing policies consider housing needs in the Borough in great detail. Housing evidence shows a greater need or smaller private homes in the Borough.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts by introducing greater restrictions on size and consideration of a range of other relevant issues at an early stage.</p>
34.3.58	KPMG (Patrick Parke)	<p>It is true that restricting the size of basements would help limit the extent and duration of construction, and hence construction impact, however it should be considered holistically. The incremental duration and impact per unit of added space is lower for larger basements than for smaller ones, and central London needs the extra living space. Central London needs a certain amount of additional living space, and if it's not added to one house it will be added to another.</p>	<p>The Core Strategy's housing policies consider housing needs in the Borough in great detail. Housing evidence shows a greater need or smaller private homes in the Borough.</p>
34.3.58	David Innes	<p>The Council's argument that it is attempting to limit construction impact is also totally without merit. The construction impact of a double basement under a small house is no different to that of a single basement under a house twice the size.</p> <p>In fact, the construction impact of the double basement in the above case is likely to have a significantly lower than that of the single level twice the size. For example, the more noisy, dusty and higher-vibration task of breaking out any existing concrete flooring only occurs once - not a second time when the second level basement is excavated. Hence the potential disturbance of the excavation and construction of the second level is orders of magnitude lower than that of the first level.</p> <p>Critically, construction impact can also be better managed in other ways. To this end, will the council also be limiting above ground development?</p>	<p>Noted. Comparisons should be drawn with different scale of development on the same site rather than with other sites with a potentially different context.</p> <p>Basements underneath existing buildings are more complex than above ground development. They involve major excavation with huge quantities of soil dug up.</p>
34.3.58	Sally Duckworth	<p>Currently the government seems to be encouraging residential building and is pushing for permitted development rights to be widened, in order to help kick start the economy. The proposed policy goes against the governments intentions.</p>	<p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance</p>

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		Provided construction impact, garden planting, drainage, and any other areas of concern can be met/mitigated then development should be encouraged.	differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations.
34.3.58	Geostructural Solutions Limited (Tim Jolley)	See point 1.20 'Summary of Comments on Main Issues relating to Draft Basements Policy'. Our experience is that people living next door to those having basements constructed are not in favour of basements. When they want one themselves they appear to change their minds and are then in favour of basements.	Noted.
34.3.58	Zai Nordmann	If you want to control construction impact then you should have a rule about construction impact. A rule based on a 'rule of thumb' of 50% of a garden being developed is not strong - the logic isn't there. Having proper control of construction impact by enforcing existing regulations properly via Building Control Inspectors will benefit residents. Having weak enforcement over construction impact but limiting the size of a garden basement is pointless.	The policy is not formulated on construction impact alone. A range of other reasons have been explained. However, there is a clear and direct link between size of development and construction impacts. For instance a smaller basement will produce a smaller volume of excavated soil.
34.3.58	Zai Nordmann	Limiting basements to a single storey is aimed at limiting construction impact. Use existing rules or generate one construction impact rule specifically aimed at targeting disruption and enforce through Building Control Inspectors. The current justification is bad if used to limit construction to a single storey.	The policy is not formulated on construction impact alone. A range of other reasons have been explained. However, there is a clear and direct link between size of development and construction impacts. For instance a smaller basement will produce a smaller volume of excavated soil.
34.3.58	James Dawson	Reducing the amount of space that a basement could add would be unfair on those that have not been able to extend their houses already.	Noted.
34.3.58	Yasmin Ayoub	If the aim is to reduce construction impact then there needs to be a programme across all developments, not just basements. The majority of basements seem to be in conjunction with a whole house refurbishment. It cannot then be the case that it is the basement that causes the most or all of the impact? My suspicion is that a lot of the disruption is really caused by other above ground building work but that the perception is that the disruption is caused by the basement work. The Council cannot know from talking to residents if the disruption has been caused by basement work. Indeed often even the residents cannot really know if the disruption is from basement work or other above ground building work on the same site as a basement development. If the noise and disturbance created by construction are the issue then this needs to be a) enforced more effectively by Building Control b) targeted in a more accurate way across all projects by planning and other Council agencies.	The policy is not formulated on construction impact alone. A range of other reasons have been explained. Basements underneath existing buildings are more complex than above ground development. They involve major excavation with huge quantities of soil dug up.
34.3.58	Philip Muelder	The wording suggests a concentration of basement development in some areas of the borough. Presumably this is where the opposition to construction has mainly been located. If it is the localised level of construction (ie several basements on one street rather than just one) that is causing the issue then derive a policy to tackle this rather than a borough wide reduction. That doesn't make economic sense. One possible way to manage the amount of construction going on in a small area is presumably through the Highways agency who need to approve skip permits and so on. This agency is well placed to monitor levels of construction and could therefore restrict development where seem to be above "acceptable" levels at any one time. No reason why one person hundreds of metres away should be restricted from a basement just because some areas have many already.	Basement development is prevalent in private residential areas across the Borough. The policy is not formulated on construction impact alone. A range of other reasons have been explained.
34.3.58	Philip Muelder	As I write this I am starting to wonder is this because planning policy is not designed or should not be used to control traffic, noise, vibration and dust and so the policy, in order to	The policy is not formulated on construction impact alone. A range of other reasons have been explained.

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		do so, is written to use the powers available to planning to limit construction in a round about way? If this is the case then the policy is going to be complex and impractical. It feels like it would be best to rethink the whole thing again from scratch.	It is the role of planning to protect residential amenity and built environment.
34.3.58	Philip Muelder	If the council wants to limit construction impact in those areas where there may be a real issue then utilise existing regulation to do it or create a targeted rule that will help. This blanket borough wide rule will not be that tool.	The policy is not formulated on construction impact alone. A range of other reasons have been explained.
34.3.58	Harcus Sinclair (Damon Parker)	I agree that restricting the size of basements will help to limit the extent and duration of construction, and hence construction impact. However I am concerned that the construction impact from basements is being confused with that from above ground development. The council has not provided any numbers to breakdown the impact between the two and in fact, I believe the majority of basements are developed as part of a whole house refurbishment.	The policy is not formulated on construction impact alone. A range of other reasons have been explained. Basements underneath existing buildings are more complex than above ground development. They involve major excavation with huge quantities of soil dug up.
34.3.58	The Chelsea Society (Terence Bendixson)	Could you please add to the sentence at: Line 4 'This will improve living conditions.....in neighbourhoods where people live close together in terrace houses and/or where.....'	Noted. Text will be amended as appropriate.
34.3.58	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Reducing the impact of construction is just as much about how and which contractors are used rather than the type of construction. Neighbours living conditions complaints at recent meeting were around how many projects there were in each road and therefore the impact was greater. Planning Officers admitted they could not control when the planning consent was enacted in a 3 year period and this could be controlled by Highways when issuing licences for skips and hoardings 25% of your feedback did not have a problem with Basement construction. Mainly "complainers" return such feedback so this could be considerably higher.	Noted. The Council does require contractors to be part of the Considerate Contractor scheme. The analysis can only be based on those who returned the form and not on speculation about the views of those who did not return the form.
34.3.58	Geostructural Solutions Ltd (Sean Bennett)	This isn't necessarily true. Larger basements can be constructed in a similar time frame as smaller ones, as an increased degree mechanisation is possible. Reputable Basement Specialists always make every effort to minimise the construction impact.	Noted. However, there is a clear and direct link between size of development and construction impacts. For instance a smaller basement will produce a smaller volume of excavated soil.
34.3.58	Abbey Pynford (Lewis O'Connor)	34.3.58 Restricting the size of basements helps to limit the extent and duration of construction, and hence construction impact. Objection. The basis for this item is false. There is no quantitative evidence to support this statement. This item is therefore neither reasonable nor justified. &middledot; Construction impact is determined by design, execution, methodology, sequence, technique and management; not size of basement. This is widely acknowledged and evidenced in public funded commercial projects. &middledot; Large basements can be completed with less impact when undertaken by experienced, qualified, specialist professional teams than small basements completed by Others. &middledot; Multi-level basements do not necessarily take longer or have greater construction impact than a single level basement &middledot; A single story basement below a building with an existing basement takes no longer than for a single storey basement below a ground floor.	There is a clear and direct link between size of development and construction impacts. For instance a smaller basement will produce a smaller volume of excavated soil. The policy recognises that large basements can be completed with construction impacts minimised as long as these are part of a comprehensively planned site. Further clarity on comprehensively planned site will be provided in the text. Multi-level basements are more complex and challenging than single storey basements as set out in the Alan Baxter and Associates report. The restriction on basements below an existing basement is not linked to duration. The policy is not seeking to reduce duration of works. The policy is not formulated on construction impact alone. A range of other reasons have been explained.

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		<p>&middledot; Duration does not necessarily directly affect impact. Halve the daily deliveries/collections or noisy working hours and the impact is potentially lessened but the duration is extended.</p> <p>&middledot; The proposed change amounts to prescriptive / broad brush restriction that will not achieve the intended outcome.</p>	
34.3.58	Jack Bowles	It does not seem right to use construction complexity as a reason for limiting basement development to a single storey. The United Kingdom has many examples of difficult engineering - Crossrail, the Channel Tunnel. If these can be safely built then multiple level basements in London should be quite possible.	The policy is not formulated on construction impact alone. A range of other reasons have been explained.
34.3.58	Jones Lang LaSalle (Kathryn Williams)	Restricting the size of the basements helps to limit the extent and duration of construction, and hence construction impact (we suggest that this is not a valid planning consideration)	The policy is not formulated on construction impact alone. A range of other reasons have been explained. Protecting residential amenity and built environment are valid planning considerations.
34.3.58	Basement Force (Simon Haslam)	On the question of construction impact, it fails to recognise that while some vocal individuals have been affected by basement development, there are many parts of the Borough capable of being developed in this way without undue impact on the surrounding environment.	The policy makes an exception for larger comprehensively planned sites in recognition of the fact that on some large sites large development is possible without adversely impacting on residential amenity.
34.3.58	Basement Force (Simon Haslam)	The construction impact depends more upon the particular location, construction of the existing building, and the expertise and consideration shown by the developer than the size of the project. A small project in a confined location undertaken by those without sufficient expertise may cause problems whereas a large project undertaken by genuine experts will deliver all the benefits of basement development and may do so at minimal disruption to those around them. The Baxter Report itself recognises the importance of good design and workmanship for all basement projects, not only the deeper or larger proposals. The response by Alan Baxter & Associates to Edward Barker in the Consultation Responses to Draft Basements Policy March 2013, page 96, recognises that there are several more important factors than basement depth causing construction impact.	Noted.
34.3.58	Neil Collins	If you are worried about traffic and noise then you should control this with a separate rule not linked to size of basement.	The policy is not formulated on construction impact alone. A range of other reasons have been explained.
34.3.58	Neil Collins	If you want to limit the extent and duration of construction then state this explicitly and have a policy that does this.	The policy is not formulated on construction impact alone. A range of other reasons have been explained.
34.3.58	Underpin & Makegood (Contracting) Ltd (David Gakhar)	The reduction of impact of construction is predominantly planning and using the correct and skilled supply chain Any 'good' contractor will always work to reduce the impact of the project on the neighbouring properties with good communication and consideration in working hours/practice.	Noted.
34.3.58	Underpin & Makegood (Contracting) Ltd (David Gakhar)	The construction of a basement below and existing lower ground/basement is no more disruptive than the construction of a basement where there is not an existing lower ground/basement, or an above ground development/comprehensive refurbishment. The impact is identical.	Noted. The restriction on basements below an existing basement is not linked to levels of disruption but an equitable distribution of a single basement being allowed across all properties.
34.3.58	Underpin & Makegood (Contracting) Ltd (David	Restricting works to a property to reduce disruption to neighbours is not an effective or fair way of reducing disruption. It would be better to look to restrict the number of projects allowed within a 12 month period in areas where basement construction is highly sought with a waiting list opened for those applications who meet regulations but fall outside of the	The policy is not formulated on construction impact alone. A range of other reasons have been explained.

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	Gakhar)	allotted sum of projects in the time period.	
34.3.58	Robert Ward-Booth	<p>RESIDENTS AMENITY & CONSTRUCTION IMPACT</p> <p>My client would strongly support the introduction of a planning policy to minimise and control the impact of construction works on the amenity of residents. We should all aspire to ensure that construction works are managed in a way which minimises impact on the lives of local residents and measures such as the monitoring and control of noise and vibration and the proper management of parking and construction traffic are entirely reasonable.</p> <p>However, the council seeks, in part, to justify the introduction of arbitrary limits on basement construction on the basis that reducing the amount of construction works will improve the amenity of local residents. Indeed, from verbal discussion with planning officers I have the sense that this is the fundamental reason why the new policy is being introduced.</p> <p>I would make two points in this regard.</p> <p>In the first instance, we need to be clear that this amounts to the introduction of a planning policy which restricts a sustainable form of development simply on the basis that this will reduce the amount of construction work within the locality.</p> <p>With respect to the council, I fail to see how this is consistent with the National Planning Policy Framework and I await with interest the Council's policy justification in this regard.</p> <p>The second point to make is that even in terms of the Council objective to reduce the amount of construction work involved the arbitrary nature of the policy means that it will result in perverse planning decisions.</p> <p>By way of example, a single storey basement development for a large domestic property may well take longer and result in more construction traffic than a two storey basement development for a smaller property.</p> <p>Similarly, a basement which is limited in area but includes a small section of two storey construction (e.g. to accommodate a plant room) might involve substantially less volume of construction than a single storey basement which extends below the whole of the area permitted by the draft policy.</p> <p>Finally, I would make the point that a poorly managed single storey basement development may well take longer to complete than a well managed scheme for a deeper proposal.</p> <p>If the Council genuinely wishes to reduce construction related impact on the amenity of local residents it would be far better served by developing an evidence based policy approach which includes an assessment of traffic/ parking capacity, methodology of construction and the impact that this will have in terms of programme of works, aggregate construction impact within individual localities and the impact of construction phase works within the street scene.</p>	<p>The policy is not formulated on construction impact alone. A range of other reasons have been explained.</p> <p>There is a clear and direct link between size of development and construction impacts. For instance a smaller basement will produce a smaller volume of excavated soil.</p> <p>Protecting residential amenity and built environment are valid planning considerations and are part of the reasons for proposing the limits.</p> <p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations.</p> <p>Meaningful comparisons can only be drawn with different scales of development on the same site rather than with other sites with a potentially different context. The draft policy is proposing greater 'maximum' restriction than what is allowed currently hence for each site this would reduce the 'maximum' scale possible.</p>
34.3.58	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
34.3.58	Nicola Floyd	The reasoning for limiting a garden basement to 50% seems confused. Is it really because	Construction impact is one of the reasons not the only reasons. Once

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		<p>of construction impact that this rule is being introduced? Having read a few of the comments from the previous round of consultation I think that you will say that there are a whole range of reasons. It is just that the other reasons do not make sense and can all probably be dealt with individually to acceptable levels - tree planting, levelness of gardens and drainage. They all seem like pretty straight forward technical and design matters to be overcome.</p> <p>Construction impact is the only reason not easily addressed. It would therefore be far better to deal head on with construction impact with on direct, open policy rather than by this indirect approach.</p>	<p>there is a solid basement below the surface it is not possible for surface water to permeate to the ground, the nature of planting is not the same as on natural ground. These are issues which go beyond design matters and are valid reasons to require a reasonable proportion of the garden to remain in its natural state.</p>
34.3.58	Nicola Floyd	<p>The same argument as for my previous comment applies. This really seems to be using policy in a round the houses way to deal with construction impact.</p> <p>It would therefore be far better to deal head on with construction impact with on direct, open policy rather than by this indirect approach.</p>	<p>See response above.</p>
34.3.58	Mark and Sophie Fitzgerald	<p>There seems to have been little thought given towards a genuine impact assessment, as well as no plan existing to reverse any new policies that in future are shown to be ill-judged and badly implemented.</p> <p>As long as any construction is properly planned, designed to acceptable standards and executed professionally it should be permitted. This should be regardless of the size of the site. Why should homeowners be prohibited whilst commercial property developers on larger site are not?</p> <p>Restricting the size of a basement may have an impact on the duration of that particular build, but if build duration is the root of the concern, then limits should be placed on the amount of time allocated to complete construction, rather than artificially limiting time with the current ill-judged suggested approach of restricting the size of any development.</p>	<p>The Council will revise the existing supplementary planning document on subterranean development. The revised document will set out details of a basement impact assessment.</p> <p>The policy is not formulated on construction impact alone. A range of other reasons have been explained. Large comprehensively planned sites have a completely different character and context to small sites where basements are proposed underneath existing buildings in residential areas.</p> <p>As explained earlier the restrictions are being proposed based on a number of issues not just construction impacts.</p>
34.3.58	Mrs Riviere	<p>I oppose this policy and want to make the point that I don't think that the noise and disruption in the Borough from basement construction has reached unacceptable levels by any means. I have experienced several in the vicinity and it is bothersome at times but I believe is part of life in London.</p> <p>I think that if the council is really concerned about construction impact it needs to look at all types of building work and not just basements. It also needs to formulate policy on solid evidence which seems to be lacking in several areas of this draft policy document.</p> <p>Does the council have the data to assess the impact from basements vs. other types of extensions ? Can the council confirm that all is being done regarding the enforcement of existing rules and regulations which are supposed to protect residents from construction impact ?</p> <p>Has the council carried out a full study regarding the economic consequences of limiting construction? If not this should be done and put forward as a document for considering as part of this process. Limiting construction will have extensive economic consequences.</p>	<p>The policy is not formulated on construction impact alone. A range of other reasons have been explained.</p> <p>The surveys of neighbours carried out in the summer of 2012 indicate the issues related to residential amenity as a result of basement construction.</p> <p>Basements construction is inherently different from above ground extensions. It entails major excavation works with huge quantities of soil dug up which is not the case for above ground development.</p> <p>Enforcement is based on complaints made by members of public and where the Council receives such complains all matters are investigated and resolved within the powers vested to the Council.</p> <p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements</p>

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			and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations.
34.3.58	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.58	Leigh & Glennie Ltd (Christian Leigh)	See comment above re 34.3.58	Noted.
34.3.58	Leigh & Glennie Ltd (Christian Leigh)	See earlier comments. The justification for this is said to be purely to minimise disruption during construction. Formulating a land-use policy based on such a consideration is not supported by other Core Strategy policies or by the NPPF. It is also unnecessary due to the very wording of Policy CL7 itself, which requires a construction management plan; such a plan would clearly be able to cover all basements.	Whilst this paragraph of the reasoned justification deals with construction impacts, the policy is not formulated on construction impact alone. A range of other reasons have been explained. By limiting construction impacts the Council is seeking to protect residential amenity.
34.3.58	Cranbrook Basements (Kevin O'Connor)	<p>There is no evidence that reducing the size of a construction project automatically leads to a reduction in perceived inconvenience or disruption.</p> <p>Published guidance by the Greater London Authority and the Building Research Establishment exists and is adopted by "The London Councils" to mitigate construction impact. This should be used by RBKC rather than arbitrarily reducing the size of construction projects.</p> <p>The size of a construction projects is not the sole determining factor in duration - issues such as method of construction mechanise excavation etc all lead to shorter construction periods. Previous reports prepared for RBKC in relation to basements address the issue of neighbouring inconvenience and their conclusions have been ignored by RBKC.</p>	<p>The policy is not formulated on construction impact alone. A range of other reasons have been explained.</p> <p>The Council recognises that applications should be supported by a Construction and Traffic Management Plan and this is set out in the policy and the reasoned justification. Further details will be set out in the revised supplementary planning document on basements.</p> <p>It is not clear which report is referred to where it is implied that the Council has ignored recommendations.</p>
34.3.58	Savills (Nick de Lotbiniere)	<p>Restricting the size of basements</p> <p>The consultation document seeks to justify restricting the overall size of basements by claiming that this will help to limit the extent and duration of construction, and hence the construction impact. We would firstly disagree that the size of a proposed basement is proportionate to the level of construction impact. but would suggest that the method used is the key factor which determines construction impact. Construction methods are controlled through requiring the submission and approval of a Basement Impact Assessment. RBKC have not provided any evidence that the size of a basement is directly proportional to construction impact. and as such limiting the size of basements for this reason is not justified or necessary.</p> <p>Further, proposing a blanket restriction on development due to possible construction impact implications is not within the remit of the planning system. Construction impact can be controlled and mitigated through the requirement to submit a Basement Impact Assessment and through the imposition of planning conditions. To stop development occurring from the outset through such a blanket restriction is neither justified, nor in accordance with the National Planning Policy Framework's (NPPF) presumption in favour of sustainable</p>	<p>The policy is not formulated on construction impact alone. A range of other reasons have been explained.</p> <p>However, a smaller basement will result in less soil being excavated, less construction material being needed for the build. The Council recognises that for very large comprehensively planned sites the cite characteristics can enable construction impacts to be minimised hence an exception is made for such sites. Further clarity on the definition of a large comprehensive planned site will be provided at the next stage.</p> <p>The revised basements supplementary planning document will set out further details of a basement impact assessment.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p>

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		development.	The policy does not presume against development. Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development.
34.3.58	Bell Cornwall (Simon Avery)	Restricting the length and duration of construction is not a valid material planning consideration. It provides no justification for imposing a restrictive planning policy on any works, major or minor, basement extensions or wholesale redevelopment.	The objective is to protect residential amenity which is a valid planning consideration.
34.3.58	Cranbrook Basements (Kevin O'Connor)	Restriction of size of basements does not automatically lead to a reduction of perceived construction impact. Evidence based studies are available from the industry in this regard which prove the opposite possible.	The Council recognises that site characteristics can enable construction impacts to be minimised and therefore an exception is made for large comprehensive planned sites. Further details of such sites will be clarified in the next version of the document.
34.3.59 - 34.3.60	Kensington Society (Michael Bach)	Add new second, third and fourth sentence: "Basements can have a significant impact on the character and quality of the garden. The townscape of the Borough is largely formal and urban in character, but rear gardens are often a contrast, with an informal picturesque and tranquil ambience, regardless of their size. Even if small they often have an informal picturesque and tranquil ambience in contrast to the busy city." This reinstates sentences from 34.3.70 Line 5: After "artificially level, add "the original level of the garden being altered" Line 8: After "enable" add "the inclusion of sustainable drainage systems and to provide greater flexibility in planting. including the retention or reprovision of major trees."	Noted. The Council will make changes for clarity to the text but they may not be as suggested.
34.3.59 - 34.3.60	Kensington Society (Michael Bach)	34.3.60: line 4: After "larger planting" add "and the retention of mature trees."	Noted. The Council will make changes for clarity to the text as appropriate but they may not be as suggested.
34.3.59 - 34.3.60	Haines Phillips Architects (Charles Dorin)	'Major' trees are surely only a consideration in the case of particularly large (over 20m/30m in depth?) gardens. In other cases it is unjust and unnecessary to limit development to 50% of the garden depth. The present limit should be maintained where the garden depth is less than 20m/30m.	The 50% restriction is not based only on the flexibility to retain major trees; it is also to allow drainage into the 'Upper Aquifer' and the need to maintain the natural character of gardens. It may even be possible for small gardens in conjunction with other small gardens to have large trees but having a basement would preclude that possibility.
34.3.59 - 34.3.60	Stuart Bates	34.3.59 proposes limiting to a greater extent excavations under gardens but the reasons given are equally relevant and should be applied to exclude any such excavation.	It would not be reasonable for planning policy to preclude such development completely.
34.3.59 - 34.3.60	Nellen (Gideon Nellen)	There is an inconsistency in that whilst paragraph 34.3.59 points out the surface and environmental damage resulting from basement developments under gardens, it nevertheless proposes that a basement development could extend to up to 50% of a garden. It should surely follow that basement developments in a garden should be considerably less than this as 50% is such a large area and I would suggest 10% should be the maximum.	Noted. The policy also recognises that basements can help provide extra accommodation. Development carried out in accordance with the policy restrictions and criteria would mitigate the harmful impacts of basements. Evidence suggests that a part of the garden should be kept free of any development to allow surface water drainage, the Council's policies protect trees of amenity value and if a reasonable proportion is kept free of development it can support large scale planting in conjunction with other neighbouring gardens. Therefore it would not be reasonable for the policy to impose further restrictions on the extent. It should be borne in mind that the 50% limit is the maximum and actual development could be less than this limit depending on particular site circumstances such as a site with a tree

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			of amenity value likely to be affected by development.
34.3.59 - 34.3.60	Tony Holt	Should be at least half the garden (50%) otherwise clauses agreed	Noted. The limit is a maximum not minimum to enable site circumstances to be taken into account.
34.3.59 - 34.3.60	Panorama Property Services Ltd (James Agace)	The trees and garden basements justification does not make sense. If you want trees and flexibility in future tree planting then have the applicant submit a plan that demonstrates the ability to plant trees in the future do not try to control tree planting by proxy through some arbitrary basement size restriction. The water draining through the ground seems spurious and not based on any evidence as far as I can see. The 'rule of thumb' thing mentioned by Alan Baxter Associates is weak. This weakness is identified by several engineers in the comments to the first draft policy.	Noted. The need to maintain a reasonable proportion of the garden in a natural state free of any development is not considered arbitrary. Alan Baxter and Associates were specifically commissioned to consider basement development in the Borough. The Council is not aware of any other study of this nature undertaken for this Borough. The restrictions are not based on drainage issues alone.
34.3.59 - 34.3.60	Sonata Persson	The "reasoned justification" for this point of policy ie restricting the limit of basement development to 50% of the garden, is mixed up and hard to follow. Most gardens are already largely flat (so they can be more easily used and enjoyed), and often totally or partially paved. The policy should recognise this not seek to enforce an artificial idea of a typical garden in the borough. Trees are usually right at the back of most gardens anyway, well away from the back of the house to reduce impact on building stability and for practical use of the garden closest to the house. No one has large trees shading the back of the hose.	Noted. Changes to the text would be made to improve clarity as appropriate. Basements underneath gardens can change the natural character of gardens and make them appear artificially sterile. It is recognised that gardens can be paved over. The basements policy is part of the Core Strategy which is a long term plan. In the future if due to changes in climate it becomes increasingly important to have ground permeability paving rests lightly on the ground and can be easily removed. However, a basement would cause a more irreversible change to the ground conditions and is not comparable to having a paved garden. It is recognised that larger trees may be at the back of the garden and para 34.3.60 of the second draft basement policy document states <i>that 'if to the rear it should normally be at the end of the garden'</i> .
34.3.59 - 34.3.60	Sue Whittle	50% is an arbitrary number that seems to have been chosen as a halfway house without any particular evidence to suggest this is a sensible number - somewhere it even says something like 'its an easy to understand number'. Surely a holistic approach to development in a particular area makes sense and planning permission is given by considering each case individually. Again, policy seems to be starting from the point of wanting to prevent any construction under back gardens and then seeking to justify this policy.	The 50% limit is a maximum limit with consideration given to the recommendations in the Alan Baxter and Associates report, need to have the flexibility for larger planting and the need to protect residential amenity from construction impacts. Each site will be considered individually within this limit and it is possible that on some sites it would only be feasible to have a basement that is smaller than the maximum limit. The Council has followed planning regulations in preparing the draft policy.
34.3.59 - 34.3.60	Adam Hollis	Comment on 34.3.59 I write in response to the above justification. I am a Registered Consultant and Fellow of the Arboricultural Association, a Chartered Forester, Environmentalist and Surveyor with a Masters Degree in Arboriculture and 25 years experience of the landscape industry - including the Forestry Commission and Agricultural Development and Advisory Service. I am also Chairman of the UK & I Regional Plant Appraisal Committee, inaugurated to promote international standards of valuation in arboriculture. The first sentence makes free use of the conditional clause ('can result in'), notwithstanding the fact of the council's powers of condition: it is not a necessary condition of basements	Text will be amended to improve clarity. The Council has evidence that demonstrates that basements have an impact on the visual character of gardens. One of the policy objectives is to retain a significant proportion of gardens in their natural state so they can continue to perform a range of roles as outlined in the London Plan Housing SPG. Smaller basements will also reduce carbon emissions as basements have a much higher carbon embodiment compared to over ground development. Therefore the restriction is not linked only to planting which is noted in the representation. The 1m of permeable soil is to allow for planting but also to function

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		<p>that they leave a level landscape finish, whereas the council has sufficient powers to condition the creation or reinstatement of a varied topography. Whilst a number of gardeners may enjoy (or not) a degree of undulation in their gardens, I do not envisage that their effects are so pronounced as to create wholly distinct ecological clines¹ within RBKC, where the river terrace gravel geology will be the greater defining characteristic. It would appear to be a necessary condition of planning now, that all basements be covered with a minimum 1m of soil above the slab. I understand the express purpose of this condition to be to permit unrestricted planting across the plot.</p> <p>It is widely known that major trees, including the mighty oak, root freely within the living, aerated, upper layers of soil: 90% of tree roots are found within the top 600mm and most fine roots within the top 200mm (please see fig. 1 enclosed from Harris 2). It is true that some flood-plane species (oak, poplar, willow) can send individual, sinker roots, near the base of the tree, to greater depths, but it is also true that these tend to be problematic for structural foundations within urban gardens. It is also true that roots tend to elongate more in poor soils that are often found in urban gardens. NB the RBKC condition to provide 1m of topsoil (somewhat wasteful in my view) will provide a rich medium for plant roots, encouraging them to proliferate in fibrous networks within it, rather than elongate in search of pastures new. This potential 'betterment' of topsoil introduction to the urban garden is the only 'permanent change to the character of the garden' that I can see in terms of landscape (soil levels and depths). I cannot comment on wider aspects of soil hydrology outside my area of discipline, though my understanding from involvement within various design teams over the years is that that here again, there is no proven effect. Even the introduction of topsoil will not have a permanent effect, as its fertility will wax and wane with future cultural treatments. Therefore, I take issue with the first two clauses of the committee's 'syllogism' and refute its conclusion: 'at least half the garden should remain free of basement development to enable flexibility in planting, including major trees.'</p> <p>In my view, the greatest determinant in planting of major trees will not be basement size, but rather garden size and aspect. Extrapolating from design guidelines and the planning framework, most people in the UK want to enjoy a reasonable exposure to sunlight when it graces our terraces. The ideal would appear to be a faux-forest clearing that suits our Neolithic temperaments. Unlike the desert dwellers, we do not plant primarily for shade; we are all familiar with Noel Coward's take on the matter! The planning appeal record is littered with complaints against trees planted too close to buildings, causing one perceived nuisance after another.</p> <p>One can argue over the subjectivity of such nuisance complaints until the cows come home, but we are discussing design issues here, which are with good reason, subjective, because they relate to aesthetic values. These values tend to shape where and when the perceived benefits of trees alter to become nuisances. There are also objective reasons for not planting major trees too close to house foundations, enshrined in NHBC guidelines etc. The point is that it is prudent to plant major trees at the bottom of one's urban garden, not in the foreground. Certainly, if one is fortunate enough to enjoy a country-like residence with room for a coach and horses to turn in front of the portico, then one might consider some specimen plating, centre-stage, but in the majority of cases; e.g. Addison Road, plot size will forbid: averaging 25m depth in the rear garden and 5m depth in the front. Major trees such as oak will happily grow to 25m in height and cast a shadow of equivalent length.</p>	<p>as a sustainable urban drainage scheme so that surface water volumes and flows on the site is reduced. Para 34.3.60 of the second draft states that if to the rear the unexcavated area of the garden should normally be at the end of the garden, where it will be adjacent to similar areas in other plots, allowing for better drainage and larger planting.</p> <p>The growing medium available to trees in an urban environment is different from that in open woodland or grassland where there is generally significantly fewer constraints on root growth. This Borough has a very dense urban environment and tree roots, small and large, have been found much deeper than 1 metre, as acknowledged in the response "<i>roots tend to elongate more in poor soils that are often found in urban gardens</i>". The urban environment provides many constraints to root growth and it may not be conducive to the long term growth and survival of trees to limit the depth of available soil to only 1 metre in back gardens. It is not expected that forest scale trees will be planted too close to the building and the policy does require the natural garden area to be at the end of the garden.</p> <p>The Council endorses the policy '<i>right place right tree</i>'.</p> <p>As noted in the response there are other reasons for the restrictions on the extent in addition to planting.</p>

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		<p>They will also deposit honeydew and organic litter over this range. They are considered a risk to property, when planted within a 20m-distance.</p> <p>Idealists may find these grumbles against trees 'all too human,' but there you have it, plot size and sense of scale is more likely to determine the location of major tree planting. I see no benefit to planting opportunities therefore, in restricting basements to half the size of the garden. Nor as stated above do I see any soil restriction on planting, arising from the construction of basements below. I would advise the committee to visit a mountain range and inspect the high forests, growing on thin soil over rock or closer to home, the South Downs or Cotswold Brash: these trees would give their high teeth for 1m of finest topsoil covering!</p> <p>For the record, I sympathise with opponents of development who object both immediately in terms of neighbourhood disturbance and more widely, in terms of balancing long-term environmental and economic goals. These are complex issues that are not for me to disentangle or trivialise. I confine myself here to arboricultural matters and the validity of paragraph 34.3.9. I refute the contents and conclusions of that paragraph as logically inconsistent, leaping all too quickly from the conditional to the necessary.</p> <p>(SEE ORIGINAL COMMENTS FOR DIAGRAM)</p> <p>Fig.1: in mature trees the tap root is either lost or reduced in size. The vast majority of the root system is composed of horizontally oriented lateral roots</p> <p>Conclusion:</p> <ol style="list-style-type: none"> 1. The undulation of a garden over a basement is not restricted in any way. A garden over a basement can be as undulating as desired now and at any time into the future. 2. Ground of one metre depth over a concrete basement roof does not restrict the range of planting in any way, including major trees. 3. Any major tree grown in the UK can reach maturity and live for a normal life span in 600mm of fertile soil. One metre is more than adequate. 4. One metre of soil is more than adequate to structurally support any major tree grown in the UK. <p>Please let me know, if I can be of further assistance in the matter.</p>	
34.3.59 - 34.3.60	K Howell	There really does not seem to be a valid reason and argument for limiting the size of basements under gardens to 50%. There should be an assessment on a case by case basis taking into account the garden as it currently stands and what is planned. Why would we not trust the planners to make such a judgement?	A number of reasons are set out in the reasoned justification to support the need to maintain a significant of the proportion in their natural state free of any development.
34.3.59 - 34.3.60	KPMG (Patrick Parke)	Space needs to be kept in rear gardens for planting, however residents do not want large trees anyway, as it undermines their houses, makes the gardens and houses dark, and if you plant a tree and it grows above a certain size you are not allowed to cut it down without the council's express permission. "Artificially level" is a ridiculous argument as most	Once adopted the basement policy will become part of the Core Strategy which is a long term plan. The policy recognises the need to maintain a significant proportion of the gardens free of development for environmental reasons. The climate context in the future could be

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		<p>gardens in London are flat anyway. The layer of 1m of soil above the basement enables the garden to be just how it would have been if the basement wasn't there. If the basement is constructed properly (and this you should regulate) then the water should be free to drain into the aquifer provided some part of the back garden (say, one third) is undeveloped.</p> <p>In most London properties, the front garden is paved anyway so I can think of no reason why the whole thing shouldn't have a basement underneath it.</p>	<p>different and different owners can have different preferences.</p> <p>Basements underneath gardens do result in the ground above appearing artificially flat and sterile.</p> <p>It is noted that the respondent considers a proportion of the garden is required to be free of development to allow surface water drainage. The limit is being proposed for a number of reasons and together these reasons warrant a greater proportion of the garden to remain free of development.</p> <p>It is recognised that gardens can be paved over. Paving rests lightly on the ground and can be easily removed in the future if required. However, a basement would cause a more irreversible change to the ground conditions and is not comparable to a paved garden.</p>
34.3.59 - 34.3.60	KPMG (Patrick Parke)	I don't see why the unexcavated area needs to be in a single area. The water can flow around, under and over the basement. The old Arup report from 2008 says that there is no problem from lots of basements in the City of London and that this idea that water gets trapped by basements is wrong.	There are many benefits in having natural gardens simultaneously. The Arup report was referring to 'ground' water the issue highlighted in the second draft basements document is to do with 'surface' water drainage. In addition gardens can together allow for larger scale planting which can often be seen at present and form a large green area to the backs of properties.
34.3.59 - 34.3.60	David Innes	<p>34.3.59</p> <p>What evidence is there to support the contention that 50% of the garden is required to allow water drainage from rain through to the upper aquifer? ABA Report states under 9.8.3 - where the upper subsoil is gravel "As a rule of thumb 25% of garden area is likely to be sufficient to allow this to happen - on this basis a new basement (in gravel) should not occupy more than 75% of the garden area". The ABA Report states under 9.8.4 that "to enable the clay to absorb some of the rainwater, a proportion of the garden should be built under.... on this basis the basement should not occupy more than between 50-70% of the garden on a clay site"</p> <p>34.3.60 You refer to the London Plan in support of your restriction of Basement Size - TLP Para 3.5 says . "Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified." This is a wilful and total misrepresentation of the plan. Here we are talking about development UNDER gardens. The London Plan is objecting to inappropriate development and the policy refers to "Garden Grab" development - i.e. the construction of new houses on gardens. RKBC need to remove this reference from the "justification" as it is wrong and misleading. If the council is sure of its arguments I am sure they could obtain written confirmation from the planners at the Mayor's office?</p>	<p>The 50% limit is not based only on the recommendations in the Alan Baxter and Associates report.</p> <p>When applying policy, the policy objectives should be considered. While seeking to stop infill development the reasons to stop such developments apply equally to basement development. Reasoned justification to Policy 3.5 states that <i>"back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life."</i> The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>"defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and</i>

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			<ul style="list-style-type: none"> • <i>Enhancing the distinct character of suburban London.</i> <p>Para 1.2.22 of the London Plan Housing SPG further states “Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</p> <p>Development both above or below ground can alter the character of gardens and adversely impact on the roles defined in the London Plan Housing SPG. It is reasonable to expect a significant proportion of gardens to be kept free of any development to allow their natural character to be maintained.</p> <p>Para 53 of the NPPF also states “Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”</p> <p>The Council will be seeking a formal opinion with the GLA on the general conformity of the policy with the London Plan.</p>
34.3.59 - 34.3.60	Geostructural Solutions Limited (Tim Jolley)	<p>If there is a perceived concern with regard to drainage of water into the upper aquifer then it is suggested that consideration is given to placing the basement directly under the existing building. In making this suggestion the writer wishes to make clear that he does not oppose placing basements under gardens.</p> <p>Our experience of constructing a basement roof slab in a rear garden area is that the rain water does not drain off into the storm water system as for a paved front drive, but is allowed to drain off the surface naturally and seep into the sands and gravels to the side of the basement structure. To prevent continuous basement construction then a break between the two structures can be insisted upon for impervious clay soils where there are no upper sands and gravels present; there is generally no upper aquifer present.</p>	<p>Noted. The policy does allow basements under the existing building and into a maximum of 50% into the garden.</p> <p>Noted. It is considered that keeping a substantial area free of development will allow water to drain naturally. The policy seeks to reduce the flow and volume of surface water run-off as a result of development.</p>
34.3.59 - 34.3.60	Zai Nordmann	<p>Trees and flexibility in future tree planting - ensure the applicant submits a plan that demonstrates the ability to plant trees in the future. Restricting the level of garden development to achieve this is weak and doesn't target the very point you are trying to achieve. You could ask people to provide a plan for how the garden will be, so you can make the gardens much nicer places than they are now.</p> <p>Control tree planting by all means but do it in a targeted and thoughtful way rather than through some arbitrary basement size restriction.</p> <p>The concerns regarding drainage seem to be something the council can get comfortable with on "large comprehensively planned developments" (para 1). Why are the rules to be so different for normal households versus large corporations? If things can be made to work on the 'large, comprehensively planned sites' then they can also be made to work on 'small, comprehensively planned sites.' - can so the restriction of a and b can be excepted then too.</p> <p>A policy that insists that adequate thought is put into drainage issues and ensuring through</p>	<p>Requiring a reasonable proportion of the garden free of development in its natural state is considered the most appropriate way to enable the flexibility in future tree planting, ensuring natural drainage and minimising impact on residential amenity.</p> <p>Large comprehensively planned sites do not get an exception to no deal with drainage issues. Such sites can have a completely different context, not impact on residential amenity and further clarity on their character will be provided in the future. In some cases they may require an environmental impact assessment and have more onerous requirements than domestic projects.</p> <p>Building regulation will continue to apply as they do at present.</p> <p>The response in the previous document was appropriately stating that the limits are not based purely on one particular reason.</p>

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		<p>Building Control Inspectors that these plans are executed is a more logical way of approaching planning rather than relying on some arbitrary basement size restriction?</p> <p>The 'rule of thumb' argument by Alan Baxter Engineers has no evidence and is identified so by several engineers in the comments to the first draft policy. These concerns seem to have not been dealt with properly in the responses to the 1st draft comments - the response was to list all of the reasons that the policy had already given rather than answering the comment made by the engineers.</p>	<p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p>
34.3.59 - 34.3.60	James Dawson	The front gardens of most London houses are fully paved so the basement should be allowed under all of it.	It is recognised that gardens can be paved over. The basements policy review is part of the Core Strategy which is a long term plan. In the future if due to changes in climate it becomes increasingly important to have ground permeability, paving can be easily removed as it rests lightly on the ground and. However, a basement would cause a more irreversible change to the ground conditions and is not comparable to having a paved garden.
34.3.59 - 34.3.60	Yasmin Ayoub	<p>It is essential that one references documents accurately. The policy references the London Plan which specifically aims to protect residents from development on and not under back gardens</p> <p>It is extremely misleading of the policy to use this laudable aim of the London Plan in support of its policy to restrict developments UNDER back gardens to 50%.</p> <p>Overall in the absence of data and evidence this limit cannot be justified.</p>	<p>When applying policy, the policy objectives should be considered. While seeking to stop infill development the reasons to stop such developments apply equally to basement development. Reasoned justification to Policy 3.5 states that <i>“back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities’ sense of place and quality of life.”</i> The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Development both above or below ground can alter the character of gardens and adversely impact on the roles defined in the London Plan Housing SPG. It is reasonable to expect a significant proportion of gardens to be kept free of any development to allow their natural character to be maintained.</p>

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			Para 53 of the NPPF also states "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."
34.3.59 - 34.3.60	Philip Muelder	The 50% figure seems to have been chosen as it is literally halfway between no garden development and full development. There isn't really any evidence for this number in the supporting documents. Surely it makes more sense to continue on a case by case basis depending on what is happening in surrounding houses and gardens.	There are a number of reasons set out in the reasoned justification for the limit into the extent into the garden.
34.3.59 - 34.3.60	Harcus Sinclair (Damon Parker)	<p>Space needs to be kept in rear gardens for planting, however the idea that most gardens in the Borough are unlevel, green spaces is surely not true so objecting to under garden development of the basis of creating an "Artificially level" garden is a spurious argument.</p> <p>By all means insist and regulate that there needs to be sufficient soil above the basement to enable flexible planting and insist on a drainage scheme to enable drainage into the aquifer but limiting development to 50% is not the way to do it. This is a figure that has been chosen against the Expert Evidence of the AB report and needs greater substantiation.</p> <p>If a garden is already paved (front or back) presumably the drainage issues do not apply and the whole garden should then be allowed to be excavated?</p>	<p>Noted. It is not the intention to state that all garden in this Borough have a natural slope or are not flat. However gardens which have had a basement underneath can appear artificially flat and sterile.</p> <p>Drainage into the 'Upper Aquifer' happens through the natural drainage of water into the soil which will continue with a reasonable proportion of garden free of development.</p> <p>The limits are not proposed purely on the recommendation in the Alan Baxter and Associates report and the reasoned justification in the second draft basements policy document sets out the other reasons.</p> <p>It is recognised that gardens can be paved over. The basements policy review is part of the Core Strategy which is a long term plan. In the future if due to changes in climate it becomes increasingly important to have ground permeability, paving can be easily removed as it rests lightly on the ground and. However, a basement would cause a more irreversible change to the ground conditions and is not comparable to having a paved garden.</p>
34.3.59 - 34.3.60	The Chelsea Society (Terence Bendixson)	<p>1. The London Plan- and evidence for a presumption against developing gardens</p> <p>K&C's new draft policy contains a welcome reference to Policy 3.5a of the London Plan. This policy contains 'a presumption against development on back gardens where this can be locally justified'. The Chelsea Society considers that nowhere in London is there greater justification for such a presumption than in the Royal Borough. Why?</p> <p>1. The Borough's density is uniquely high.</p> <p>2. Access to local public open space is deficient - thereby increasing the value of private outdoor space such as gardens.</p> <p>3. Twenty per cent of the Borough's green space was lost during the past 40 years.</p> <p>4. Flooding already occurs in various places for various reasons, seems unlikely to stop and, given the prospect of further climate change, and the likelihood of more extreme storms, is at risk of getting worse.</p> <p>Finally the Council needs to take account of the contribution made by diverse reserves of plant, bird, mammal and insect life, to the mental and physical health of residents. Such a</p>	<p>Noted. It is agreed that back gardens can play a role in supporting biodiversity.</p> <p>Thames Water supports the extent of basements into the garden in their response to the second draft basement policy consultation. The Sustainable Urban Drainage systems requirement of the policy aims to reduce the flow and volume of surface water run-off and this is acknowledged by Thames Water in their most recent representation.</p>

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		<p>contribution has long been suspected but is now supported by research findings which show how this varied biota is critical to the development of the human immune system. To use plain language, there is solid evidence of the benefits to human health and well-being of bringing the jungle into the city. See:</p> <p>Evolution, Medicine, and Public Health [2013] pp. 1-19. doi:10.1093/emph/eot004. 'Microbial "old friends", immuno-regulation and stress resilience'. Graham A W Rook, Christopher A Lowry and Charles L Raison.</p> <p>Rook-EMPH-2013.pdf</p> <p>The Council is thus fully justified in making a local presumption against any intrusive change to the biological richness of all green spaces in the Borough. In doing so, the Council would also be taking into account its new responsibilities, which came into operation on 1st April 2013, for public health.</p> <p>2. The evidence of Thames Water about flooding</p> <p>In the absence of a withdrawal by Thames Water of its letter to the Council dated 31 January 2013, the Chelsea Society will take the contents at its face value. What does it say? Added basement construction, by occupying volumes of subterranean space, will reduce the capacity of the earth to absorb and hold water and so add to the risk of run off to the combined sewers and therefore of flooding. It follows that both the greater the number of basements, and the greater the volume of basements, the greater the risk.</p> <p>Because of this risk Thames Water urges the Council to limit the extent of addition basements to the footprints of buildings.</p>	
34.3.59 - 34.3.60	The Chelsea Society (Terence Bendixson)	<p>Allowing half of gardens (both front and back) to be excavated would limit the scope for innovations in land management and natural planting, reduce drainage capacity and add to risk of flooding, as set out by Thames Water, over the plan period (to 2028). The Council is therefore urged to revise these two clauses to focus them on expanding sustainable urban drainage and recovering some of the 20 per cent of green space lost since 1970. In the Society's view, basement excavation under non-listed houses should be limited to their footprints - as indicated by Thames Water.</p>	<p>There is no evidence to support Thames Water's previous representation to restrict basements to the footprint of existing properties.</p> <p>The study referred to is for the Counter's Creek area which is an area that extends far beyond the boundaries of this Borough. Thames Water's most recent representation does not make any comments to limit basements to the footprint of existing properties.</p>
34.3.59 - 34.3.60	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	<p>34.3.60 refers to the London Plan which states "on "back gardens basements by there nature is under and the policy plan is being miss-used.</p> <p>Drainage will depend on the sub soils which vary across the borough.</p>	<p>When applying policy, the policy objectives should be considered. While seeking to stop infill development the reasons to stop such developments apply equally to basement development. Reasoned justification to Policy 3.5 states that <i>"back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life."</i> The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>"defining local context and character including local social, physical, cultural, historical, environmental and economic</i>

Document Part Name	Respondent Name	Comment	Council's Response
			<p><i>characteristics,</i></p> <ul style="list-style-type: none"> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and</i> • <i>Enhancing the distinct character of suburban London."</i> <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Development both above or below ground can alter the character of gardens and adversely impact on the roles defined in the London Plan Housing SPG. It is reasonable to expect a significant proportion of gardens to be kept free of any development to allow their natural character to be maintained.</p> <p>Para 53 of the NPPF also states "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."</p> <p>Private residential gardens are not considered brownfield sites by national planning guidance. The National Planning Policy Framework (NPPF) categorically excludes them from the definition of previously developed land.</p> <p>It is agreed that drainage will be different for different types of sub-soils. However the reasons for the restriction are not based purely on drainage grounds.</p>
34.3.59 - 34.3.60	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	The extent of development of a garden should depend on a proposal that meets the concerns put forward with reasoned justification. Provided a proposal meets these concerns then the area developed should be irrelevant	Noted.
34.3.59 - 34.3.60	Michael and Jacqueline Hayes	The planning application should identify all relevant soil and subsoil types and all aquifers and drainage, both in the subject property and in adjoining properties likely to be affected by any development.	Site investigation will be required and the details of what should be included in the Engineering Design and Construction Statement will be included in the revised basements supplementary planning document.
34.3.59 - 34.3.60	The Markham Square Association (David Cox)	We are pleased to note the reference to London Plan Policy 3.5.	Noted.
34.3.59 - 34.3.60	The Markham Square Association	We are pleased to note the reference to London Plan Policy 3.5.	Noted.

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	(David Cox)		
34.3.59 - 34.3.60	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	<p>The reduction to 50% from the present level is arbitrary. Para 34.3.59 states that this is required to allow sufficient space for tree planting.</p> <p>It does not take account of the existing garden size. On a small garden the 50% figure would constrain the amount of accommodation available under the policy leaving an area of only token greenery with no room for major trees or any serious prospect of this being delivered.</p> <p>On larger properties there may well be potential to increase beyond the 50% figure and still maintain sufficient areas for tree planting etc.</p> <p>For these reasons the policy is not justified or effective.</p>	In small gardens smaller areas will remain free of development. However the purpose to leave this area free of development is not just for tree planting but also to allow natural drainage of surface water.
34.3.59 - 34.3.60	Geostructural Solutions Ltd (Sean Bennett)	<p>Many existing London gardens are already really quite level and/or in a sorry state. With the appointment of a good landscape designer/contractor, the character and ambience could be enhanced.</p> <p>The maximum size of the basement should not be set at an arbitrary 50%. An arboriculturist should be consulted to advise on the extent of any root protection zones and the basement located to avoid the RPZ's.</p> <p>The planting of major trees in existing rear gardens would be unwise, with or without a basement, as in time they will abstract increasing quantities of moisture from the ground changing the status quo and could cause a significant degree of damage to adjacent properties.</p>	<p>It is acknowledged that many gardens could be level but basements underneath can make this levelness appear artificial and sterile.</p> <p>The Council employs qualified arboriculturalists who advise on planning applications likely to affect trees of amenity value.</p> <p>Planting of major trees does happen in back</p>
34.3.59 - 34.3.60	The Kensington Society (Michael Bach)	NA	
34.3.59 - 34.3.60	Kensington Society (Michael Bach)	REWRITE NEEDED The townscape of the Borough is urban and tightly developed in character. Basements can have a significant impact on the character and quality of the garden. The townscape of the Borough is largely formal and urban in character, but rear gardens are often a contrast, with an informal picturesque and tranquil ambience, regardless of their size. Even if small they often have an informal picturesque and tranquil ambience in contrast to the busy city and allow rainwater percolation. Basements that extend under gardens can result in the garden above being artificially level, the original level of the garden being altered and can restrict the range of planting, thereby introducing a permanent change to the character of the garden. At least half of the garden should therefore remain free of basement development to enable the inclusion of sustainable drainage systems and to provide greater flexibility in planting, including the retention or re-provision of major trees.	Noted. Changes will be made to the text to improve clarity but they may not be as suggested.
34.3.59 - 34.3.60	Kensington Society (Michael Bach)	34.3.59 - Line 4: after artificially level add "alter the informal character".	Noted. Changes will be made to the text to improve clarity but they may not be as suggested.
34.3.59 - 34.3.60	Kensington Society (Michael Bach)	Line 6: replace word character with 'atmosphere'.	
34.3.59 - 34.3.60	Kensington Society (Michael Bach)	34.3.60 - delete first sentence	It is not clear why it is suggested that the first sentence should be deleted.
34.3.59 -	Abbey Pynford	34.3.59 Basements that extend under gardens can result in the garden above being	The reasons to maintain a significant proportion of the garden in its

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34.3.60	(Lewis O'Connor)	<p>artificially level and can restrict the range of planting, thereby introducing a permanent change to the character of the garden. At least half the garden should remain free of basement development to enable flexibility in planting, including major trees.</p> <p>Objection. The basis for this item is false. There is no quantitative basis for the statement that Basements that extend under gardens can result in the garden above being artificially level and can restrict the range of planting, thereby introducing a permanent change to the character of the garden. Indeed there is also no quantitative basis for the change from the existing planning constraint to 50% leading to any improvement in the supposed affected aspects of gardens. This item is therefore neither reasonable nor justified.</p> <p>&middot; One only need look at parks or gardens over subterranean car parks or roof top gardens elsewhere in the borough and London to establish that topography, flora and character of a garden can be entirely independent of a subterranean structure.</p> <p>&middot; Gardens over basements do not need to be level.</p> <p>&middot; There is no planning policy for topography, character or planting of gardens.</p> <p>&middot; It is possible for a condition of planning to be for the gardens to be reinstated consistent with the existing topography, flora and character.</p> <p>&middot; It is horticultural evidenced by widely available publications that gardens with one metre of soil over a subterranean structure can support all plants to full size and maturity</p> <p>&middot; It is evidenced by structural calculations that a designed basement can support a mature garden.</p> <p>&middot; It is not advisable for many types of mature flora to be cultivated on account of potential structural damage to nearby structures through excessive evapotranspiration by trees causing shrinkage and associated subsidence or direct structural damage from roots. Moreover some flora can prevent natural light reaching adjoining properties thereby negatively impacting quality of life and or the natural character or adjoin gardens. This planning amendment takes no account of this.</p> <p>34.3.59 The unexcavated area of a garden needs to be in a single area</p> <p>Objection: there is no reasonable justification for this.</p> <p>&middot; Should this be for the purpose expressed elsewhere for: Basements that extend under gardens can result in the garden above being artificially level and can restrict the range of planting, thereby introducing a permanent change to the character of the garden. There is no advantage to this as submitted above. Moreover there is no advantage for this to be in a single area as, following the planning logic; this itself restricts the character of the garden as well as planting.</p> <p>&middot; Should this be for the purpose of enabling water infiltration to the sub-soils. There is widely available quantitative evidence as well as academic studies that prove this</p>	<p>natural state free of development are not limited to planting alone. The policy objective is not to define how people should plant their gardens rather it is to require a portion of the gardens to remain free of development so they can continue to perform their natural functions such as drainage and planting and contribute to the urban form with a natural landscape.</p> <p>Basements beneath gardens can alter the character of gardens and they can appear sterile.</p> <p>The reasoned justification explains why gardens should be in a single area. This will allow other areas of natural gardens to be linked together with a continuity of planting and natural drainage into the soil. Continuity of planting has a bearing on character and form of the gardens in the urban landscape and may have a link to supporting biodiversity.</p> <p>It is not clear which studies the respondent is alluding to.</p> <p>The Council commissioned Alan Baxter and Associates to study the impacts of basement development in the Borough. Their study clearly highlights that a substantial proportion of the garden should remain free of development to allow surface water drainage. They recommend a greater proportion for clay sub-soils.</p> <p>It is recognised that gardens can be paved over. The basements policy review is part of the Core Strategy which is a long term plan. In the future if due to changes in climate it becomes increasingly important to have ground permeability, paving can be easily removed as it rests lightly on the ground and. However, a basement would cause a more irreversible change to the ground conditions and is not comparable to having a paved garden.</p>

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		<p>limitation to be entirely arbitrary and unrelated to infiltration rates.</p> <p>1.12 Impedes drainage to upper aquifer - recommendations in the ABA report regarding drainage. 34.3.59 Will also allow water to drain through to the 'upper aquifer'.</p> <p>Objection: The basis for this item is false. There is no quantitative evidence to support this statement. This item is therefore neither reasonable nor justified.</p> <p>&middledot; There is widely available quantitative evidence as well as academic studies that prove this limitation to be entirely arbitrary and unrelated to infiltration rates. Precipitation falling on to cohesive soils will not be affected by this change as clay is impermeable in any case. Indeed the excavation and backfilling with free draining material in cohesive soils will only serve to water log the garden. Precipitation falling on to non-cohesive soils such as those found in the borough will be served by both the current restriction and the 1.0m of garden over the basement.</p> <p>There are no restrictions on covering existing gardens with asphalt / hard paving and this has a greater impact on drainage into the upper aquifer than basement development.</p>	
34.3.59 - 34.3.60	Jones Lang LaSalle (Kathryn Williams)	<p>- At least half of the garden should therefore remain free of basement development to enable flexibility in planting, including major trees (the 'greening' of a garden can be taken into account during the basement application process - the council ordinarily has no powers to prevent residents introducing 'hard' patios to rear garden areas)</p> <p>- The definition of 'garden' is inappropriate in that it includes all existing paved areas</p> <p>- Protection of private gardens against inappropriate development is supported in the London Plan (there is no indication that basements are 'inappropriate' development)</p>	<p>The definition of garden will be further clarified in the next version of the document. However, gardens can be paved or unpaved.</p> <p>Basements can be inappropriate development if they negatively impact on the role and functions of garden recognised in the London Plan and GLA's Housing SPG.</p> <p>Reasoned justification to Policy 3.5 states that <i>“back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities’ sense of place and quality of life.”</i> The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p>
34.3.59 - 34.3.60	Basement Force (Simon Haslam)	<p>The text also mis-applies the London Plan policy 3.5 A which states</p> <p>Housing developments should be of the highest quality internally, externally and in relation</p>	<p>When applying policy, the policy objectives should be considered. While seeking to stop infill development the reasons to stop such developments apply equally to basement development. Reasoned</p>

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		<p>to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a resumption against development on back gardens or other private residential gardens where this can be locally justified.</p> <p>It addresses very different planning issues which are not engaged by building under gardens.</p>	<p>justification to Policy 3.5 states that <i>“back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities’ sense of place and quality of life.”</i> The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Development both above or below ground can alter the character of gardens and adversely impact on the roles defined in the London Plan Housing SPG. It is reasonable to expect a significant proportion of gardens to be kept free of any development to allow their natural character to be maintained.</p> <p>Para 53 of the NPPF also states <i>“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”</i></p> <p>Private residential gardens are not considered brownfield sites by national planning guidance. The National Planning Policy Framework (NPPF) categorically excludes them from the definition of previously developed land.</p>
34.3.59 - 34.3.60	Basement Force (Simon Haslam)	<p>On the question of landscaping, I have already provided arboricultural evidence to the Council which demonstrates that substantial trees can be planted over garden basement roofs.</p> <p>On the question of drainage, the 50% figure is not supported even by the evidence claimed to be relied on by the Council, Alan Baxter's report. Standard engineering techniques can achieve the objectives of the policy for drainage to the Upper Aquifer and for avoiding an increase in surface water flow into the sewer system. We have taken expert advice that supports this view.</p>	<p>Noted. The policy objective is to retain a significant proportion of gardens in their natural state so they can perform the range of roles set out in the London Plan Housing SPG. Basements also have a high carbon embodiment and limiting their extent will help reduce carbon emissions. This will be made clear at the next stage.</p>
34.3.59 - 34.3.60	Ladbroke Association	<p>While we welcome the reduction of the allowed area of excavation under gardens from 75% to 50% for all the reasons given in our response to the earlier consultation, we are</p>	<p>The policy text is clear in stating that development should “not exceed 50% of each garden...” Detailed site investigations would be required</p>

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	(Sophia Lambert)	concerned that there may be cases where, for geological or other reasons, it would be sensible to restrict even further the area of excavation under gardens. The text should therefore make clear that 40% is a maximum and that, where there are particular local circumstances, a lesser area may be appropriate.	with the planning application and depending on site investigations or site character such as impact on a tree of amenity value basement development can be reduced in size.
34.3.59 - 34.3.60	Neil Collins	The justification is mixed up and hard to follow. Most gardens are already flat, and largely paved. Trees are right at the back of most gardens, well away from the back of the house.	The justification deals with each topic in turn but text will be amended to improve clarity. Paved gardens can be easily unpaved and reinstated to provide natural drainage or planting if required in the future but a basement is far more irreversible. This is recognised and there the text states that if to the rear the unexcavated area should normally be at the end of the garden.
34.3.59 - 34.3.60	Neil Collins	Not sure that I buy the drainage arguments.	Noted.
34.3.59 - 34.3.60	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
34.3.59 - 34.3.60	Thames Water Utilities Ltd (Mark Mathews)	Thames Water support the requirement to ensure that an area of the garden is retained free from subterranean development to allow water to drain to the upper aquifer.	Noted.
34.3.59 - 34.3.60	Alison Durden	green, leafy; 'backlands' supporting large trees are of environmental, social and usual importance	Noted.
34.3.59 - 34.3.60	Trustees of the Phillimore Estate	Paragraph 34.3.59 states that 'at least half of the garden should therefore remain free of basement development to enable flexibility in planting, including major trees'. The first draft of the basement policy published in December 2012 referred to a restriction of 75% coverage of the garden. There is no clear justification for the change in approach and no new evidence has been published by RBKC to support this change. Furthermore our representations in January 2013 argued that the report by Alan Baxter Associates did not adequately justify why 85% was considered to be an insufficient restriction and no evidence has been produced to demonstrate where this has caused a negative impact. The current SPD requires the submission of a number of documents including a Construction Method Statement to ensure there will be no unacceptable structural or other impacts, including impacts on the water table. Paragraph 9.1.3 of the report by Alan Baxter Associates acknowledges that: 'problems generally do not arise when the design and construction are thoroughly and fully considered and the interaction between design and construction is properly explored and taken into account' This therefore emphasises the importance of assessing subterranean development on a case by case basis. The requirement to submit supporting documents to assess the impacts of the development provides safeguards to ensure that inappropriate excavation is not permitted.	The reasons for the change is explained in para 1.12 of the second draft basements policy document. The restriction into the garden is not based only on the recommendations in the Alan Baxter and Associates report. The Council recognises that gardens play a variety of roles. These are explained in the London Plan and its supporting Housing Supplementary Planning Guidance. The London Plan Housing SPG (para 1.2.18) amplifies the roles that gardens play including <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which</i>

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		<p>Paragraphs 8.5 and 8.6 of the Alan Baxter Associates Report identify that there are a number of factors that determine how complex basement proposals are, these are set out at 8.6 and include geology and building type. This therefore supports the view that a blanket approach to basements is not appropriate but they should be assessed on an individual basis.</p> <p>Section 9.8 of the Alan Baxter Associates Report looks specifically at what basement coverage is considered appropriate dependent on the geology. The findings set out do not justify a blanket approach to basement coverage but supports the need for a site by site approach. Paragraph 9.8.3 concludes in relation to where the near surface subsoil is gravel that new basement should not occupy more than 75% of the area of the garden. There is no technical evidence within the report to justify the 75% figure, but this notwithstanding on this basis the 50% restriction is not justified in this circumstance and the blanket limitation is therefore unjustified.</p>	<p><i>warrants respect and protection.”</i></p> <p>Para 53 of the NPPF also states <i>“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”</i></p> <p>Private residential gardens are not considered brownfield sites by national planning guidance. The National Planning Policy Framework (NPPF) categorically excludes them from the definition of previously developed land.</p> <p>Basements that cover most of the garden impact on the different roles of private gardens.</p> <p>It is reasonable to require a significant proportion of gardens to remain in their natural state, free of any development.</p> <p>There needs to be a policy basis that defines sustainable development and then each application can be assessed on this basis. The suggested approach would result in inconsistency in planning decisions and no clarity of what is considered sustainable basement development.</p>
34.3.59 - 34.3.60	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.59 - 34.3.60	Cranbrook Basements (Kevin O'Connor)	<p>The issue of final garden design can be addressed by specific planning condition which requires the reinstatement of the garden to original levels with original planting. It is not certain that gardens are always level following basement construction and the RBKC position relating to shrub planting is misinformed and inaccurate.</p> <p>Expert advice confirms that trees will grow in varying soil depths and that the requirement for undeveloped areas of garden for tree planting is not correct.</p> <p>Expert hydrogeological and geotechnical advice confirms that requiring 50% of the garden to remain undeveloped to allow water drainage is unnecessary.</p> <p>Written technical statements by RBKC Tree Officers contradict the proposed policy.</p>	<p>Basements beneath gardens do impact on character of the garden by making them appear artificial and sterile.</p> <p>The policy objective is to retain a significant proportion of gardens in their natural state so they can perform the range of roles set out in the London Plan Housing SPG. Basements also have a high carbon embodiment and limiting their extent will help reduce carbon emissions. This will be made clear at the next stage.</p> <p>The specifics of the cases where this approach has been contradicted by RBKC tree officers have not been provided.</p>
34.3.59 - 34.3.60	Savills (Nick de Lotbiniere)	<p>The following considers in more detail the specific restrictions proposed on the size of basement development in RBKC.</p> <p>Proposed limitation of basements to 50% of garden area</p> <p>Garden Character</p> <p>Paragraph 34.3.59 of the proposed supporting text to the basement policy states that basements that extend under gardens can result in the garden above being artificially level,</p>	<p>The GLA's Housing SPG (para 1.2.18) amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London's trees, 'green</i>

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		<p>and can restrict the range of planting.</p> <p>Alan Baxter Associates (ABA)'s report states at paragraph 9.8.6 that in most cases, a 3m strip at the rear of the garden would be sufficient to allow trees to grow. As such, limiting basement development to only 50% of the garden based on flexibility for planting is not justified, because 50% of the garden area is likely to be more than the required 3m strip.</p> <p>Further, we would dispute the fact that basements extending under gardens would restrict the range of planting. The proposed policy continues to require 1m of topsoil above basements within gardens, and as such we would suggest that in some cases, for example where existing gardens are mainly hardstanding, the level of planting can be substantially increased.</p> <p>The consultation document has not explained why a garden being artificially level is a negative outcome, and in any case, over time the level of a garden will change naturally and no longer be 'artificial'. As such, the limitation of basements to 50% of the garden area based on the character of the garden is not a sound or justified reason for the imposition of this restriction.</p> <p>Water Drainage</p> <p>Paragraph 34.3.59 goes on to state that the limitation of basements to 50% of the garden area will also allow water to drain through to the 'upper aquifer'. However, ABA's report confirms that, in fact, 50% of the garden is not required for such drainage. Where the near surface subsoil is gravel, the report confirms that only 25% of the garden area will be required to allow drainage to the upper aquifer. Where the near surface sub-soil is clay, the report suggests that the proportion under which a garden shouldn't be built might be between 25% and 50%. The report states that each case should be judged on their merits, and as such applying a 'rule of thumb' to all basement developments by limiting basements to 50% of the total garden area unnecessarily stops development from occurring, particularly where building up to 75% of the garden may be perfectly acceptable. The NPPF seeks to promote sustainable development; however the application of this policy actively discourages development. The policy should therefore be revised in order to allow consideration of the context of the site.</p>	<p><i>corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and</i></p> <ul style="list-style-type: none"> <i>Enhancing the distinct character of suburban London."</i> <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Para 53 of the NPPF also states "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."</p> <p>Private residential gardens are not considered brownfield sites by national planning guidance. The National Planning Policy Framework (NPPF) categorically excludes them from the definition of previously developed land.</p> <p>Basements that cover most of the garden impact on the different roles of private gardens.</p> <p>It is reasonable to require a significant proportion of gardens to remain in their natural state, free of any development.</p> <p>Drainage is one of the reasons to limit development but is not the only one. The limit proposed is a maximum, and site context will be considered when determining if a basement development can take place to the maximum limit.</p> <p>The policy does not presume against development. Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development.</p>
34.3.59 - 34.3.60	Cranbrook Basements (Kevin O'Connor)	<p>Reference to paragraph 3.5 of the London Plan is inaccurate and highly misleading.</p> <p>Residents should be free to determine the location of planting/flowerbeds to suit their own preference - subject to hydrogeological and geological considerations by experts in relation to the proposed basement and water management - all cases should be considered on their merits.</p>	<p>When applying policy, the policy objectives should be considered. While seeking to stop infill development the reasons to stop such developments apply equally to basement development. Reasoned justification to Policy 3.5 states that "<i>back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life.</i>" The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> <i>"defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> <i>Providing safe, secure and sustainable environments and play</i>

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			<p>spaces,</p> <ul style="list-style-type: none"> • <i>Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and</i> • <i>Enhancing the distinct character of suburban London."</i> <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Development both above or below ground can alter the character of gardens and adversely impact on the roles defined in the London Plan Housing SPG. It is reasonable to expect a significant proportion of gardens to be kept free of any development to allow their natural character to be maintained.</p> <p>Para 53 of the NPPF also states "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."</p> <p>Private residential gardens are not considered brownfield sites by national planning guidance. The National Planning Policy Framework (NPPF) categorically excludes them from the definition of previously developed land.</p> <p>There needs to be a policy basis that defines sustainable development and then each application can be assessed on this basis. The suggested approach would result in inconsistency in planning decisions and no clarity of what is considered sustainable basement development.</p>
34.3.59 - 34.3.60	Cranbrook Basements (Kevin O'Connor)	<p>Expert arboricultural advice confirms that trees and shrubs will grow in a very wide variety of garden conditions - this is evidence based.</p> <p>One metre of soil above any basement is more than sufficient to enable tree and shrub planting - this contention is supported by statements made by RBKC.</p>	<p>Noted. The restriction is not being imposed purely on the basis of flexibility in planting.</p> <p>The specifics of the cases where statements have been provided by the Council have not been provided.</p>
34.3.59 - 34.3.60	Bell Cornwall (Simon Avery)	<p>Landscape contouring and landscape planting above a basement extension are wholly capable of being controlled by a Condition if that matter is a material consideration in any particular instance. It provides no justification for preventing a basement extension beneath the garden areas. Neither does limiting the area of the garden affected by basement extensions address the matter of post-construction contouring and planting, including making provision for major trees, be they existing or new. Kensington Town Hall courtyard demonstrates clearly how it is entirely compatible to have multi-storey basement extensions beneath major trees.</p> <p>Provision of Sustainable Urban Drainage Systems (SUDS) technology is capable of</p>	<p>Noted. The GLA's Housing SPG (para 1.2.18) amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>"defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the</i>

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		ensuring water penetration to the upper aquifer and this already forms part of the established basement construction methodology. As a factor it provides no justification for restricting the scope of basement extensions.	<p><i>effects of climate change including the 'heat island' effect, and</i></p> <ul style="list-style-type: none"> <i>Enhancing the distinct character of suburban London."</i> <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Para 53 of the NPPF also states "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."</p> <p>Private residential gardens are not considered brownfield sites by national planning guidance. The National Planning Policy Framework (NPPF) categorically excludes them from the definition of previously developed land.</p> <p>Basements that cover most of the garden impact on the different roles of private gardens.</p> <p>It is reasonable to require a significant proportion of gardens to remain in their natural state, free of any development.</p> <p>The trees in Kensington town Hall courtyard are not good specimens of their type and their growth has been restricted due to the basement underneath.</p>
34.3.59 - 34.3.60	Bell Cornwall (Simon Avery)	There is no evidence that concentrating areas of unexcavated gardens produces "better" drainage, nor that it is the only way to create "larger planting". Both can readily be achieved in conjunction with basement extensions, which are not in principle "inappropriate development". Both the adopted Policy CL2 and draft Policy CL7 are "permissive" in principle.	<p>The reasoned justification explains why gardens should be in a single area. This will allow other areas of natural gardens to be linked together with a continuity of planting, with greater soil mass for roots and natural drainage into the soil. Continuity of planting has a bearing on character and form of the gardens in the urban landscape and may have a link to supporting biodiversity.</p> <p>Basements can be inappropriate development if they negatively impact on the natural role and functions of gardens.</p>
34.3.61 - 34.3.62	Kensington Society (Michael Bach)	34.3.61: Add at the end " up to a maximum of 5 metres" This would allow for a swimming pool within the storey.	<p>Noted. The text is clear that a small extra allowance will be made which will be against the context of the single storey that has been defined. Therefore it should be a lot less than the 3-4m single storey. The Council does not want to define this small extra allowance so there can be a degree of flexibility. No change.</p>
34.3.61 - 34.3.62	P Whitehouse-Vaux	The Alan Baxter report simply states that multi-level basements are more complex. Are 'Complex' multi storey above ground projects now being banned across the borough? If not then, by the same logic, they should be. There have been several above ground building collapses so similar restrictions should surely follow .	<p>Basements construction underneath existing buildings has a different level of complexity to above ground development.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts by</p>

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			<p>introducing greater restrictions on size and consideration of a range of other relevant issues at an early stage.</p> <p>There are no plans to ban above ground development and the Core Strategy has robust policies to manage above ground developments.</p>
34.3.61 - 34.3.62	Norland Conservation Society (Libby Kinmonth)	Need to define what is meant by "a small extra allowance for proposals with a swimming pool" Suggest define the extra depth allowed for swimming pool - say 1.5m	Noted. The text is clear that a small extra allowance will be made which will be against the context of the single storey that has been defined. Therefore it should be a lot less than the 3-4m single storey. The Council does not want to define this small extra allowance so there can be a degree of flexibility.
34.3.61 - 34.3.62	Tony Holt	<p>34.3.61</p> <p>Excavation should be limited to one floor only, and that to be defined, i.e. no deeper than, say 4 metres, and no further excavation for swimming pools.</p> <p>34.3.62</p> <p>Para 34.3.62 is correct. The long term structural risks are too great to allow more than one floor.</p>	Noted. It is reasonable to allow a small extra allowance for swimming pools as the requirement that the space should not be capable of horizontal subdivision will continue to apply.
34.3.61 - 34.3.62	Panorama Property Services Ltd (James Agace)	<p>Have there been more problems with multi-level basements than single level basements? No evidence has been given of this.</p> <p>You cannot base planning policy on a precautionary approach. If this were the case then no building should be allowed across the borough as a precautionary approach.</p> <p>If you want the structural risks to be managed then have a policy that covers this. Is planning policy even meant to be involved in this? Is this not something the Building Control deals with?</p>	<p>The evidence that multi-storey basements are more complex and challenging than single storey basements is in the Alan Baxter and Associates report.</p> <p>Planning policy is seeking to protect the high quality built environment of this Borough by minimising risk. Planning department is concerned that development does not cause damage to the built environment but does not get involved in the construction phase of the development and this is covered by Building Control.</p>
34.3.61 - 34.3.62	Sonata Persson	Simply stating that you will not allow multi storey basements except on 'larger' (yet to be defined) sites is an awkward, wrong-headed way of approaching the perceived problem.	Noted. Greater clarity will be provided in the text about larger comprehensively planned sites.
34.3.61 - 34.3.62	Sue Whittle	<p>The council and opposing residents of K&C seems to be indifferent to the efforts of the Coalition Government to try to stimulate the wider economy with a policy that seeks to dampen local development rather than cut through red tape and help sensible, well planned and structured development.</p> <p>Structural risks and complexities - if a construction project is well designed, managed and built it should be of an acceptable risk. Again there is a lack of evidence provided to substantiate this reason other than a broad statement made in the AB report that the policy authors have leapt upon. Please provide the data that has led to this decision.</p>	<p>The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations.</p> <p>The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts.</p> <p>There is sound explanation in the Alan Baxter's Report not just broad</p>

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			statements. The structural issues are highlighted by the respondents in the surveys carried out by the Council in the summer of 2012. These are available on the Council's website http://www.rbkc.gov.uk/planningandconservation/planningpolicy/coresstrategy/basements/basementsurveys.aspx .
34.3.61 - 34.3.62	Jennifer Ware	The problems do not stem from the depth of excavation, which is often much greater than the finished construction and which, often for sound engineering reasons, cannot be pre-determined. I should have been happy for my neighbours to go down 2, 3 or 4 storeys so long as the process had been moderately quiet and had not caused so much structural damage. There are alternative policies which I believe would greatly mitigate these and genuinely speed up the work.	Noted.
34.3.61 - 34.3.62	Thomas O'Donohoe	The council appears to be taking a precautionary approach in policy without any indication that it will assess the impact of this policy at a future date. Restricting the size of a basement may have an impact on the duration of that particular build but it will not impact on other jobs within a street, for example, unless they happens to be taking place at the same time. This is a policy that needs greater thought.	Noted. The policy will have a monitoring framework. Noted.
34.3.61 - 34.3.62	K Howell	As stated above, the Government is trying to stimulate the economy and this policy is trying to damp it down. To make such policies there need to be real evidence that multi-storey developments are an issue. No evidence is shown on how many multi-storey basements have had structural problems and how many multi-storey basements have been built. The same data should be shown for single story basements. Without such evidence, the policy is being based on rumour and newspaper gossip. This is poor policy making. If the real problem is disruption during construction then have a policy and justification about this.	The government introduced the National Planning Policy Framework (NPPF) in 2012. The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations. The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts. The data on basement development will be available when the documents are submitted to the Secretary of State for examination. The restrictions are based on a number of reasons in addition to protecting residential amenity from construction impacts as set out in the reasoned justification in the second draft basements policy document.
34.3.61 - 34.3.62	Steven Aldridge	The council appears to be taking a precautionary approach in policy without any indication that it will assess the impact of this policy at a future date. As long as any construction is properly planned, designed to acceptable standards and executed professionally it should be permitted. This should be regardless of the size of the site. Why should homeowners be prohibited whilst commercial property developers on larger site are not? Restricting the size of a basement may have an impact on the duration of that particular build but it will not impact on other jobs within a street, for example, unless they happens to	Noted. The policy will have a monitoring framework. The reasons for the policy extend beyond construction and execution of the project. Exception is made for large sites which are capable of being comprehensively planned. Greater clarity on these sites will be provided in the text. Noted.

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		be taking place at the same time. This is a policy that needs greater thought.	
34.3.61 - 34.3.62	KPMG (Patrick Parke)	Just because a building is hard to construct, it doesn't mean it shouldn't be built. The pyramids must have been an absolute nightmare to put up, but there they are. Surely what is needed here is strict building control and a preference for planning applications that are backed up by engineering drawings and a commitment to employ a specialist contractor with experience of tricky jobs?	Noted. The policy objective is both to protect residential amenity and the high quality built environment of the Borough.
34.3.61 - 34.3.62	David Innes	A planning policy should be derived from evidence. Taking a precautionary approach is not an acceptable way to derive policy. The engineering design and construction of multi-storey basements are well understood and it makes no sense for the Council to ignore this fact and "hide behind" the argument of taking a "precautionary approach".	Alan Baxter's Report highlights the issues regarding multi-storey basements. The structural issues are highlighted by the respondents in the surveys carried out by the Council in the summer of 2012. These are available on the Council's website http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements/basementsurveys.aspx . The policy is seeking to protect the high quality built environment in this Borough.
34.3.61 - 34.3.62	Richard Grantley	1. We welcome the proposal to limit basements to one storey. However, the height limit of 3-4 metres is too large: basement ceilings are normally lower than this. We recommend a limit of 3 metres, measured internally from floor to ceiling. 2. Also, we are concerned about the suggestion that "a small extra allowance" be given for proposals with a swimming pool. This could create a loophole encouraging the building of swimming pools to get round the height restriction.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision. The small extra allowance is for a swimming pool. Planning decisions have a condition that development should take place in accordance with the approved plans. It is not clear how the small extra allowance would create a loophole. A swimming pool that has been granted will have to be constructed otherwise development would not be in accordance with the approved plans. If development takes place that is not in accordance with the approved plans the Council can enforce against it and also the owners will have difficulty selling the property in the future if development is not in accordance with approved plans.
34.3.61 - 34.3.62	Geostructural Solutions Limited (Tim Jolley)	It is accepted that, generally speaking, deeper basements have greater structural risks and complexities. The Association of Specialist Underpinning Contractors (ASUC) has made substantial progress in addressing this issue. ASUC contractors wishing to undertake the construction of multi storey basement and those of high monetary value must pass a technical audit. Further detail is available from: - Rob Withers Executive Director ASUC Plus	Noted.
34.3.61 - 34.3.62	Zai Nordmann	Have there been more problems with multi-level basements than single level basements? Can examples of problems with multiple level basements be given? A precautionary approach is no basis for planning. Is this approach to be applied across the borough to all above ground development as well? I imagine not. From my experience structural works are already overseen through Building Regulations	Alan Baxter's Report highlights the issues regarding multi-storey basements. Basements construction underneath existing buildings has a different level of complexity to above ground development. The Core Strategy has robust policies to manage above ground

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		and the Building Control Inspectors? Why is planning policy involved in this? This is duplication.	developments. Planning department is concerned with protecting the built environment through the formulation of this policy. It does not intend to get involved in the construction phase of basements which is dealt with by building control.
34.3.61 - 34.3.62	James Dawson	The fact that something is difficult to build is no reason to avoid building it, so long as it meets building standards etc.	Noted.
34.3.61 - 34.3.62	Philip Muelder	Because the council thinks multi storey basements are harder to construct the best way forward it to ban them. Better practice would be analysis on a case by case basis of the design and engineering proposals and perhaps an insistence that a specialist company is employed rather than a ban. If it is about duration of build then have a rule about this, not just banning multi level basements.	Noted. The restriction to a single storey is not based simply on the complexity of the project but also on construction impact on residential amenity.
34.3.61 - 34.3.62	Harcus Sinclair (Damon Parker)	The complexity of a project should not be a barrier to its construction. Tall buildings are hard to build but the council isn't limiting new above ground applicants to one or two storeys. If risk minimisation is the issue then manage the manner in which these are constructed by ensuring strict enforcement of construction and a bias towards applications that are using specialist contractors/designers with the necessary engineering and building experience. Has the council thought about having a register of competent basement designers and contractors?	The Council has clear policies on tall buildings in the Borough and character of the surrounding area has a strong bearing on them. Similarly a bespoke basements policy is considering the character of residential areas and proposing that the policy should seek to protect residential amenity and the high quality built environment. The Council cannot endorse particular contractors.
34.3.61 - 34.3.62	The Chelsea Society (Terence Bendixson)	New basements should be limited to an interior height of 3m (floor to ceiling) to minimise the impacts set out in 34.3.58.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.
34.3.61 - 34.3.62	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	UNDERPINNING IS A FOUNDATION REPAIR TECHNIQUE AND AS SUCH IS A WELL UNDERSTOOD AND SAFE CONSTRUCTION METHOD THAT HAS BEEN USED FOR MANY DECADES. UNDERPINNING OF OLD AND HISTORIC BUILDINGS IS ROUTINELY COMPLETED AS PART OF FOUNDATION REPAIRS. OLD BUILDINGS ONCE UNDERPINNED WILL HAVE FAR STRONGER FOUNDATIONS AND WILL THEREFORE BE BETTER PROTECTED INTO THE FUTURE. UNDERPINS DEEPER THAN 4 METRES ARE SAFE AND PRACTICAL IF UNDERTAKEN CORRECTLY MULTIPLE LEVEL UNDERPINNING IS SAFE AND WELL UNDERSTOOD PROVIDED IT IS UNDERTAKEN BY COMPETENT CONTRACTORS	Noted.
34.3.61 - 34.3.62	The Markham Square Association	We support the principle of a limit upon the depth of the basement to one basement storey. However, we have two concerns. The first is that a clear limit on height should be specified in order to avoid dispute. Second, we take issue with the suggestion at Box 1 paragraph	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.

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	(David Cox)	<p>34.3.61 that a single additional storey is generally about 3 to 4 metres floor to ceiling height. That may well apply to ground and upper floors, but rarely applies to basement floors, where a height of about 3 metres (or less) is the norm. We therefore suggest a specified maximum internal height floor to ceiling of 3 metres.</p> <p>In addition, we are concerned at the suggestion that a "small extra allowance" will be permitted for proposals with a swimming pool. We fear that this will unduly encourage the building of subterranean swimming pools as a way around the height restriction. However, if there is to be such an extra allowance, a limit should be specified. We also consider that it should be acknowledged that some sites are simply not suitable for such schemes. This applies more in Chelsea than in Kensington, where building footprints are often larger.</p> <p>It remains our strongly held view that new size limits must be carefully formulated, strictly applied and recognised as not creating any right or entitlement. They must be subject to other considerations and provisos and refused (not simply constrained in size or made subject to conditions) on those grounds if appropriate. It should be acknowledged that some projects - whatever their nature - are sometimes too big for a site and/or location.</p>	<p>The small extra allowance is for a swimming pool. Planning decisions have a condition that development should take place in accordance with the approved plans. It is not clear how the small extra allowance would create a loophole. A swimming pool that has been granted on approved plans will have to be constructed as such otherwise development would not be in accordance with the approved plans. If development takes place that is not in accordance with the approved plans the Council can enforce against it and also the owners will have difficulty selling the property in the future if development is not in accordance with approved plans.</p> <p>The limits proposed are maximum and site circumstances may well require that development is below the maximum limits or not feasible.</p>
34.3.61 - 34.3.62	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	This paragraph also seeks to reduce the number of levels of basement due to the increased structural risk and complexities. This 'precautionary' approach prevents applicants from putting forward a well considered case based on assessing and mitigating the risks associated with it.	Noted. The Alan Baxter and Associates report highlights greater risks associated with multi-storey basements but the limit is also related to protecting residential amenity from construction impacts.
34.3.61 - 34.3.62	Geostructural Solutions Ltd (Sean Bennett)	If the existing structure and sub-soils are investigated, an appropriate form of temporary works, such as Top Down construction is selected, the permanent works are designed to the highest standard and the works are undertaken by an established Basement Specialist that can demonstrate having successfully completed numerous projects of a similar extent or complexity, the risk of a multi storey basement is no greater than a single storey basement. The Alan Baxter Associates Report states that multi storey basements should be formed using piled walls.	Noted. The Alan Baxter and Associates report highlights greater risks associated with multi-storey basements but the limit is also related to protecting residential amenity from construction impacts.
34.3.61 - 34.3.62	R G Leeper	<p>The proposal to limit basements to one storey is welcome. However, the height limit of 3-4 meters is too large: basement ceilings are normally lower than this. I would recommend a limit of 3 metres, measured internally from floor to ceiling.</p> <p>The suggestion that "a small extra allowance" is given for proposals with a swimming pool. This would create a loophole encouraging the building of swimming pools to get round the height restriction.</p>	<p>Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.</p> <p>The small extra allowance is for a swimming pool. Planning decisions have a condition that development should take place in accordance with the approved plans. It is not clear how the small extra allowance would create a loophole. A swimming pool that has been granted on approved plans will have to be constructed as such, otherwise development would not be in accordance with the approved plans. If development takes place that is not in accordance with the approved plans the Council can enforce against it and it would also affect the saleability of the property in the future if development is not in accordance with approved plans.</p>
34.3.61 - 34.3.62	Kensington Society	34.3.61 - Line 3 - delete 'to 4'. Last sentence: add "up to a maximum of 4.5 metres".	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it

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	(Michael Bach)		should not be capable of horizontal subdivision.
34.3.61 - 34.3.62	Kensington Society (Michael Bach)	34.3.62 - Sentence 1: after word complexities add "complexities and require more excavation waste and soil to be disposed". Sentence 2: After the word risks add "and by limiting the soil to be removed".	Noted. Text may be amended as appropriate to improve clarity.
34.3.61 - 34.3.62	Abbey Pynford (Lewis O'Connor)	34.3.62 Deeper basements have greater structural risks and complexities. In order to minimise these risks, a precautionary approach has been taken, limiting basements to a single storey. Objection: The basis for this item is false. There is no quantitative evidence to support this statement. This item is therefore neither reasonable nor justified. · What evidence is there for multi storey basements having greater structural risks or complexities than single story basements? · What evidence from within the borough is there for multi storey basements having problems greater than for single storey basements? · Structural risk and complexity is determined and driven by design, ground conditions, site location, adjoining structures, construction execution, methodology, sequence, technique and management; not depth of basement. This is widely acknowledged and evidenced in public funded commercial projects as well as publically available information i.e. HSE records. · Deep basements can be completed with less risk and complexity than shallow ones. Particularly when undertaken by experienced, qualified, specialist professional teams. · Deep basements ordinarily require specialist, experienced, qualified professional engineering contractors to construct. These professionals reduce risk as evidenced by publically available information. Deep basements are therefore in fact often present a reduced risk than shallow ones. · A single story basement below a building with an existing basement presents less risk and complexity than new single storey basements reliance can be placed upon a newly designed and constructed basement. · The proposed change amounts to prescriptive / broad brush restriction that will not achieve the intended outcome.	The greater risks of multi-storey basements are highlighted in the Alan Baxter and Associates report. However the restriction is not based on greater risks alone. It is also related to protecting residential amenity from construction impacts.
34.3.61 - 34.3.62	Jones Lang LaSalle (Kathryn Williams)	In order to minimise these (structural) risks, a precautionary approach has been taken, limiting basements to a single storey (there is no structural evidence supporting this proposition)	The greater risks of multi-storey basements are highlighted in the Alan Baxter and Associates report.
34.3.61 - 34.3.62	Basement Force (Simon Haslam)	Construction risk is regulated by other regimes and the planning system should not use it to justify constraints on development: the same argument could be used to prevent all technically complex or risky development projects and thereby stifle innovation.	The policy is seeking to protect the high quality built environment of the Borough. Constructing a basement underneath or in close proximity to existing buildings can cause structural damage to

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			neighbouring buildings. These risks are greater for multi-storey basements and are highlighted in the Alan Baxter and Associates report. Similar issues are not seen to occur in above ground development.
34.3.61 - 34.3.62	Ladbroke Association (Sophia Lambert)	<p>We welcome the limit to one basement storey. However, we have two concerns.</p> <p>We are concerned firstly at the suggestion at Box 1 paragraph 34.3.61 that a single additional storey is generally about 3 to 4 metres floor to ceiling height, as we take this to mean internal height. We strongly urge that a limit should be imposed on the external dimensions of a basement "box" or total structure, perhaps of four metres.</p> <p>We are concerned secondly that permitting a "small extra allowance" for proposals with a swimming pool could encourage the building of deep pools as a way around the height restriction. We urge that no more than say 1 or 1.5 extra metres should be allowed for pools and that it should only be for the area of the pool.</p>	<p>Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.</p> <p>The small extra allowance is for a swimming pool. Planning decisions have a condition that development should take place in accordance with the approved plans. It is not clear how the small extra allowance would create a loophole. A swimming pool that has been granted on approved plans will have to be constructed as such, otherwise development would not be in accordance with the approved plans. If development takes place that is not in accordance with the approved plans the Council can enforce against it and it would also affect the saleability of the property in the future if development is not in accordance with approved plans.</p>
34.3.61 - 34.3.62	Neil Collins	<p>Provided everything is engineered and built correctly multiple level basements should be fine.</p> <p>It looks to me like the council is trying to bring in an overly restrictive policy aiming to control the extent and duration of construction by the side door.</p>	Noted. The Council is seeking to protect the high quality built environment of the Borough and residential amenity by minimising construction impact.
34.3.61 - 34.3.62	Robert Ward-Booth	Object - Please see covering letter dated 1st May 2013.	Noted.
34.3.61 - 34.3.62	Mrs Riviere	Size should not be a determining factor, rather the design and engineering aspects of projects should be approved. If it is well designed and executed, applications should be approved.	Noted. The reasoned justification in the second draft basements policy document sets out the reasons for the size restrictions. These are based on social and environmental reasons.
34.3.61 - 34.3.62	The Cherry Tree Residents' Amenities Association (Thomas Blomberg)	In the first draft, 34.3.6 stated that, "Basements beneath existing buildings or their gardens, or in small scale developments, will therefore be limited to a single storey which is not of a depth that may be suitable for further horizontal subdivision in the future." This was clear and unambiguous. But the new draft doesn't make any distinction between basements beneath existing buildings and basements that are part of new developments. 34.3.62 simply states that basements will be limited to a single storey, followed by 34.3.63 which modifies that general statement by saying that, "greater garden coverage and more than one additional storey may be permitted on larger comprehensively planned sites", presumably to allow for multi-storey basements under large new developments.	Noted. The second draft would apply to all basements as set out in para 34.3.56 with the exception of larger comprehensively planned sites as mentioned in the response. Greater clarity will be provided for larger comprehensively planned sites in the next version of the document.
34.3.61 - 34.3.62	Trustees of the Phillimore Estate	<p>There is no justification for the precautionary approach taken at paragraph 34.3.62 to limit basements to a single storey. It is clear from the report by Alan Baxter Associates that there are a number of factors which need to be taken into account when assessing basements and which determine how complex excavation will be. It is therefore not justified to impose a blanket restriction limiting basements to a single storey. As set out above subterranean development should be assessed on a case by case basis.</p> <p>The supporting text is contrary to paragraph 182 of the NPPF.</p>	<p>The greater risks of multi-storey basements are highlighted in the Alan Baxter and Associates report. However the restriction is not based on greater risks alone. It is also related to protecting residential amenity from construction impacts.</p> <p>The NPPF has a presumption in favour of sustainable development which has three dimensions: economic, social and environmental (NPPF, para 7). The Council has to balance differing interests and</p>

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			<p>weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. Policy cannot be based purely on economic considerations.</p> <p>Proposals that meet the policy criteria will be sustainable development and there will be a presumption in favour of such development. Policy cannot be based purely on economic considerations.</p>
34.3.61 - 34.3.62	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.61 - 34.3.62	Savills (Nick de Lotbiniere)	<p>Proposed limitation of basements to one additional level</p> <p>The revised policy also seeks to limit basements to one additional storey or, where there is already a basement, not allow any further basement stories. This approach is described as being 'precautionary' in order to minimise structural risks and complexities.</p> <p>There is no reason to propose a precautionary approach. As noted within GCG's supporting letter, ABA's report does not provide any reasoned justification for the limitation of one level from a structural engineering point of view, and does not in fact recommend that RBKC impose a limit on basement levels at all. The report simply states that the deeper the basement, the greater the care required in terms of design and construction.</p> <p>The current Subterranean Development SPD (2009) requires that all applications for basement development must be supported by a Construction Method Statement, setting out the specific details of excavation, construction techniques, assessment of impacts on existing and neighbouring structures and geology and hydrology considerations. This report must be prepared by a Chartered Civil Engineer or Structural Engineer and should be submitted and approved by the Council. As such, RBKC already have suitable control over the construction method and qualifications of those carrying out the works, and there is therefore no justifiable reason to limit the number of basements to one level on these grounds.</p> <p>New policies should be introduced where there is demonstrable harm being caused as a result of existing policies (or lack thereof). The Council have provided no evidence that existing basements extending more than one storey below ground level cause any issues in terms of structural stability, and as such there is no requirement for the proposed limitation of the number of basement levels.</p>	<p>The Alan Baxter Report (Dec 2012) states that multiple basement levels are very much more challenging and complex than single level basements. It makes references to this issue at para 8.6 (h), 9.3.6.5 and in the recommendations at para 13.3.3 where it states that <i>"underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible"</i>. The Royal Borough has a very special historic character and to reduce the risk as a precautionary measure the Council will restrict basements to single storey.</p> <p>The restriction to a single storey will also help minimise construction impacts and reduce carbon emissions as basements have a high embodied carbon.</p>
34.3.61 - 34.3.62	Cranbrook Basements (Kevin O'Connor)	<p>Limiting a basement excavation to a single storey is unreasonable.</p> <p>The determination of the height of a basement room which is below ground should not be a planning policy matter as it restricts the use of that room.</p>	Noted. The single storey is set out as between 3 to 4m floor to ceiling height and a small extra allowance for swimming pools. This gives enough flexibility to how the space is designed and used.
34.3.61 - 34.3.62	Cranbrook Basements (Kevin O'Connor)	<p>Complex construction projects are underway across London in multiple locations. Complexity should not prevent the grant of Planning Consent.</p> <p>Expert professional design by qualified Chartered Engineers allows the construction of basements and other structures without damage to the subject or adjacent structure. Expert</p>	The greater risks of multi-storey basements are highlighted in the Alan Baxter and Associates report. However the restriction is not based on greater risks alone. The restriction to a single storey will also help minimise construction impacts and reduce carbon emissions as basements have a high embodied carbon.

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		statements and reports are available in this regard. We are unaware of any evidence based research which supports and contention that basements greater than a single storey in depth have caused a disproportionate amount of damage and/or inconvenience.	
34.3.61 - 34.3.62	Bell Cornwall (Simon Avery)	There is no explanation and no justification for why future horizontal subdivision of a basement area is unacceptable in land use planning terms. No justification is given for why additional depth for a swimming pool is not wholly acceptable in any event and there is no clarity for when such acceptance may be denied.	The policy is restricting basements to a single storey. It explicitly states that it should not be capable of future horizontal subdivision to stop proposals for deep single storey basements which are of a two storey depth. The text clearly states that a small extra allowance for swimming pools is permissible so the respondent's comment on this issue is not clear.
34.3.61 - 34.3.62	Bell Cornwall (Simon Avery)	The risks of deeper basement constructions are covered by other legislation, are extremely well known and are capable of technical assessment. The "precautionary approach" is unjustified and inappropriate therefore. The additional time for creating deeper basements is a small percentage of the total construction programme usually and to restrict basement depth on that basis fails the principle of "proportionality" enshrined in the Growth and Infrastructure Act and Paragraph 158 of the Framework. As stated above in relation to draft paragraph 34.3.58, restricting the duration of a construction project is not in any event a material planning consideration. This provides no evidential justification for the single-storey limit.	It is not clear which legislation covers the risks of deeper basements. The greater risks of multi-storey basements are highlighted in the Alan Baxter and Associates report. The basements policy when adopted will form part of the Borough's Core Strategy achieves the balance between social, economic and environmental objectives. The basement policy itself is formulated on the principles of sustainable development as set out in the NPPF. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy is not putting a stop to basements but proposing a reasonable scale of development. The proposed policy would allow people to extend their homes but help minimise their impacts by introducing greater restrictions on size and consideration of a range of other relevant issues at an early stage. The objective is to protect residential amenity (a material planning consideration) by minimising construction impacts.
34.3.61 - 34.3.62	Friends of Portobello (Robina Rose)	Give condition to Dig Out By Hand. (I have seen this) will cause less disruption and is likely to lessen impact of clay displacement and settlement, by slowing it down. + 34.3.61 - Swimming Pools Do Not require a "small extra allowance" but deep piling (next to me 17 metres!) therefore should be entirely banned particularly in terraces (not on domestic scale)	Noted. It is possible that on some sites this is the only way to keep construction impacts within acceptable levels but it is not reasonable to condition digging by hand on all sites. 34.3.61 – Plans will specify the proposed depth of the swimming pool is proposed. The draft policy working is clear about 'small allowance' and proposals will be required to be in accordance with policy. No change.
34.3.63	Norland Conservation Society (Libby Kinmonth)	What is meant by "larger comprehensively planned sites". Stanley Gardens?	Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	Panorama Property Services Ltd (James Agace)	Large sites should not be treated differently to any other sites. If a proposal can show that everything is acceptable then that should be fine and size of site should have nothing to do with it. The size of the site is irrelevant and reference to size of site should be deleted	Further clarity on larger comprehensively planned sites will be provided in the next version of the document. These character of these sites would enable a larger development to take place without impacting negatively on residential amenity.
34.3.63	Thomas		Further clarity on larger comprehensively planned sites will be

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	O'Donohoe	As long as any construction is properly planned, designed to acceptable standards and executed professionally it should be permitted. This should be regardless of the size of the site. Why should homeowners be prohibited whilst commercial property developers on larger site are not?	provided in the next version of the document. These character of these sites would enable a larger development to take place without impacting negatively on residential amenity.
34.3.63	KPMG (Patrick Parke)	The percentage coverage idea is wrong. Any well planned basement should be the size that the proposer can show meets the various technical requirements of drainage, planting, and so on.	There are sound reasons to retain a significant proportion of gardens in their natural form free of any development. These are set out in the reasoned justification of the second draft. Text will be further clarified in the next version of the document.
34.3.63	KPMG (Patrick Parke)	no need for this clause if the preceding issues are resolved sensibly	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	David Innes	If the Council is willing to permit multi-storey basements under large complex developments (e.g. high-rise apartments, shopping centres, offices blocks, etc.) it is by default accepting that multi-storey basements can be properly engineered and constructed - especially seeing that such basements are significantly more complex than any multi-storey basement under a residential home is ever going to be! Additionally, the technical challenges associated with a construction project should not preclude the grant of Planning Permission.	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document. Their character is inherently different compared to sites where basements can be constructed underneath existing buildings. The limits are not being proposed only based on complexity of multi-storey basements but also to protect residential amenity.
34.3.63	Geostructural Solutions Limited (Tim Jolley)	See our comment under CL7(a) and 34.3.59 regarding the history of the garden layout. Existing 'green and leafy' garden areas would appear not to be affected if the basement is proposed in an area currently planted with lawn, bedding plants and shrubs only.	Noted.
34.3.63	Zai Nordmann	Large sites should not be treated differently to any other sites. Concerns regarding below ground development are valid for all sizes of development. Provided "all aspects of the basement development are designed, constructed and completed to the highest standard and quality" (CL7 Para 1) then that should be ok and the size of site is irrelevant. As such to size of site should be deleted.	Noted. The character of site is an important consideration. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	James Dawson	It should not be up to these rules to choose arbitrarily a proportion of a rear garden that can have a basement underneath. Provided it meets the other requirements, any amount should be allowed.	Noted. It is reasonable to expect a significant proportion of the garden to remain in its natural form free of any development due to the reasons explained in the second draft basements policy document.
34.3.63	Philip Muelder	Not sure why size of site is relevant. Surely concerns regarding drainage, design and construction are the same regardless of site size? It feels like this rule is aiming to reduce construction impact primarily. The other justifications of drainage, planting, garden levelness and so forth all seem surmountable through design or technology, just leaving construction impact. But the policy, for some reason, does not want to tackle this head on with a sensible and balanced policy to manage construction impact.	Noted. Issues other than construction impact are real and valid issues that the policy has considered. It is reasonable to expect a significant proportion of the garden to remain in its natural form free of any development due to the reasons explained in the second draft basements policy document.
34.3.63	Philip Muelder	Any site should be "comprehensively planned" regardless of size. This seems to me to be a way of precluding individuals from developing their own homes in a way that will be allowed for a large cororation to do in some parts of the borough. Surely the rules should be applied equally across all projects?	Noted. The character of site is an important consideration. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	The Chelsea Society (Terence Bendixson)	Again this clause fails to acknowledge the principle set out at 34.3.58 - that bigger excavation equals bigger impacts. As written it is a recipe for delivering extreme impacts on neighbours and the elimination of the priceless horticultural and permeable assets of large gardens.	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document but the character of these sites would enable construction impacts to be minimised on residential neighbourhoods.

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34.3.63	The Chelsea Society (Terence Bendixson)	As drafted, this clause will lead all residential developers to claim to be carrying out 'comprehensively planned' schemes and should be re-written to apply only to commercial developments. The experience of Sloane House and Sloane Lodge in Old Church Street, Chelsea provides evidence of the disruption that occurs if larger gardens are treated as suitable for larger basements. Extreme impacts are visited on adjoining residents and extensive tracts of undeveloped, permeable land are urbanised for ever.	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	34.3.63 how will you define a large and comprehensive site - will this not include any domestic projects of retro fit basements? Seems very discriminatory that a domestic basement of more than one storey will be refused but a larger project however that will be defined can go ahead. The impact is no worse than a comprehensive refurb project. The issue once again is around how many projects at one time can be undertaken in one street. 34.3.63 Size and job planning around a site should not be the deciding factors over whether more than one additional storey should be permitted. There is no logic to this.	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	Martin Dallison	There seems to be a direct contradiction here. Stating that only single storey basements will be allowed and then multiple storey basements MIGHT be allowed on larger sites, is confusing. What is a definition of larger sites? Please provide explanations and definitions.	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	The Markham Square Association (David Cox)	We are concerned by the reference to "larger comprehensively planned sites" and see this as a potential loophole. We suggest that this exception should be limited to commercial developments.	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	Onslow Neighbourhood Association (Eva Skinner)	In the sentence, "A greater garden coverage and more than one additional storey may be permitted on larger comprehensively planned sites, but this will depend on the character of the site", "larger" should, we consider, be changed to "exceptionally large".	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	Kensington Society (Michael Bach)	Delete paragraph	Noted. This exception will be included and further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	Ladbroke Association (Sophia Lambert)	We are not sure about the logic of allowing a greater garden coverage on "larger comprehensively planned sites". If the garden is larger, there should be less need to take up a big proportion of it.	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	Underpin & Makegood (Contracting) Ltd (David Gakhar)	The size of a project should not dictate whether more than 1 storey basement should be allowed to go ahead, each project should be considered on its individual merits.	Noted. Site character is an important consideration. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.63	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
34.3.63	The Cherry Tree Residents' Amenities Association (Thomas Blomberg)	At the Q&A session a few weeks ago, it was obvious that several property developers saw the 34.3.63 text as a getaway clause that enables continued construction of multi-storey basements under old Victorian terraced houses, as well as basements that cover more than 50% of the garden, as they argued that all basement projects must be deemed "comprehensively planned". We would therefore prefer a writing that clearly states that the single storey rule and the	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.

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		50% garden rule are strict limitations, but that they only apply for basement developments added to existing domestic properties, while the extent of basements that are part of new large building projects (and possibly also basement additions under existing large non-domestic buildings) will be judged on a case by case basis. Such a clear distinction would be welcomed not only by local residents, but also by large site developers, as the single storey rule has caused much concern among those developers.	
34.3.63	Cadogan Estates (Cadogan)	No comment.	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document but their character is considered different from smaller sites.
34.3.63	Cranbrook Basements (Kevin O'Connor)	Smaller construction sites can be comprehensively planned and should not be discriminated against. Professionally planned and well executed construction process should allow basements to be constructed to a level greater than a single storey without unreasonable inconvenience being caused to neighbours.	Noted.
34.3.63	Bell Cornwall (Simon Avery)	The reference to "larger comprehensively planned sites" lacks clarity.	Noted. Further clarity on larger comprehensively planned sites will be provided in the next version of the document.
34.3.64	P Whitehouse-Vaux	I thought the council already protected trees? Why is further protection needed? If the real problem is the weak or lack of enforcement of existing regulations then the council should address that issue rather than introducing further 'layers of regulation.' The government is trying to reduce regulation not increase it. The council seems intent on layering additional regulations on residents.	Core Strategy policy CR6 Trees and Landscape applies to all development. This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	Norland Conservation Society (Libby Kinmonth)	Agree 200% "No mature trees should be removed, felled, uprooted, topped, damaged, harmed or put at risk in the long term to make way for a basement development. BS 5837 2012 indicates that tunnelling under trees can be an option unless it is liable to put the tree at risk. The Council does not judge the benefits that may be gained from a larger basement outweigh the disadvantages posed by disturbance and risk to protected trees. Otherwise works should be carried out in accordance with BS 5837 2012 and the Council's Trees and Development SPD. All applications for basements where there are trees in the vicinity (including those on adjacent properties) must be accompanied by a full tree survey and method statement for tree protection measures. These must include consideration during the construction phase of the proposal as well as the completed development. "	Noted. Text will be clarified that tunnelling underneath trees should not be carried out but otherwise works should be carried out in accordance with BS 5837 2012.
34.3.64	Panorama Property Services Ltd (James Agace)	Trees are already protected by existing rules and planning policy.	Noted. This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.

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34.3.64	Scott Morgan	The council already protects trees in line with its SPD and the British Standard (BS 5837 2012) as stated. No further protection should be needed. If the problem is that existing regulations are not being enforced correctly that should be addressed rather than introducing further layers of regulation.	This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	Thomas O'Donohoe	I understood that trees were already protected by regulation. Why does there need to be additional surveys and protections with planning applications? This is adding more cost for applicants. This seems designed to prevent people applying for basements rather than anything else. There is existing regulation to protect trees. Use this regulation rather than adding regulation that duplicates existing.	This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	Steven Aldridge	I understood that trees were already protected by regulation. Why does there need to be additional surveys and protections with planning applications? This is adding more cost for applicants. This seems designed to prevent people applying for basements rather than anything else. There is existing regulation to protect trees. Use this regulation rather than adding regulation that duplicates existing.	This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	KPMG (Patrick Parke)	This clause is far too restrictive. It should be allowable to remove trees, provided suitable replacement trees are planted in suitable locations. You need to consider the economic impacts on London.	The Council strongly protects trees and this has been supported by legislation for many years. The existing Core Strategy policy CR6 Trees and Landscape applies to all development. This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	David Innes	Trees are already protected. Why is the council now changing its approach and arguing that this underpins the need for other changes to planning policy on basements?	The Council strongly protects trees and this has been supported by legislation for many years. The existing Core Strategy policy CR6 Trees and Landscape applies to all development. This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	James Dawson	It has to be allowable to remove trees, as although they are important, people are far more important, and otherwise this makes any house with a tree in the garden far less desirable than one without. Taken to its extreme, the unintended consequence might be that no one should risk planting a tree in their garden as it could diminish the value / flexibility of their property.	The Council strongly protects trees and this has been supported by legislation for many years. The existing Core Strategy policy CR6 Trees and Landscape applies to all development. This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	Yasmin Ayoub	Another example of duplicating existing legislation. There is already legislation in place to protect trees in the borough. Additional legislation adds cost and bureaucracy for no reason.	This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	Philip Muelder	There is already legislation in place to protect trees in the borough. Adding the requirement	This criteria is not adding any additional requirements for basements

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		for additional surveys and protection plans is simply adding costs to the application process and regulation to an already cumbersome process.	but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	Harcus Sinclair (Damon Parker)	This clause is draconian. There needs to be some flexibility in the policy. For example the applicant could plant elsewhere in the Borough where there is need of additional greenery.	The Council strongly protects trees and this has been supported by legislation for many years. The existing Core Strategy policy CR6 Trees and Landscape applies to all development. This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	The Chelsea Society (Terence Bendixson)	Accept	Noted.
34.3.64	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	All trees are protected by BS 5837 2012 and by the existing RBKC basement SPD. There is no need for additional protection. The aim of recent reforms to the planning system has been to simplify and speed up the planning process. This policy is contrary to that aim and is therefore unsound.	This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	Michael and Jacqueline Hayes	Where there is evidence that mature trees have been cut down or removed without replacement within say 5 years of the planning application, such trees should be treated as if they were in existence at the time of the application.	Noted. Trees in conservation areas cannot be removed or works carried out without notifying the Council. 70% of this Borough is within designated conservation areas. In addition the Borough has about 500 tree preservation orders. The Council can enforce against unauthorised works to these trees.
34.3.64	The Markham Square Association (David Cox)	The amenities provided by trees are of great environmental value - especially within the Royal Borough - and in many instances are irreplaceable, at least in the short term. The protection given to trees of townscape or amenity value should not be diminished in any way and should be rigorously enforced.	Noted.
34.3.64	Zai Nordmann	Trees are already protected by existing rules and planning policy. Enforce these rules rather than making up more rules.	This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	Geostructural Solutions Ltd (Sean Bennett)	Reports from an arboriculturist and advice regarding root protection zones should be obtained.	This information will be required as part of the tree survey and tree protection proposal.
34.3.64	Kensington Society (Michael Bach)	* protecting trees of townscape or amenity value - mature trees - para 34.3.64 makes it clear that the loss of such trees is a significant constraint. However, in circumstances where felling of a particular tree is agreed, there will need to be sufficient space to replant a suitable specimen that will in a short period produce a mature tree with a similar amenity value.	Noted. Core Strategy policy CR6 applies to all development including basements. This policy includes a criteria requiring replacement for any tree that is felled.
34.3.64	Basement Force (Simon Haslam)	The policy criterion is legitimate and simply expressed. The supporting text goes too far in prohibiting tunnelling under trees and is unnecessarily lengthy. The first sentence should read simply "No trees of townscape or amenity value should be harmed in the short or long term" Nothing more is needed. Further, the British Standard may be replaced and the policy objective is obvious.	Noted. The clarity of text will be improved as appropriate. It is the Council's view that tunnelling underneath trees poses a risk to the long-term health of trees and this will continue to be specified. Reference to the British Standard may be moved as a foot note as rightly pointed out this may become out of date.

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34.3.64	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Tress and other amenity are already protected under different legislation.	The Council strongly protects trees and this has been supported by legislation for many years. The existing Core Strategy policy CR6 Trees and Landscape applies to all development. This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	Robert Ward-Booth	Support	Noted.
34.3.64	Mark and Sophie Fitzgerald	There is existing regulation to protect trees. Duplicating existing regulation is usually a sign of a badly prepared proposal.	The Council strongly protects trees and this has been supported by legislation for many years. The existing Core Strategy policy CR6 Trees and Landscape applies to all development. This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development and specifying certain requirements that relate only to basement development such as tunnelling underneath trees not being allowed.
34.3.64	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.64	Cranbrook Basements (Kevin O'Connor)	Excavation adjacent to trees and below trees is supported by British Standard. The uplifting, root-balling, tunnelling under and reinstatement of mature trees is an established practise and supported by RBKC. We are unaware of any evidence based research which reports disproportionate damage to trees relating to basement construction.	The Council strongly protects trees and this has been supported by legislation for many years. The existing Core Strategy policy CR6 Trees and Landscape applies to all development. This criteria is not adding any additional requirements for basements but highlighting the importance of trees in relation to basement development. It is the Council's view that tunnelling underneath trees poses a risk to the long-term health of trees and this will continue to be specified.
34.3.65 - 34.3.66	Kensington Society (Michael Bach)	34.3.65: Rewrite first sentence: "The significance of heritage assets must be identified, particularly listed buildings and conservation areas." Line 5: After "plan form" add "front and rear facades" See old RJ 34.3.64	Noted. Text will be amended as appropriate.
34.3.65 - 34.3.66	P Whitehouse-Vaux	Listed building are sufficiently protected with Listed Building Consent. I am unsure as to why further protection should be needed. Again, enforce existing regulation rather than create new regulations. The reasoned justification states that in the great majority of cases development will affect the hierarchy of the historic floor levels and hence the original building's historic integrity. Therefore if it can be shown that a development will not affect the hierarchy of the historic floor levels will that be allowed? Surely it should be on a case by case basis via Listed Building Consent. This policy seems to provide for a blanket ban which would oppose or override existing listed building rules.	The Council is not adding further regulation rather it is formulating planning policy within Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF. With regard to listed buildings the Council has a duty to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. Foundations of listed buildings are considered part of the historic integrity of listed buildings. The policy recognises that basements underneath or too close to listed buildings can harm their historic integrity by modifying their foundation and therefore precludes them. Exception is specified for sites where these issues can be overcome.
34.3.65 - 34.3.66	Nellen (Gideon Nellen)	Basements beneath gardens of listed buildings should not be permitted to preserve the integrity of the listed building which will be affected.	Noted. This is what is proposed in the draft policy.
34.3.65 -	Norland	But what does "not cause harm to heritage assets mean?" Surely you should be more	Policy CL7 (e) explicitly states what is set out in the comment.

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34.3.66	Conservation Society (Libby Kinmonth)	<p>specific and say in 34.3.65: "No Basements under or within the curtilage of Listed Buildings"?</p> <p>34.3.65 What is a Heritage Asset? There are many fine buildings in Kensington which are not listed. Equally, there are many that may not be listed but are just as old, and just as vulnerable to effects of tunnelling underneath: eg Elgin Crescent, Princedale Road, Queensdale Road. Need to include these in the general prohibition.</p> <p>34.3.66 In any case, what does "except on larger sites where there is no harm to the building's structure or setting and the basement is substantially separate from the listed building" mean? Need to define. Would this include eg Royal Crescent. It should not. Suggest define minimum garden size to qualify as "larger".</p>	<p>Heritage assets include listed buildings, scheduled ancient monuments, conservation areas and non-designated heritage assets. A local authority may formally identify heritage assets that are important to the area, these are called non-designated heritage assets. At present there are no non-designated heritage assets that have been formally identified by the Council in the Borough. The Planning (Listed Buildings and Conservation Areas) Act 1990 or the NPPF do not give the same degree of protection to non-designated heritage assets as given to designated heritage assets.</p> <p>The objective is that proposals should not result in extensive modifications to the foundations of the listed building. The draft policy is clear when an exception would be made.</p>
34.3.65 - 34.3.66	Tony Holt	Agreed	Noted.
34.3.65 - 34.3.66	Tony Holt	Agreed	Noted.
34.3.65 - 34.3.66	Panorama Property Services Ltd (James Agace)	<p>Heritage assets are already protected by the need for Listed Building Consent or other protections. There should be no need for some spurious additional policy.</p> <p>Each situation should be considered individually, as Listed Building Consent rules do already, without any broader blanket rules being imposed.</p> <p>34.3.65 states that basement development in the 'great majority of cases affect the hierarchy of the historic floor level and hence the original building's historic integrity.' This implies that in some cases the hierarchy of the historic floor level will not be affected. Therefore the proposed rule is unsound as it will deny some proposals that, in its own words, should be allowed.</p> <p>Has any evidence to support the statement in the 'great majority of cases affect the hierarchy of the historic floor level and hence the original building's historic integrity' been provided?</p>	<p>The Council is not adding further regulation rather it is formulating planning policy within Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.</p> <p>With regard to listed buildings the Council has a duty to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal.</p> <p>Foundations of listed buildings are considered part of the historic integrity of listed buildings. The policy recognises that basements underneath or too close to listed buildings can harm their historic integrity by modifying their foundation and therefore precludes them. Exception is specified for sites where these issues can be overcome.</p> <p>Text will be amended to clarify that the addition of a new floor or any extension will affect the hierarchy of historic floor levels.</p>
34.3.65 - 34.3.66	Panorama Property Services Ltd (James Agace)	<p>Listed buildings are protected by the need for Listed Buildings Consent. There is no need for further additional layers of restriction on top of this.</p> <p>The proposed policy restricts development of listed buildings to a greater extent than required by Listed Building Consent</p> <p>The justification is not reasoned and just adds layers of verbiage to support an unsound policy.</p>	<p>The Council is not adding further regulation rather it is formulating planning policy within Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.</p> <p>With regard to listed buildings the Council has a duty to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal.</p> <p>Foundations of listed buildings are considered part of the historic integrity of listed buildings. The policy recognises that basements</p>

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			underneath or too close to listed buildings can harm their historic integrity by modifying their foundation and therefore precludes them. Exception is specified for sites where these issues can be overcome.
34.3.65 - 34.3.66	Scott Morgan	<p>The council already protects Listed building with Listed Building Consent. No further protection should be needed.</p> <p>The reasoned justification states that in the great majority of cases development will affect the hierarchy of the historic floor levels and hence the original building's historic integrity. This means that, according to the wording in the 2nd draft policy, there are some cases where development will not affect the hierarchy of the historic floor levels. Development in these cases should therefore be allowed - the reasoned justification justifies development against the policy it is meant to be supporting!</p> <p>The development of all listed buildings is meant to be considered on a case by case basis via Listed Building Consent. The policy aims to impose a blanket ban on development which runs against listed building rules/guidance in PPS5.</p>	<p>The Council is not adding further regulation rather it is formulating planning policy within Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.</p> <p>With regard to listed buildings the Council has a duty to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. The wording will be amended.</p> <p>Foundations of listed buildings are considered part of the historic integrity of listed buildings. The policy recognises that basements underneath or too close to listed buildings can harm their historic integrity by modifying their foundation and therefore precludes them. Exception is specified for sites where these issues can be overcome.</p>
34.3.65 - 34.3.66	Sonata Persson	<p>Listed buildings are already well protected. Why is more regulation needed? Isn't the existing legislation sufficient?</p> <p>Why is the council adding to the burden of regulation?</p>	The process has been misunderstood. Legislation cannot be made by the local authority. This is a draft policy which is being formulated within the existing Town and Country Planning legislation.
34.3.65 - 34.3.66	Thomas O'Donohoe	<p>The significance of heritage assets in London and in the borough is well understood and appreciated. However, these are already protected by extensive existing regulation. This is yet another layer of regulation that is unnecessary.</p> <p>How will "the impact of basements on non-designated assets" be evaluated?</p>	<p>The process has been misunderstood. Legislation/regulations cannot be made by the local authority. This is a draft policy which is being formulated within the existing Town and Country Planning legislation.</p> <p>The Council currently does not have a local list of buildings and structures that are deemed to be non-designated assets. However, in these cases a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>
34.3.65 - 34.3.66	Christchurch Residents Association (Victoria Jacobsen)	We would like to support all the proposals therein with the exception of "Conservation and Heritage Assets (Box 1 34.3.65 and Box 2d)." We would disagree with there being no new basements within a Conservation Area. But that those allowed should be of very limited size.	The draft policy is not precluding basements in conservation areas. 34.3.65 relates to listed buildings.
34.3.65 - 34.3.66	Steven Aldridge	The significance of heritage assets in London and in the borough is well understood and appreciated. However, these are already protected by extensive existing regulation. This is yet another layer of regulation that is unnecessary.	<p>The Council is not adding further regulation rather it is formulating planning policy within Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.</p> <p>With regard to listed buildings the Council has a duty to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it</p>

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			<p>possesses". The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal.</p> <p>Foundations of listed buildings are considered part of the historic integrity of listed buildings. The policy recognises that basements underneath or too close to listed buildings can harm their historic integrity by modifying their foundation and therefore precludes them. Exception is specified for sites where these issues can be overcome.</p>
34.3.65 - 34.3.66	KPMG (Patrick Parke)	<p>Too restrictive and ignores economic impacts. Cities evolve, buildings evolve. Provided the plan gains listed buildings consent in line with PPS5(?) then the development should be allowed. Heritage development rules do not provide a blanket ban.</p> <p>no reason to restrict basements beneath gardens of listed buildings on smaller sites, provided there is no harm to the building's structure or setting, i.e. don't discriminate due to size</p>	<p>With regard to listed buildings the Council has a duty to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal.</p> <p>Foundations of listed buildings are considered part of the historic integrity of listed buildings. The policy recognises that basements underneath or too close to listed buildings can harm their historic integrity by modifying their foundation and therefore precludes them. Exception is specified for sites where these issues can be overcome.</p>
34.3.65 - 34.3.66	KPMG (Patrick Parke)	<p>65: you can't expect everyone who lives in listed buildings to live like people did when the buildings were constructed, or else we'd all have servants, have kitchens in the basement, very few bathrooms, no TVs etc..</p> <p>66: see earlier comments</p>	<p>The test regarding listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 is to preserve or enhance the building or its setting or any features of special architectural or historic interest which it possesses. The owners of listed buildings should be aware of the significance of a listed building and that greater planning constraints apply to them.</p>
34.3.65 - 34.3.66	David Innes	<p>There are multiple examples of Planning Consents for the increase in height of Vaults within Listed Buildings to enable reasonable use by current occupants. If RBKC believe that only "a great majority" of cases will be unsuitable - then why is a blanket ban to be put in place?</p>	<p>Planning policy cannot envisage every possible scenario and are written for majority of cases. Planning works on the basis that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Exceptions to policy are made where it is reasonable and justified to do so.</p>
34.3.65 - 34.3.66	David Innes	<p>Heritage assets are already well protected. This will go further than existing regulations. I do not believe this is necessary.</p>	<p>The Council is not adding further regulation rather it is formulating planning policy within Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.</p> <p>With regard to listed buildings the Council has a duty to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal.</p> <p>Foundations of listed buildings are considered part of the historic integrity of listed buildings. The policy recognises that basements underneath or too close to listed buildings can harm their historic integrity by modifying their foundation and therefore precludes them.</p>

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			Exception is specified for sites where these issues can be overcome.
34.3.65 - 34.3.66	Geostructural Solutions Limited (Tim Jolley)	When one is in the first floor of an existing building, one cannot see what is in the second floor or indeed, the ground floor. It is therefore difficult to understand how one floor in a Listed Building influences the other. Carrying the argument through, one cannot see a basement structure when standing on the ground floor. It is therefore difficult to understand how a new basement can affect a Listed Building in the way described in this sub-section. Whilst wishing to preserve our Heritage and appreciate the past, surely the intention is to live in the present?	Plan form is an established and important part of the historic significance and integrity of a listed building. While one cannot be in two floors at the same time, it is possible to experience a building and its plan-form in its entirety. On this basis it would never be possible for anyone to experience architectural masterpieces.
34.3.65 - 34.3.66	James Dawson	All are poorly worded and too restrictive and would make it harder to sell a listed building, meaning they are less likely to be well looked after for future generations.	Noted. The policy aims to preserve listed buildings so they can be appreciated and enjoyed by future generations.
34.3.65 - 34.3.66	James Dawson	We no longer live like we did when these buildings were designed, so it is wrong to expect building layouts to stay the same.	Listed buildings reflect the time that they were built in and form a small proportion of the building stock. If these are not preserved (including their plan form) this architectural representation would be lost forever.
34.3.65 - 34.3.66	Yasmin Ayoub	Another example of duplicating existing legislation. There is already legislation in place to protect heritage assets in the borough. Additional legislation adds cost and bureaucracy for no reason.	The process has been misunderstood. Legislation cannot be made by the local authority. This is a draft policy which is being formulated within the existing Town and Country Planning legislation.
34.3.65 - 34.3.66	Philip Muelder	34.3.65 This clause as currently wording seems to suggest that as houses deemed heritage assets (loose - everything within a conservation area for example?) were originally designed with one way of living in mind then they should not have an extra level added as this would affect their "historic integrity". This is ridiculous. I assume as part of this that attic conversions will also now be banned? 34.6.66 What is acceptable under Listed Buildings Consent? Does this requirement go further? If so is the Council allowed to do this?	34.3.65 relates only to listed buildings. The Council has a duty to <i>"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"</i> . The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. Listed buildings reflect the time that they were built in and form a small proportion of the building stock. If these are not preserved (including their plan form) this architectural representation would be lost forever. The policy is being formulated within the Town and Country Planning Act and is not taking the requirements any further.
34.3.65 - 34.3.66	Philip Muelder	34.3.65 This clause as currently wording seems to suggest that as houses deemed heritage assets (loose - everything within a conservation area for example?) were originally designed with one way of living in mind then they should not have an extra level added as this would affect their "historic integrity". This is ridiculous. I assume as part of this that attic conversions will also now be banned? 34.6.66 What is acceptable under Listed Buildings Consent? Does this requirement go further? If so is the Council allowed to do this?	34.3.65 relates only to listed buildings. The Council has a duty to <i>"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"</i> . The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. Listed buildings reflect the time that they were built in and form a small proportion of the building stock. If these are not preserved (including their plan form) this architectural representation would be lost forever. The policy is being formulated within the Town and Country Planning Act and is not taking the requirements any further.
34.3.65 -	Harcus Sinclair	Much of the reasoned justification is covered by existing legislation and does not need	The process has been misunderstood. Legislation cannot be made by

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34.3.66	(Damon Parker)	additional limitations on basements in particular.	the local authority. This is a draft policy which is being formulated within the existing Town and Country Planning legislation.
34.3.65 - 34.3.66	Harcus Sinclair (Damon Parker)	Many listed buildings have already been extensively refurbished to accommodate modern technologies and the demands of modern families. As society has evolved the way listed buildings are used has changed. This has changed the "hierarchy of the historic floor levels" in many cases already. This has all happened under the auspices of Listed Buildings Consent which seems to work pretty well in striking a balance between protecting the history and heritage of a building whilst ensuring they can be practically adapted for use now. Unsure as to why the council needs to add on to this raft of regulation - it feels like the vehemently anti-basement league is driving restrictive policy through with an eye on a wider agenda.	The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. Therefore it is not clear where such changes have been allowed under existing policy. The policy is being prepared within existing planning legislation and will be examined by a Government appointed planning inspector before it can be adopted. While local views are useful in highlighting local issues, policy cannot be formulated to cater to particular views rather it is formulated to promote sustainable development as defined by the National Planning Policy Framework.
34.3.65 - 34.3.66	The Chelsea Society (Terence Bendixson)	This clause needs to give greater weight to the principle set out at 34.3.58 and to the experience of Sloane House (Listed) and Sloane Lodge in Old Church Street, Chelsea. Not only are large gardens, like garden squares, amongst the few places where the planting and re-planting of forest-scale trees are practical, but they are also generous soak-aways for storm-water and locations for as yet unknown future needs. In its present form this paragraph invites very large scale civil engineering into residential streets and is a recipe for delivering extreme impacts on neighbours. It also sounds the death knell of the Borough's remaining large gardens which are horticulturally priceless and hydrological assets. The Chelsea Society urges the Council to change it.	Noted. The proposed policy would only make the exception where development could take place without causing extensive modifications to the foundations of listed buildings. The maximum limit of 50% would continue to apply and so will the policy to protect existing trees. It is not clear how this would deliver extreme impacts on neighbourhoods.
34.3.65 - 34.3.66	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Should be considered on a case by case basis like all listed building consents as each circumstance could be entirely separate	The Council has existing policy precluding basements beneath listed buildings. Whilst each case/ site is different the policy is the starting point to assess each planning application.
34.3.65 - 34.3.66	Martin Dallison	Listed buildings are already well protected.	Noted.
34.3.65 - 34.3.66	The Markham Square Association (David Cox)	We agree with the statement that the "significance of heritage assets needs to be identified". We support the continuation of restrictions on building under listed buildings. We believe that greater protection should be afforded to non-listed heritage assets, for example to all buildings within conservation areas. We suggest that the same protection offered to listed buildings should be extended to buildings within conservation areas: no new basements should be permitted within conservation areas.	Noted. Conservation areas are designated heritage assets as highlighted in the representation. However, the planning tests in Planning (Listed Buildings and Conservation Areas) Act 1990 for listed buildings are different from those for conservation areas. For listed buildings the test for the local planning authority is to have " <i>special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses</i> ". For conservation areas the local planning authority should give special attention to " <i>the desirability of preserving or enhancing the character or appearance of that area</i> " (our emphasis). The test in terms of listed buildings relates directly to preserving the building, its architectural features or historic interest while for conservation areas it is about preserving or enhancing the character or appearance not the historic interest. Basements which are not visible do not impact on the character or appearance. Therefore the same rules cannot apply.

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34.3.65 - 34.3.66	Zai Nordmann	<p>Heritage assets are already protected by Listed Building rules for building works. There should not be need for additional regulation that will confuse and I imagine will conflict with existing legislation.</p> <p>Every situation should be looking at on a case by case basis, this makes most sense and is how I have known listed building matters to be dealt with by planning.</p>	<p>The process has been misunderstood. New regulations cannot be made by the local authority. This is a draft policy which is being formulated within the existing Town and Country Planning legislation.</p> <p>The Council has existing policy precluding basements beneath listed buildings. Whilst each case/ site is different the policy is the starting point to assess each planning application.</p>
34.3.65 - 34.3.66	Zai Nordmann	<p>The proposed policy restricts development of listed buildings to a greater extent than required by Listed Building Consent. Is the council allowed to do this? There are so many rules and regulations already; it is hard enough to get anything done. We do not need more and more rules on the same things.</p>	<p>The policy does not restrict development to a greater extent rather it clarifies that development which would modify the foundations of a listed buildings would harm the listed building. The Council has existing policy precluding basements beneath listed buildings. Whilst each case/ site is different the policy is the starting point to assess each planning application.</p>
34.3.65 - 34.3.66	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	<p>This represents a very significant change in the level of restriction to be imposed from the existing situation by resisting any form of basement extension to a listed building.</p> <p>We remain of the view that a well designed basement can, in some instances, allow the hierarchy of the existing/original building to be properly interpreted.</p> <p>The Council has granted planning permission and listed building consent for basement extensions under the gardens of some listed buildings under the existing policy. These would have been assessed in term of their impact on the historic character of the listed building and considered to be acceptable.</p> <p>The policy and supporting text do not explain why these assessments are now to be overturned or set aside. It must follow that such extensions can be accommodated without harm to the heritage asset and the proposed change is unnecessarily onerous and unjustified.</p>	<p>Noted. The policy is seeking to protect the foundations of listed buildings from extensive modifications as this can affect the historic integrity of the building and pose risks of damage to the building. The policy allows for exceptions on large sites where there will be no extensive modifications to the foundations.</p>
34.3.65 - 34.3.66	Geostructural Solutions Ltd (Sean Bennett)	<p>Heritage assets sometimes need to be modified to meet the changing needs of their occupants. The survival of most historic buildings depends upon their continued viable use.</p> <p>Sensitive alterations will have due regard for what it is that makes a particular building significant whether that be physical features or from its association with particular personalities or events.</p> <p>There should not be a blanket ban on basements at Listed properties. Each site should be considered on its own merits once the significance of that building is understood.</p>	<p>The Council's existing policy precludes basements from beneath listed buildings. The draft policy further recognises that foundations of listed buildings are part of the historic integrity of the building. Exceptions will be made for large gardens where development can take place without causing extensive modifications to the foundations of the building.</p> <p>Planning works on the basis that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Exceptions to policy are made where it is reasonable and justified to do so such as enabling development to save a building at risk..</p>
34.3.65 - 34.3.66	R G Leeper	<p>I agree with the draft policy statement that no harm must be caused to "heritage assets". These must include conservation areas, as they fall within the NPPF definition. I therefore, support the option set out in the Strategic Environmental Assessment that there should be no new basements within conservation areas. As the SEA says, this would be compatible with SA objectives 16 (Cultural Heritage) and may also have a positive impact on air quality and pollution, and on the creation of construction waste and reduction in traffic (AS objectives 7, 9, 11 and 10).</p>	<p>Noted. The planning tests in Planning (Listed Buildings and Conservation Areas) Act 1990 for listed buildings are different from those for conservation areas. It would not be reasonable for the policy to apply the same rules to conservation areas.</p>

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		I approve of the proposal not to allow basements beneath the gardens of listed buildings (as well as under the buildings themselves). The "larger sites" where these may be allowed should be stated to be highly exceptional.	
34.3.65 - 34.3.66	Kensington Society (Michael Bach)	34.3.65 - Sentence 1: after the word assets add 'must', after identified add 'particularly listed buildings and conservation areas.' Sentence 3: after plan form add 'front and rear facades'.	Noted. Text will be amended as appropriate to improve clarity but it may not be as suggested.
34.3.65 - 34.3.66	Kensington Society (Michael Bach)	* the commitment to no harm and the commitment to enhancement to heritage assets - needs clarification that this includes conservation areas as well as listed buildings * no excavation under listed buildings nor in the garden of listed buildings, except where it can be substantially separated from the listed building and no harm to the character of the building and the garden.	Noted. Heritage assets are defined in the footnote and include conservation areas. This will be clarified in the next version of the document.
34.3.65 - 34.3.66	Abbey Pynford (Lewis O'Connor)	34.3.65 The special architectural or historic interest of listed buildings goes beyond appearance. It includes the location and hierarchy of rooms and historic floor levels, foundations, the original purpose of the building, its historic integrity, scale, plan form and fabric amongst other things. Consequently, the addition of a new floor level underneath the original lowest floor level of a listed building, or any extension of an original basement, cellar or vault, will in the great majority of cases affect the hierarchy of the historic floor levels, and hence the original building's historic integrity. Objection. This item is subjective, has not been adopted across the planning spectrum and is therefore neither reasonable or justified. &middledot; This philosophy is not adopted across all planning processes and therefore is unreasonably applied to basement extension. &middledot; The subjective nature of this item itself affects the original buildings historic integrity. Listed buildings are highly varied and any developments should be treated on a case by case basis. &middledot; As evidenced by the statement "majority of cases," basements are acknowledged as not always affecting the original building's historic integrity. &middledot; This arbitrary restriction would amount to a mis-application of planning regulation and prevents the sensitive and potentially augmentative development of the buildings historic integrity with a basement extension. &middledot; The historic integrity of a building as well as its architectural or historical significance may be enhanced or best preserved by a basement extension. This is evidenced widely elsewhere in the built environment with subterranean extension of libraries, banks, churches and aristocratic residences. &middledot; In the domestic setting many listed buildings have been saved from losing their historic integrity altogether through structural condemnation by refurbishment including basement extension. This is evidenced across the borough where private investment with	Noted. The Council's existing policy precludes basements underneath listed buildings. This is not a new policy that is being introduced. The new element is that basements will be precluded from the gardens of listed buildings unless they can be built without extensive modifications to the buildings in a large garden. This is in recognition of the fact that foundations are part of the historic integrity of a listed building and changes to part of the foundation pose risks of damage to the building. The Council has existing policy precluding basements beneath listed buildings. Whilst each case/ site is different the policy is the starting point to assess each planning application. The policy is being formulated within the Town and Country Planning Act and is not introducing new regulations.

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		<p>planning advice and guidance, during refurbishment (including basement extension) has restored listed buildings to their former glory.</p> <p>&middot; Many listed buildings already have modern developments and extensions, the development of a basement in these areas will not impact the integrity of the historic element of the property.</p> <p>&middot; The development of a basement adjacent to or within the grounds of; a listed building will not impact the buildings historic integrity.</p>	
34.3.65 - 34.3.66	Scott Morgan	<p>The council already protects heritage assets. No further protection should be needed.</p> <p>If the problem is that existing regulations are not being enforced correctly that should be addressed rather than introducing further layers of regulation.</p>	<p>Noted. The Council's existing policy precludes basements underneath listed buildings. This part is not a new policy that is being introduced.</p> <p>The process has been misunderstood. New regulations cannot be made by the local authority. This is a draft policy which is being formulated within the existing Town and Country Planning legislation.</p>
34.3.65 - 34.3.66	Jones Lang LaSalle (Kathryn Williams)	Restricting basements beneath gardens of listed buildings - (again there is no justification for this approach)	Noted. The policy is seeking to protect the foundations of listed buildings from extensive modifications as this can affect the historic integrity of the building and pose risks of damage to the building. The policy allows for exceptions on large sites where there will be no extensive modifications to the foundations.
34.3.65 - 34.3.66	Basement Force (Simon Haslam)	<p>The five paragraphs address a reasonable objective (provided they are not used to circumvent the ultimate question of judgment posed by the criterion within the policy and applied to the particular case), but they go further into the detail than is necessary or appropriate.</p> <p>Please see too the comments on 34-3-65 and 66 within the next section</p>	Noted.
34.3.65 - 34.3.66	Basement Force (Simon Haslam)	<p>Building a basement under a listed building strengthens the foundations and will often increase the structural longevity of the listed building - underpinning is frequently carried out to old/ancient buildings as a foundation repair solution. So building a basement under a listed building will often preserve and improve the stability of a heritage asset.</p> <p>The introduction of a new floor underneath a listed building need not have an adverse impact on the significance of the heritage asset. This will depend on the nature of that significance in the particular case. There is no sound basis for preventing new basements in all old or historic buildings. In any building for which it does constitute harm, criterion d would cover the point.</p> <p>The Alan Baxter report recognises that there are no particular risks to a listed building from construction underneath or within its garden. Paragraph 34.3.66 implies the contrary and is therefore not justified by evidence.</p>	<p>Noted. The Council's existing policy precludes basements underneath listed buildings. This part is not a new policy that is being introduced.</p> <p>There is no structural risk from building in the garden as long as it can be done without causing extensive modifications to the foundations of the listed building. The reasoned justification recognises this and includes an exception.</p>
34.3.65 - 34.3.66	Neil Collins	Aren't listed buildings already fully protected? If so why is another layer of protection needed? Isn't the existing listed building protection sufficient?	This is a local policy which amplifies/clarifies how planning legislation and national policies with regard to listed buildings will apply in particular local circumstances in this Borough. The Council's existing policy precludes basements from underneath listed buildings. It is important that the Council's planning policy is clear on basement applications that affect listed buildings.
34.3.65 -	Underpin &	Each application should be considered on individual merit as, with any building whether	The Council has existing policy precluding basements beneath listed

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34.3.66	Makegood (Contracting) Ltd (David Gakhar)	listed or not the circumstances vary case by case.	buildings. Whilst each case/ site is different the policy is the starting point to assess each planning application.
34.3.65 - 34.3.66	Robert Ward-Booth	<p>HISTORIC BUILT ENVIRONMENT</p> <p>The government places great weight on the importance of the proper protection and management of the Historic Built Environment which is one of the core principles set out in paragraph 17 of the NPPF. However, the NPPF does not include any absolute presumption in favour of preservation or conservation of Heritage Assets and provides a sophisticated, proportionate and evidence based approach which seeks to balance harm caused by any individual design proposal against the wider benefits of the intended development.</p> <p>Fundamentally, the NPPF makes it clear that proposals for development which affects Heritage Assets can only properly be assessed on the basis of an individual assessment of the significance of each individual asset concerned and the actual impact of the application proposal on the significance of that individual Heritage Asset.</p> <p>Determination is then made on an individual basis following a careful "weighing up" of the level of significance of the individual asset, the level of benefit or harm which the development will have for the significance of the individual asset concerned and any wider social and economic benefit which may flow from the development proposal.</p> <p>In this regard, the National Planning Policy Framework makes it clear that harm to the significance of a Heritage Asset can be justified and in this regard it sets out the relative levels of justification which should be applied depending on the level of harm caused and the relative level of significance of the Heritage Asset concerned.</p> <p>In contrast, subsection "d" of the draft policy seeks to introduce an absolute prohibition of basement development which causes harm to Heritage Assets and subsection "e" seeks to introduce an absolute prohibition of basement development underneath a Listed Building.</p> <p>In practice, it would be entirely normal, to reach the conclusion that basement development which results in genuine harm to the significance of a Heritage Asset cannot be justified and that permission should therefore be refused. Similarly, there will be many cases where the construction of a basement below a Listed Building would indeed cause unacceptable harm to its significance as a Heritage Asset.</p> <p>However, it is self-evident that there will be cases where basement development results in harm to a Heritage Asset which can be justified and it is also self-evident that there may be Listed Buildings whose actual significance will not be adversely affected by the construction of the basement below its footprint.</p> <p>It is illogical and inconsistent with the NPPF for the Council to effectively legislate to say that the significance of every Listed Building will be unacceptably harmed by the construction of a basement below its footprint.</p> <p>Similarly, it is illogical and inconsistent with the NPPF for the Council to seek to legislate to</p>	<p>The Council's and national policy attaches great significance to listed buildings and proportionally the draft policy is precluding development which will harm listed buildings.</p> <p>The NPPF does not support harm to listed buildings. Para 132 of the NPPF states that <i>"the more important the asset, the greater the weight should be."</i> <i>"Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional"</i>. It then outlines criteria allowing substantial harm for all designated heritage assets (including conservation areas) and states 'substantial public benefits' or a range of criteria – all of which should apply.</p> <p>Para 134 states that <i>"where development proposal will lead to less than substantial harm to the significance of a designated heritage asset it should be weighed against the public benefits of the proposals including securing its optimum viable use"</i>.</p> <p>Basements underneath listed buildings or affecting their foundation would cause harm to the historic integrity of the building. There are no public benefits or issues of viability for residential buildings in this Borough that would outweigh the harm in-line with the NPPF.</p> <p>Policy is formulated to apply to most cases on the basis that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Exceptions to policy are made where it is reasonable and justified to do so in-line with the NPPF, for example weighing up greater public benefits.</p> <p>The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. This part is not a new policy that is being introduced.</p> <p>Heritage assets as defined and outlined in the NPPF include conservation areas and non designated heritage assets. The policy does not have the same requirements for these heritage assets as it does for listed buildings. This is in-line with the NPPF which states that <i>"the more important the asset, the greater the weight should be."</i></p>

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		<p>say that no basement development which causes harm to a Heritage Asset can be justified.</p> <p>I would respectfully point out that the emerging draft policy is not consistent with National Planning Policy Guidance for the Historic Built Environment and I would respectfully suggest that it should be amended and revised in this regard.</p>	
34.3.65 - 34.3.66	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
34.3.65 - 34.3.66	Mark and Sophie Fitzgerald	There is significant existing regulation to protect heritage assets. Again, duplicating existing regulation is usually a sign of a badly prepared proposal.	The process has been misunderstood. The Council is not duplicating or preparing new regulation. This is a draft policy is being formulated within the existing Town and Country Planning legislation.
34.3.65 - 34.3.66	Mark and Sophie Fitzgerald	There is significant existing regulation to protect Listed Buildings. Again, duplicating existing regulation is usually a sign of a badly prepared proposal, and is contrary to current government efforts to reduce planning regulation.	The process has been misunderstood. The Council is not duplicating or preparing new regulation. This is a draft policy which is being formulated within the existing Town and Country Planning legislation.
34.3.65 - 34.3.66	Trustees of the Phillimore Estate	The first draft of the policy on basements allowed basements beneath the gardens of listed buildings. There has been no further evidence prepared since this time to justify the change in policy to prevent basements beneath the gardens of listed buildings. This is therefore not justified and is contrary to the policies in the NPPF.	The draft policy still allows basements in large gardens of listed buildings. The issue is that there should be no extensive modifications to the foundations of listed buildings.
34.3.65 - 34.3.66	Cadogan Estates (Cadogan)	<p>National Planning Policy Framework</p> <p>In order to understand our position more clearly, it is necessary to analyse the guidance provided by the National Planning Policy Framework (NPPF).</p> <p>Paragraph 131 states that:</p> <p>"In determining planning applications, local planning authorities should take account of (inter alia):</p> <p>* The desirability of sustaining and enhancing the significance of the heritage asset and putting them to viable uses consistent with conservation;..." (our underlying)</p> <p>Paragraph 132 goes on to state that:</p> <p>"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".</p> <p>Importantly, paragraph 134 states that:</p> <p>"Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use"</p> <p>It is therefore clear that the emphasis of the NPPF is on firstly, understanding the 'significance' of the heritage asset and, secondly, understanding the extent to which a proposal harms or enhances this significance. Importantly, harm to the significance does</p>	<p>The Council's and national policy attaches great significance to listed buildings and proportionally the draft policy is precluding development which will harm listed buildings.</p> <p>The NPPF does not support harm to listed buildings. Para 132 of the NPPF states that "<i>the more important the asset, the greater the weight should be.</i>" "<i>Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional</i>". It then outlines criteria allowing substantial harm for all designated heritage assets (including conservation areas) and states 'substantial public benefits' or a range of criteria – all of which should apply.</p> <p>Para 134 states that "<i>where development proposal will lead to less than substantial harm to the significance of a designated heritage asset it should be weighed against the public benefits of the proposals including securing its optimum viable use</i>".</p> <p>Basements underneath listed buildings or affecting their foundation would cause harm to the historic integrity of the building. There are no public benefits or issues of viability for residential buildings in this Borough that would outweigh the harm in-line with the NPPF.</p> <p>Policy is formulated to apply to most cases on the basis that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Exceptions to policy are made where it is reasonable and justified to do so in-line with the NPPF, for example weighing up greater public benefits.</p>

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		<p>not automatically mean a proposal is unacceptable. The degree of harm needs to be carefully considered.</p> <p>As currently constructed, draft policy CL7 fundamentally ignores this guidance within Criterion d) and e) of the draft Policy.</p>	<p>The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. This part is not a new policy that is being introduced.</p> <p>Heritage assets as defined and outlined in the NPPF include conservation areas and non designated heritage assets. The policy does not have the same requirements for these heritage assets as it does for listed buildings. This is in-line with the NPPF which states that <i>"the more important the asset, the greater the weight should be."</i></p>
34.3.65 - 34.3.66	Cadogan Estates (Cadogan)	See enclosed letter.	Noted.
34.3.65 - 34.3.66	Christian Leigh	Wording of policy and supporting text now acknowledges that the significance of the heritage asset in question must be identified for each instance and that, whilst many listed buildings may not be suitable for an additional floor, the policy is flexible enough for an exception to be made. This is a welcome improvement from the past proposed wording.	Noted.
34.3.65 - 34.3.66	Christian Leigh	Broadly supported, for similar reasons as above. But objection raised to assumption that only on 'large' gardens a basement to a listed building may be acceptable. For the reasons given above, there may be specific circumstances for a property that means the garden - although not 'large' - could accept a basement without harm to the significance of the property: the same criteria of substantially separate, suitable link, etc, as set out in the policy and supporting text would be applied.	Noted. The issue is that there should be no extensive modifications to the foundations of listed buildings.
34.3.65 - 34.3.66	Savills (Nick de Lotbiniere)	<p>Heritage/listed buildings</p> <p>The proposed revised policy requires that no excavation is proposed both beneath listed buildings and beneath the gardens of listed buildings. The consultation document claims that the addition of a floor below the lowest floor level of a listed building will in the majority of cases affect the hierarchy of the historic floor levels, and hence the original building's historic integrity.</p> <p>We consider that the reasoning behind this revised policy stance is a generalisation which by no means applies to every listed building. Many listed buildings have been substantially altered, with their main value being their facade. The addition of a basement to listed buildings which have been altered in the past could therefore have a neutral impact on the subject building. Further, the excavation of a basement below a listed building could in fact have a positive impact on a listed building, where it is associated with wider listed building enhancements under the same planning application.</p> <p>We do not consider that it is necessary to introduce such a protective policy because Core Strategy CL4 already provides the necessary protection for listed buildings which ensures that development cannot take place which would adversely affect a listed building. Policy CL4 seeks to resist the removal or modification of features of architectural importance, and requires the preservation of the special architectural or historic interest of listed buildings, making specific reference to the plan form. As such, there is no requirement to introduce a policy which resists basements under gardens of listed buildings as there is already sufficient policy in place which safeguards against inappropriate impacts on listed buildings.</p>	<p>The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. This part is not a new policy that is being introduced.</p> <p>The Council's and national policy attaches great significance to listed buildings and it is not agreed that many listed buildings in this Borough have been altered as suggested. Precluding basements in the gardens of listed buildings is being introduced to protect the foundations of listed buildings from extensive modifications as this can affect the historic integrity of the building and pose risks of damage to the building. The policy allows for exceptions on large sites where there will be no extensive modifications to the foundations.</p> <p>Listed buildings reflect the time that they were built in and form a small proportion of the building stock. If these are not preserved (including their plan form) this architectural representation would be lost forever.</p>

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		Listed buildings need to evolve and adapt to suit the needs of modern day living and basements are a good way of doing this. Basements often have much less of an impact on the listed building heritage asset than above ground extensions due to their limited visual impact.	
34.3.65 - 34.3.66	Cranbrook Basements (Kevin O'Connor)	<p>The blanket ban on basements below Listed Buildings due to structural considerations is not evidence based.</p> <p>Arguments relating to architectural hierarchy cannot be supported - there are countless examples where English Heritage have raised not objection to basements below existed buildings nationally.</p> <p>Current RBKC policy allows modification to the foundations of Listed pavement vaults and their increase in height - this policy is operated very successfully for a number of years - no evidence has been brought forward to demonstrate why this policy should be changed to the detriment of householders.</p>	<p>The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. This part is not a new policy that is being introduced.</p> <p>The Council is not aware of the particular considerations in these cases but the Council's approach as mentioned above has been established through the existing policy.</p> <p>Existing policy in relation to vaults and cellars is set out in the subterranean supplementary planning document. It states "<i>the Council will normally resist proposals for subterranean development under listed buildings or directly attached to existing basements, cellars or vaults of listed buildings</i>". The Council takes account of the significance of vaults/ cellars and the outcome of the application is dependent on the significance of the asset and what is being proposed proposal. The Council does not have a policy that allows modifications of listed vaults without any consideration.</p>
34.3.65 - 34.3.66	Cranbrook Basements (Kevin O'Connor)	<p>We are unaware of any evidence based study that reports upon damage resulting to Listed Buildings where basements have been constructed within the garden.</p> <p>Reports prepared for RBKC confirm that complex basements are regularly completed where well designed and constructed by experienced teams - the reports go on to amplify the successful outcome of large scale basement projects.</p>	The existing policy requires basements to be away from listed buildings with a discreet link connecting the basement to the listed building. The draft policy clarifies that there should be no extensive modifications to the foundations of the listed buildings and an exception is made for large sites where it would be possible to locate the basement substantially away.
34.3.65 - 34.3.66	Cranbrook Basements (Kevin O'Connor)	It is the stated view of RBKC that there are cases where basements below the footprint of a Listed Building will not affect the hierarchy of the existing floor levels and therefore quite reasonably - there should be no blanket ban and each case should be considered on its merits.	Adding a new floor underneath will change the plan form of a building and text will be amended to reflect this.
34.3.65 - 34.3.66	Cranbrook Basements (Kevin O'Connor)	Expert evidence is readily available to prove that the fractional impact of constructing a basement adjacent to the rear wall of a Listed Building is no greater than were it constructed some significant distance remote to the subject property.	Precluding basements in the gardens of listed buildings is being introduced to protect the foundations of listed buildings from extensive modifications as this can affect the historic integrity of the building and pose risks of damage to the building. The policy allows for exceptions on large sites where there will be no extensive modifications to the foundations.
34.3.65 - 34.3.66	Bell Cornwall (Simon Avery)	<p>A blanket ban on any form of subterranean extension beneath a listed building is not justified.</p> <p>The text acknowledges that the heritage issue requires an assessment in each individual case Of the significance of the heritage assets affected, on a proportionate basis, sufficient only to assess the impact of the proposal on the significance. That is the requirement of the Framework Paragraph 128. The draft written justification is in conflict with The Framework</p>	<p>The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. This part is not a new policy that is being introduced.</p> <p>Heritage assets include not only listed buildings and scheduled ancient monuments but also conservation areas, areas of archaeological importance and non-designated heritage assets.</p>

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		in this respect therefore.	With regard to listed buildings the Council has a duty to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". This is set out in Planning (Listed Buildings and Conservation Areas) Act 1990. The Council's existing policy precludes basements underneath listed buildings and this has been upheld on appeal. Adding a new floor underneath a listed building will change the building's plan form and will not preserve the building and harm the special architectural or historic interest.
34.3.65 - 34.3.66	Bell Cornwall (Simon Avery)	Likewise refusing basements in the gardens of listed buildings is neither evidentially justified, nor in compliance with the Framework Paragraph 128. Furthermore, the wording of "substantially separate from the listed building" lacks clarity and justification.	Precluding basements in the gardens of listed buildings is being introduced to protect the foundations of listed buildings from extensive modifications as this can affect the historic integrity of the building and pose risks of damage to the building. The policy allows for exceptions on large sites where there will be no extensive modifications to the foundations.
34.3.65 - 34.3.66	Friends of Portobello (Robina Rose)	Agree profoundly. Well done.	Noted.
34.3.67 - 34.3.69	Kensington Society (Michael Bach)	34.3.67: Line 1: after basements add 'below the original structure must' delete should. Lines 5/6: Delete "have a bearing on" and insert "affect". 34.3.69: Line 2 Delete ", if any," - keep it simple!	Noted. Text will be amended as appropriate to improve clarity. 'If any' will be deleted.
34.3.67 - 34.3.69	P Whitehouse-Vaux	Listed and heritage assests are already well protected. Why is further protection needed? If the real problem is the weak or lack of enforcement of existing regulations then the council should address that issue rather than introducing further layers of regulation. The government is trying to reduce regulation not increase it. The council seems intent on layering additional regulations on residents.	The process has been misunderstood. The Council is not duplicating or preparing new regulation. The draft policy is being formulated within the existing Town and Country Planning legislation.
34.3.67 - 34.3.69	Norland Conservation Society (Libby Kinmonth)	34.3.67 - AGREE 34.3.68 - AGREE 34.3.69 Not sure what the purpose of this is? If it is to limit/prevent basements under some Unlisted Buildings , we agree.	Noted.
34.3.67 - 34.3.69	Tony Holt	Agreed	Noted.
34.3.67 - 34.3.69	Panorama Property Services Ltd (James Agace)	The intention of this paragraph is not clear. If there is to be a restriction based on this paragraph then the restriction needs to be clearly stated rather than rely on footnotes to other documents.	These paragraphs are supporting text to the parts of policy relating to heritage assets. The footnotes set out definitions rather than restrictions. Text will be amended to improve clarity.
34.3.67 - 34.3.69	Steven Aldridge	How will "the impact of basements on non-designated assets" be evaluated?	The Council does not have a local list of non-designated assets. However, planning applications are normally accompanied by a design and access statement which will consider the impact of the

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			development on the existing building. The Council's conservation and design policies will be applicable to all schemes including ones involving non-designated heritage assets.
34.3.67 - 34.3.69	KPMG (Patrick Parke)	67: too vague and could be used by planners to rule out many developments, to the severe detriment of London's economy 68: True, and hopefully already covered by existing guidelines 69: True, and hopefully already covered by existing guidelines	The Council has a duty to preserve or enhance the character of appearance of conservation areas. This is set out in Planning (Listed Buildings and Conservation Areas) Act 1990. 68 and 69 – Noted.
34.3.67 - 34.3.69	Philip Muelder	34.3.67 Externally visible elements of basements should be subject to the same restrictions and planning regulations as those for above ground extensions. Why should the restrictions be any more prohibitive? Planning law is about external appearance and the built environment - so all external residential properties should be treated the same. 34.3.69 This seems rather a catch all excuse to ban any development, basement or otherwise, in these areas. Arguable more so for above ground extensions which have very obvious and indiscreet "external manifestations"	Noted. The restrictions are no more prohibitive. The paragraph highlights the Council's duty to preserve or enhance the character of appearance of conservation areas. Non-designated heritage assets are set out in the National Planning Policy Framework and the Council has a duty to take them into account.
34.3.67 - 34.3.69	The Chelsea Society (Terence Bendixson)	37.3.69 The very extensive use made of Conservation Area designation in Kensington and Chelsea is a measure of the extent of the Borough's non-designated heritage assets and the importance attached to them by residents and the Council. (Had residents not highly valued the historic character of their streets and squares, the Council would not have taken the trouble to protect them by means of conservation areas.) Basements are merely the newest threat to the historic character of these assets the significance of which is their constituent Georgian and Victorian houses, with their natural gardens and their original floor plans, stairs, sections and, in many cases, lower ground floors. Basements whether dug under houses, under gardens, or both, change the heritage interest, as defined by NPPF, of these buildings and spaces in fundamental ways. Such changes and their resulting harm need to be subject to the same limitations as extensions upwards, sideways or in other directions. It follows that basements should be allowed under houses and gardens in Conservation Areas only in the most exceptional circumstances. THIS IS THE CHELSEA SOCIETY'S PRE-EMINENT POLICY REQUIREMENT. FOR THE REASONS GIVEN, THE SOCIETY URGES THE CONCIL TO ADOPT SUCH A STANCE. ACCEPTANCE OF IT WOULD, OF COURSE, REPLACE PROPOSALS ELSEWHERE TO LIMIT BASEMENT EXCAVATION TO THE FOOTPRINT OF NON-LISTED BUILDINGS. IF THIS POLICY PROPOSAL IS NOT ACCEPTABLE THAN THE SOCIETY'S FALL-BACK POSITION IS TO SUPPORT THE THAMES WATER POSITION TO LIMIT EXCAVATION TO THE FOOTPRINT OF NON-LISTED BUILDINGS.	Noted. Conservation areas are designated heritage assets as highlighted in the representation. However, the planning tests in Planning (Listed Buildings and Conservation Areas) Act 1990 for listed buildings are different from those for conservation areas. For listed buildings the test for the local planning authority is to have <i>"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".</i> For conservation areas the local planning authority should give special attention to <i>"the desirability of preserving or enhancing the character or appearance of that area"</i> (our emphasis). The test in terms of listed buildings relates directly to preserving the building, its architectural features or historic interest while for conservation areas it is about the character or appearance of that area. Basements which are not visible do not impact on the character or appearance. Thames Water support the extent of basements into the garden in their representation on the second draft basements policy.
34.3.67 - 34.3.69	The Markham Square Association (David Cox)	We welcome the reworking of these provisions.	Noted.

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34.3.67 - 34.3.69	Zai Nordmann	34.3.69 I do not understand what this sentence is trying to say - can you explain it please?	In addition to designated assets such as listed buildings and conservation areas, there can be non-designated heritage assets which are considered of importance to the local area. The Council can formally identify such assets but at present there is no formal list of these. Applications affecting such buildings should consider their significance in relation to what is being proposed.
34.3.67 - 34.3.69	Geostructural Solutions Ltd (Sean Bennett)	Basements have considerably less external manifestations than above ground extensions. Above ground extensions or alterations could easily have a greater impact on the character of a Listed building or a conservation area.	Noted. The Core Strategy has a chapter titled 'Renewing the Legacy' which has detailed policies relating to conservation and design.
34.3.67 - 34.3.69	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
34.3.67 - 34.3.69	The Cherry Tree Residents' Amenities Association (Thomas Blomberg)	We do not agree with the statement in 34.3.67, that basements have no impact on conservation areas as long as they don't have "external manifestations". On the contrary, we agree with other resident associations, that the statement "d" in Policy CL7 - that no harm must be caused to heritage assets - must include conservation areas, as such areas fall within the quoted NPPF definition of what constitutes heritage assets: "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest". We therefore support the option set out at 2.54 in the Council's Strategic Environmental Assessment (SAE) of the first draft, dated December 2012, that there should be no new basements within conservation areas. As the SEA concludes, this would be compatible with SA Objective 16 (Cultural heritage), because, "if no basements are permitted, they cannot have an impact on the character of the conservation area", and may also have a positive impact on air quality and pollution, and on the creation of construction waste and reduction in traffic. (SA objectives 7, 9, 11 and 10). We feel that objectives 4, 5 and 6 (the promotion of equality, minimising effects of climate change, and reduction of future flooding risks) would also be positively impacted by such a ban. The SEA states that such a ban, however, would have negative impacts on SA objectives 3, 9a and 13 (Economic Growth, Previously Developed Land and Housing). We do not agree, as basement developments in conservation areas can hardly be said to create a more "diverse and vibrant local economy" (objective 3), be a solution that helps "prioritise development on previously developed land" (objective 9a), or "meet the housing needs of the Royal Borough's residents" (objective 13).	Noted. Conservation areas are designated heritage assets as highlighted in the representation. However, the planning tests in Planning (Listed Buildings and Conservation Areas) Act 1990 for listed buildings are different from those for conservation areas. For listed buildings the test for the local planning authority is to have " <i>special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses</i> ". For conservation areas the local planning authority should give special attention to " <i>the desirability of preserving or enhancing the character or appearance of that area</i> " (our emphasis). The test in terms of listed buildings relates directly to preserving the building, its architectural features or historic interest while for conservation areas it is about the character or appearance. Basements which are not visible do not impact on the character or appearance.
34.3.67 - 34.3.69	Cadogan Estates (Cadogan)	See enclosed letter.	Noted.
34.3.67 - 34.3.69	Cranbrook Basements (Kevin O'Connor)	All applications should be judged on their merits - to assume that changes are automatically negative is unreasonable.	Noted. The text does not indicate that all changes are considered negative. The Council has a duty to preserve or enhance the character or appearance of conservation areas and the text draws attention that proposals should aim to meet this objective. Similarly the text clarifies the position with regard to archaeological remains and non-designated heritage assets.
34.3.67 - 34.3.69	Cranbrook Basements (Kevin O'Connor)	It is unreasonable to require the basement to enhance the wider Conservation Area.	This is not unreasonable. It is a duty for the local planning authority as set out in Planning (Listed Buildings and Conservation Areas) Act 1990.
34.3.70	Kensington Society (Michael Bach)	34.3.70: In the last sentence after the word character add 'style, proportion'. Add at the end of the paragrph:	Noted. Text will be amended as appropriate to improve clarity where required.

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		<p>"Externally visible elements should not be introduced to the front of the property where they are not already a feature visible from the street. They should not be based on examples elsewhere in the Borough or on general assumptions about what happens in the Borough as a whole."</p> <p>See old RJ para 34.3.69</p>	
34.3.70	P Whitehouse-Vaux	<p>You state, without any justification , that it is important to minimise the visual impact of light well, roof lights, railings, steps, emergency accesses, plant and other visible elements.</p> <p>Surely, like any element of a proposal, if these are well designed and, at the very least, maintain the streetscape then that should be acceptable. I would go further in that some designs may enhance the existing streetscape and should therefore be encouraged. This seems specifically designed to curtail basement development. Policy needs more thought and clearer wording.</p> <p>Insisting on reflecting the local streetscape limits any innovation in design. If a building is in a Conservation Area then surely these regulations cover what the council might consider inappropriate design features? Why additional limitations? :</p> <p>If a design element enhances the character of the building I streetscape it should be encouraged independently of its location.</p>	<p>The objective to minimise visual impact does not require further justification. It is in-line with the Core Strategy chapter 'Renewing the Legacy'.</p> <p>70% of the Borough is designated as conservation areas. The Council has a duty to give special attention to "<i>the desirability of preserving or enhancing the character or appearance of conservation areas</i>" (our emphasis) in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>These are not additional limitations rather the text provides clarity on acceptable development.</p>
34.3.70	P Whitehouse-Vaux	<p>This needs to be reworded.</p> <p>The policy assumes light wells, roof lights, railings, steps and so on detract from the character and appearance of the building, garden and wider area.</p> <p>This clearly cannot be the general case.</p> <p>At the very least those that are well designed and enhance or at least maintain the streetscape should be acceptable or even encouraged.</p>	<p>The objective to minimise the visual impact of external manifestations of basements. The text does not preclude these features but provides clarity on acceptable development.</p>
34.3.70	Anthony Temple	<p>The policy reason refers to external visible elements being allowed on the basis that 'they need to be located near to the building ...'.</p> <p>There is a strong argument for having a specific limitation (e.g. no more than 2 metres from the rear wall of the building).</p>	<p>Noted. The text highlights that the external features need to be close to the original building. The exact location/ distance close to the building would be dealt with on a case by case basis.</p>
34.3.70	Norland Conservation Society (Libby Kinmonth)	<p>Excellent</p>	<p>Noted.</p>
34.3.70	Norland Conservation Society (Libby Kinmonth)	<p>Agree</p>	<p>Noted.</p>
34.3.70	Panorama Property Services Ltd (James Agace)	<p>The whole paragraph is written to presume against development.</p> <p>Light pollution - the amount of light that comes from residential windows at basement level is not a planning matter and should not be controlled by planning policy.</p>	<p>Planning can legitimately deal with light pollution. Conservatories are attached to the original building. Council's policy CL2 of the Core Strategy specifically sets out requirements for conservatories.</p>

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		<p>Above ground windows, especially conservatory roofs, generally produce more light pollution than basement level windows. Light from new extensions or conservatories at ground level and above are not controlled by planning regulation. Therefore basement level windows should not, on the basis of light pollution, be controlled by planning.</p> <p>The intention of planning policy over light pollution is to control lit signs associated with shops and commercial premises. The intention is not to control the light from residential windows. Therefore basement level windows should not, on the basis of light pollution, be controlled by planning.</p> <p>Overall trying to limit basement development by means of light pollution supports the view that the council is trying to reduce basement development by whatever means it can.</p> <p>The external visible elements should not need to be located near to the building unless they detract from the existing character.</p>	<p>Roof lights on basements appearing in the middle of gardens can create large rectangles of lights. These are not characteristic of gardens and are not close to the building line and have an impact on the surroundings.</p> <p>The policy is being formulated with the Planning Act and the objective is not to curtail development by any means. The objective is to support sustainable development.</p> <p>The Borough has a consistent building line and if external elements are not located near the building it would detract from the building line and in addition cause other issues such as light pollution and impact on the character of gardens.</p>
34.3.70	Sonata Persson	<p>Provided "all aspects of the basement development are designed, constructed and completed to the highest standard and quality" (CL7 Para 1) then additions/changes should be allowed.</p> <p>I am surprised that current planning policy and rules don't already provide protection for this for either above or below ground development. If it does provide protection through above ground legislation why can't that be applied to basement development. Surely rules should go across all aspects of development?</p> <p>The light pollution from basements can be nothing to that generated by security lights, garden lights, lighting from rear and side extensions. To that end light pollution sounds a bit spurious. Presumably there are rules to deal with above ground light pollution in general - if there are then these should be applied.</p> <p>They should be used to deal with below ground developments as all developments should be subject to the same rules and regulations otherwise it does seem that the council is imposing harsher planning conditions on applicants proposing basement development.</p>	<p>The Core Strategy should be read as a whole and other policies may be applicable where relevant. The Core Strategy chapter 'Renewing the Legacy' has detailed policies on conservation and design and these apply to all developments.</p> <p>Roof lights on basements appearing in the middle of gardens can create large rectangles of lights. These are different from garden lights which are often low key and emanating directly from a bulb. Roof lights are not characteristic of gardens and are not close to the building line and have an impact on the surroundings.</p>
34.3.70	Sue Whittle	<p>Light pollution - is this a consideration when an above ground extension is considered for approval? If not why single out basement developments? Any new window or extension causes light pollution and arguably the pollution from a side return conversion or rear extension is worse than a basement extension.</p> <p>I don't believe that planning controls the effect of garden or security lighting so I am confused by why the policy is including basement windows. Another way of limiting basement development?</p>	<p>Roof lights on basements appearing in the middle of gardens can create large rectangles of lights. These are not characteristic of gardens, are not close to the building line and have an impact on the surroundings.</p> <p>Core Strategy chapter 'Renewing the Legacy' has detailed design and conservation policies and includes policies on extensions. Installing a light is different from a roof light.</p>
34.3.70	Thomas O'Donohoe	<p>There needs to be consistency in planning policy for above and below ground development. As such any visible elements of basement development should be subject to the same rules and regulations as for above ground extensions or developments.</p>	<p>The Core Strategy should be read as a whole. The Council has extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p>

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		<p>Are they the same? If not, why are they different?</p> <p>There is an assumption that any external elements are unacceptable to the existing streetscape. This is ludicrous. A well designed external element may enhance the streetscape. The reasoned justification and policy suggests it is acceptable to duplicate badly designed existing elements</p>	<p>It is not acceptable to duplicate badly designed existing elements. Text will be amended to improve clarity.</p>
34.3.70	K Howell	<p>This seems to be a strange rule that puts greater restrictions on basement construction than any other type of work. Any new window or extension causes light pollution. I do not think that light pollution from a new rear or side extension is considered under the planning rules. If this is the case, then light pollution should not be considered for basements either. The light from a basement window is far less than the light from a new above ground extension.</p> <p>Garden lights, garage lights and security lighting (all of which can be much more intrusive than the small glow from basement light wells) are also not controlled by planning rules. So in the same way basement windows should not be controlled based on the possible light that they may produce.</p> <p>RBKC planning policy does not restrict development based on the light pollution from buildings, and should not single out basements in this way.</p>	<p>Roof lights on basements appearing in the middle of gardens can create large rectangles of lights. These are different from garden lights which are often low key. Roof lights are not characteristic of gardens and are not close to the building line and have an impact on the surroundings.</p> <p>The Council has extensive policies for above ground development. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p>
34.3.70	Steven Aldridge	<p>There needs to be consistency in planning policy for above and below ground development. As such any visible elements of basement development should be subject to the same rules and regulations as for above ground extensions or developments.</p> <p>Are they the same? If not, why are they different?</p> <p>There is an assumption that any external elements are unacceptable to the existing streetscape. This is ludicrous. A well designed external element may enhance the streetscape. The reasoned justification and policy suggests it is acceptable to duplicate badly designed existing elements!</p>	<p>The Core Strategy should be read as a whole. The Council has extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p> <p>It is not acceptable to duplicate badly designed existing elements. Text will be amended to improve clarity.</p>
34.3.70	KPMG (Patrick Parke)	<p>The language is currently too restrictive (and as it stands, I understand that it would mean that on two otherwise identical and adjacent streets, if one has one basement with a front lightwell and the other none, then everyone in the street which already has one lightwell would be able to put one in, whereas no one in the adjacent street would ever be allowed to).</p>	<p>Noted. The street character would be very different (not identical) if one had light wells and the other did not.</p>
34.3.70	Yasmin Ayoub	<p>I think the issues of light pollution are overstated as</p> <p>a) They are not considered an issue for above ground developments which does not make sense as clearly there must be more light pollution from glazing over rear and side extensions above ground than there is from the relatively obscure windows down inside lightwells.</p> <p>b) Garden lighting and security lights are not subject to planning but can be significantly intrusive.</p> <p>If light pollution is such a problem then light pollution should be a planning consideration for</p>	<p>The Council has extensive policies for above ground development. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p> <p>Roof lights on basements appearing in the middle of gardens can create large rectangles of lights. These are different from garden lights which are emanating from a bulb. Windows in extensions are close to the building line. Roof lights are not characteristic of gardens and are not close to the building line and have an impact on the surroundings.</p>

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		all developments - above and below ground - and other lighting including garden, driveway and security lighting should all be controlled by planning regulation.	
34.3.70	Yasmin Ayoub	<p>Light pollution - see previous point.</p> <p>To reject the addition of any new features into a building where they are not already existing in the streetscape does not make sense to me. By all means insist that they are attractive in design or discreet but London and the RBKC has evolved to look the way it has over time and these features are part of the historical record, be they now considered ugly or unappealing.</p> <p>To blanket ban anything new is overly prohibitive and seems targeted at preventing basements by any route.</p>	<p>Noted. Addition of new light wells where there are no existing ones will change the character or appearance of the street.</p> <p>The policy is being formulated with the Planning Act and the objective is not to curtail development by any means. The objective is to support sustainable development.</p>
34.3.70	Philip Muelder	<p>Light pollution is minimal from basements compared to garden lights, rear and side extensions, security lights, garage lights and so on. Are these now to be subject to a light pollution test if planning is required? If light pollution is a real concern for the Council then it needs to apply across all developments, not just basements, and think about turning off street lights!</p> <p>As drafted the idea that a lightwell cannot be introduced unless there are already lightwells on the street seems solely aimed at preventing basements in streets where no already exist. Surely this goes counter to the desire to reduce the impact of construction in areas where large amounts of basements are already in place?</p>	<p>Roof lights on basements appearing in the middle of gardens can create large rectangles of lights. These are different from garden lights which are emanating from a bulb. Windows in extensions are close to the building line. Roof lights are not characteristic of gardens and are not close to the building line and have an impact on the surroundings.</p> <p>The Council has extensive policies for above ground development. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p> <p>The policy is being formulated with the Planning Act and the objective is not to curtail development by any means. The objective is to support sustainable development.</p>
34.3.70	The Chelsea Society (Terence Bendixson)	Accept	Noted.
34.3.70	The Chelsea Society (Terence Bendixson)	Accept	Noted.
34.3.70	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Light pollution from above ground works is not controlled by planning policy so the reasoned argument is mis- leading .	Planning can legitimately control light pollution.
34.3.70	Martin Dallison	<p>Provided "all aspects of the basement development are designed, constructed and completed to the highest standard and quality" (CL7 Para 1) then additions/changes should be allowed.</p> <p>I am surprised that current planning policy and rules don't already provide protection for this for either above or below ground development. If it does provide protection through above ground legislation why can't that be applied to basement development. Surely rules should</p>	<p>The Core Strategy should be read as a whole and other policies may be applicable where relevant. The Core Strategy chapter 'Renewing the Legacy' has detailed policies on conservation and design and these apply to all developments.</p> <p>Roof lights on basements appearing in the middle of gardens can create large rectangles of lights. These are different from garden</p>

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		<p>go across all aspects of development?</p> <p>The light pollution from basements can be nothing to that generated by security lights, garden lights, lighting from rear and side extensions. To that end light pollution sounds a bit spurious. Presumably there are rules to deal with above ground light pollution in general - if there are then these should be applied.</p> <p>They should be used to deal with below ground developments as all developments should be subject to the same rules and regulations otherwise it does seem that the council is imposing harsher planning conditions on applicants proposing basement development.</p>	lights which are often low key and emanating directly from a bulb. Roof lights are not characteristic of gardens and are not close to the building line and have an impact on the surroundings.
34.3.70	The Markham Square Association (David Cox)	We agree with these provisions relating to light pollution; they should also extend to temporary works so that visual disturbance is kept to a minimum.	Noted.
34.3.70	Zai Nordmann	<p>The whole paragraph is written to stop people building and discriminates against basement versus above ground development.</p> <p>For example:</p> <p>Light pollution -windows at ground floor make more light pollution than basement windows. But light from ground floor extensions or rooflights are not controlled by planning rules. This is not right or fair.</p> <p>Why different rules for basements if not to try to stop basements?</p>	<p>The policy is being formulated with the Planning Act and the objective is not to curtail development by any means. The objective is to support sustainable development.</p> <p>Roof lights on basements appearing in the middle of gardens can create large rectangles of lights. These are different from garden lights which are emanating from a bulb. Windows in extensions are close to the building line. Roof lights are not characteristic of gardens and are not close to the building line and have an impact on the surroundings.</p> <p>The Core Strategy should be read as a whole. The Council has extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p>
34.3.70	Kensington Society (Michael Bach)	<p>* restrict lightwells and railings to front of property where harm to the historical reference of streetscape is a precedence and when not an acceptable feature of local streetscape</p> <p>* maintaining/taking opportunities to improve character and appearance of the building, garden & wider area</p>	Noted.
34.3.70	Abbey Pynford (Lewis O'Connor)	<p>34.3.70 It is very important to minimise the visual impact of light wells, roof lights, ... Care should be taken to avoid disturbance to neighbours from light pollution through roof lights and other forms of lighting.</p> <p>Objection: There is no quantitative evidence to support this statement that basement light wells or roof lights increase luminous pollution or light trespass. This item is therefore neither reasonable nor justified.</p> <p>&middot; Light pollution from above ground developments is not controlled by planning</p>	<p>Roof lights on basements appearing in the middle of gardens can create large rectangles of lights. These are different from garden lights which are emanating from a bulb. Windows in extensions are close to the building line. Roof lights are not characteristic of gardens and are not close to the building line and have an impact on the surroundings.</p> <p>Planning can legitimately control light pollution.</p>

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		<p>policy. Therefore light pollution should not be used as a reason for control of light wells in basement developments</p> <p>&middot; External lighting such as garden lights, sheds, alleyways, porches etc. produce far greater photo pollution than basement light wells and roof lights and are not controlled by planning policy. It is therefore not reasonable or justified for this planning condition to be placed upon basements.</p> <p>&middot; The contribution of basement light wells and roof lights to luminous pollution created by existing "historic" lower ground floor light wells, building windows, street lights conservatories etc. is not detectable by any measurement of light pollution.</p> <p>&middot; The impact of existing sources of light as listed above renders the light originating from basement roof lights and light wells; negligible.</p>	<p>The Core Strategy should be read as a whole. The Council has extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p>
34.3.70	Scott Morgan	<p>Why is it important to minimise the visual impact of light well, roof lights, railings, steps etc? If these are well designed and enhance or at least maintain the streetscape then that should be acceptable, if they enhance the existing streetscape, should be encouraged, no?</p> <p>What does "an acceptable feature of the local streetscape" mean? If they existing as ugly original features is it ok to add further ugly lightwells?</p> <p>Why has something got to be near the building? If it enhances the character of the building/streetscape/gardens it should be encouraged independently of its location.</p>	<p>It is important to minimise their impact as they are not original features and would detract from the character of the original building and the streetscape.</p> <p>The Council is not aware of ugly 'original' Victorian/ Georgian lightwells. These are established, positive features in the Borough. Text will be amended to clarify 'acceptable'.</p> <p>The built environment is characterised by a consistent building line. Visible elements located close to the building allow the consistency in building line to be maintained and it also allows the visual impact of basements to be minimised.</p> <p>The Council has strong policies to protect the built environment in this Borough. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p>
34.3.70	Basement Force (Simon Haslam)	<p>There are existing planning policies for above ground work. The externally visible elements are standard above ground building work and should be judged in line with other existing/standard general policies. There is no justification for a more restrictive approach to basements.</p> <p>It is excessive to require that a light well is already part of the existing street scene as officers can judge whether a new light well does any harm in the particular case. There can be a general criterion covering the externally visible elements of a basement development and that they should not harm the character or appearance of the local street scene.</p>	<p>The Core Strategy should be read as a whole. As stated the Council does have extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p> <p>Addition of new light wells where there are no existing ones will change the character or appearance of the street.</p>
34.3.70	Neil Collins	<p>Provided the additions/changes are well designed they should be allowed.</p> <p>Doesn't current planning policy and rules already provide protection for this?</p> <p>Light pollution sounds a bit spurious. The odd additional basement level window is of no significance is it?</p>	<p>Noted.</p> <p>The Core Strategy has detailed existing policies on conservation and design. The text in the second draft basements policy document is about specific issues related to basements.</p> <p>Roof lights on basements appearing in the middle of gardens can create large rectangles of lights. These are different from garden</p>

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			lights which are emanating from a bulb. Windows in extensions are close to the building line. Roof lights are not characteristic of gardens and are not close to the building line and have an impact on the surroundings.
34.3.70	Robert Ward-Booth	The appropriate test should be whether the introduction of such features results in material harm to the character of the locality and whether the proposal meets normal requirements for good quality contextual design. Simply seeking to prevent change is not in conformity with good practice or the NPPF.	Addition of new light wells where there are no existing ones will change the character or appearance of the street.
34.3.70	Robert Ward-Booth	Support	Noted.
34.3.70	Nicola Floyd	Why are visible elements of basements dealt with differently to any other type of building?	The Core Strategy should be read as a whole. The Council does have extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.
34.3.70	Mark and Sophie Fitzgerald	Any visible elements of basement development should be subject to the same rules and regulations as for above ground extensions or developments, otherwise the planning policy will be inconsistent with no logical reason.	The Core Strategy should be read as a whole. The Council does have extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.
34.3.70	Mark and Sophie Fitzgerald	As such any visible elements of basement development should be subject to the same rules and regulations as for above ground extensions or developments. There is an assumption that any external elements are unacceptable to the existing streetscape. This is clearly a unjustified concept. A well designed external element may enhance the streetscape.	The Core Strategy should be read as a whole. The Council does have extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.
34.3.70	Mrs Riviere	Can the council confirm it is able to discriminate with regard to planning rules for above and below ground developments? There are several clauses in this policy (eg light pollution concerns) that seem to be absent from considerations of above ground extensions.	The Core Strategy should be read as a whole. The Council does have extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.
34.3.70	Mrs Riviere	This doesn't seem to treat basement applications in the same light as above ground applications?	The Core Strategy should be read as a whole. The Council does have extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.

Document Part Name	Respondent Name	Comment	Council's Response
34.3.70	Mrs Riviere	As with point 7. this doesn't seem to treat basement applications in the same light as above ground applications?	The Core Strategy should be read as a whole. The Council does have extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.
34.3.70	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.70	Cranbrook Basements (Kevin O'Connor)	<p>It is unreasonable to pre-suppose that light-wells or railings can never be an acceptable part of the street scene - simply because they do not already exist on another property within the street.</p> <p>Applications should be considered on a case-by-case basis.</p> <p>Above ground extensions in highly sensitive locations on Listed Buildings are approved by Local Planning Authorities and yet the proposed policy relating to small semi-concealed light-wells that may be located behind a garden wall at ground level can NEVER be acceptable makes no sense. Light-well applications should be considered on their merits without a blanket ban.</p> <p>The level of "light pollution" that arises from planning consent for a simple ground floor extension which is partially glazed is more than one hundred times greater than that which might arise from the construction of a modest light-well at floor level. There is no reasonable policy justification arising from the issue of "light pollution" when it is not being applied fairly across all RBKC development control.</p>	<p>Addition of new light wells where there are no existing ones will change the character or appearance of the street.</p> <p>The policy is not precluding light wells on the basis of light pollution. A modest light well close to the building line as described is unlikely to cause light pollution.</p> <p>The Core Strategy should be read as a whole. The Council does have extensive policies for above ground development. If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p>
34.3.71	Jones Lang LaSalle (Kathryn Williams)	As a general approach, the paragraphs concerned with BREEAM and construction are inappropriate, either exceeding reasonable requirements or treading on areas covered by other legislation.	Noted. The targets have been set at reasonable levels. It is not clear which other legislations cover this issue. Policy 5.4: Retrofitting of the London Plan should be referred to.
34.3.71	Kensington Society (Michael Bach)	<p>34.3.71: At the end of third sentence add:</p> <p>"to ensure that all surface water run-off from the basement development drains into the SUDS and not into the sewer system."</p> <p>Line 9: After "run-off to the" add "sustainable urban"</p> <p>The Society is concerned about lack of policy on natural ventilation and natural light - these need to be addressed.</p>	<p>Noted. Core Strategy policy CE2 should be referred to. This policy refers to the London Plan hierarchy (Policy 5.13: Sustainable Drainage). Discharging rainwater to the drains/ combined sewer is at the bottom of this hierarchy and a range of other measures would be considered first.</p> <p>Development also needs to meet building regulation requirements. These are considered to adequately cover the issues of light and ventilation.</p>
34.3.71	Norland Conservation Society (Libby Kinmonth)	<p>Where gardens are already part patio, they must have unrestricted soil depth on at least 50% of the garden (ie which is neither basement or patio. This is both for SUDS and to respond to:</p> <p>34.3.59 "Basements that extend under gardens can result in the garden above being artificially level, and can restrict the range of planting, thereby introducing a permanent change to the character of the garden"</p>	The policy cannot require gardens to be paved or unpaved.

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34.3.71	Norland Conservation Society (Libby Kinmonth)	why only one metre? What is the knock on effect for neighbouring properties living next door to a water tight box?	Requiring greater soil depth would require greater excavation. 1m of permeable soil is sufficient to allow for sustainable drainage and planting. A proposal that has taken account of all the relevant site conditions including ground investigations should have no effect on adjoining properties.
34.3.71	Tony Holt	Agreed	Noted.
34.3.71	Panorama Property Services Ltd (James Agace)	If you require SUDS then say this. No other detail is required. The justification for SUDS is to avoid additional surface water causing flooding of the sewer system. Nothing more needs to be said.	Noted. The text is brief and is considered necessary.
34.3.71	David Innes	What is a garden or courtyard is paved? Will this now require 1m of soil?	Para 34.3.71 states that where the character within an urban block is small paved courtyard SUDs can be provided in other ways.
34.3.71	Yasmin Ayoub	Why not on a case by case basis? SUDs are obviously very important but should a policy not allow local planning officers to visit the site and determine what is and isn't suitable according to the specifics of the site?	Policy CE2 of the Core Strategy requires SUDs. This is required for all developments and is not considered on a case by case basis.
34.3.71	Harcus Sinclair (Damon Parker)	I am not an expert but if a garden is already paved why should you now need to put in 1m of soil above the basement?	Para 34.3.71 states that where the character within an urban block is small paved courtyard SUDs can be provided in other ways.
34.3.71	The Chelsea Society (Terence Bendixson)	This clause pre-supposes that the undermining of gardens is acceptable. The Chelsea Society considers that it is not and that policy should be devoted to increasing SUDS by reducing existing impermeable coverings in front and back gardens.	The policy aims to reduce both the amount and speed of surface water run-off through the provision of SUDs. Therefore this would improve the existing situation.
34.3.71	Zai Nordmann	The reason for SUDS is to stop additional surface water causing flooding of the sewer system. I have used SUDS - if you have SUDS you do not need to tell someone to have the one metre of soil as you are then telling them how to do the SUDS.	Noted. The 1m of soil has two purposes; for SUDs as well as for planting. Para 34.3.71 states that where the character within an urban block is small paved courtyard SUDs can be provided in other ways.
34.3.71	Kensington Society (Michael Bach)	* requiring a sustainable urban drainage scheme - although there is a need clarify that allrunoff from the garden goes to SUDs not to central sewage drains, as proposed by Thames Water.	Noted. Core Strategy policy CE2 should be referred to. This policy refers to the London Plan hierarchy (Policy 5.13: Sustainable Drainage). Discharging rainwater to the drains/ combined sewer is at the bottom of this hierarchy and a range of other measures would be considered first.
34.3.71	Basement Force (Simon Haslam)	You need only SUDS - saying that you need one metre of permeable soil is telling you how to achieve SUDS. The justification for SUDS is to avoid additional surface water causing flooding of the sewer system. It doesn't need any more than this.	Noted. The 1m of soil has two purposes; for SUDs as well as for planting. Para 34.3.71 states that where the character within an urban block is small paved courtyard SUDs can be provided in other ways. Noted. The text is brief and is considered necessary.
34.3.71	Robert Ward-Booth	Support	Noted.
34.3.71	Thames Water Utilities Ltd (Mark Mathews)	It is understood that the proposed policy requires a one metre depth of permeable cover above any part of a basement beneath a garden and that new basement developments would also be required to comply with Policy CE2 of the Core Strategy which requires a reduction in both the volume and speed of run-off. It is Thames Water's understanding that the requirements of Policy CL7 combined with the requirements of Policy CE2 would prevent increased flows of surface water into the sewerage network and could result in a	Noted. It is correct that the policy is aiming to reduce both the amount and speed of surface water run-off through the provision of SUDs. Therefore this would improve the existing situation. The Council is considering a condition requiring SUDs to be maintained in perpetuity.

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		<p>reduction in flows.</p> <p>There is a risk that the permeable surfaces provided in connection with basement developments could subsequently be covered with impermeable surfaces installed utilising permitted development rights. In order to ensure that the policies are effective it is essential that the permeable areas of cover are permanently maintained and that impermeable surfaces are not subsequently installed utilising permitted development rights. Planning conditions could be used on any approvals to ensure the permanent retention of the approved permeable surfaces and SUDs.</p> <p>It is acknowledged that the proposed policies aim to prevent any increase in surface water runoff into the sewerage network and to protect new basements from the risk of sewer flooding and Thames Water support this approach.</p>	
34.3.71	Thames Water Utilities Ltd (Mark Mathews)	<p>Thames Water support the requirement for one metre of permeable soil to be provided. It is essential that new basement developments do not result in an increase in surface water flows into the sewerage network which would reduce the capacity of the network and potentially lead to sewer flooding. Developers should be required to demonstrate in accordance with Policies CL7 and CE2 that development would not increase the volume or rate of runoff into the sewerage network.</p> <p>It is essential that SUDs measures implemented as part of any basement development including the one metre of permeable cover are permanently maintained to avoid the subsequent removal or covering of permeable surfaces with impermeable surfaces which would increase run-off into the sewerage network.</p>	<p>Noted. Core Strategy policy CE2 refers to the London Plan hierarchy (Policy 5.13: Sustainable Drainage). Discharging rainwater to the drains/ combined sewer is at the bottom of this hierarchy and a range of other measures would be considered first.</p> <p>The Council is considering a condition requiring SUDs to be maintained in perpetuity.</p>
34.3.71	Mrs Riviere	<p>Surely as long as a qualified drainage engineer submits a well designed plan the planning department should approve it rather than be so prescriptive?</p>	<p>Noted. The Council is not being prescriptive rather clarifying that 1m of soil can provide a dual function of providing SUDs as well as planting.</p>
34.3.71	Cadogan Estates (Cadogan)	<p>No comment.</p>	<p>Noted.</p>
34.3.71	Christian Leigh	<p>Welcome that supporting text to this policy now recognises character of some properties is small hard-surfaced yard where cannot have 1m of soil above.</p>	<p>Noted.</p>
34.3.71	Bell Cornwall (Simon Avery)	<p>No evidential justification is given for why 1 metre of soil above a basement is required, including when in relation to the introduction of SUDS technology.</p>	<p>Para 34.3.71 explains that the 1m of soil provides for both reducing the amount and speed of surface water run-off to the drainage system and the long term future of shrub and other garden planting.</p>
34.3.72	P Whitehouse-Vaux	<p>An insistence that any basement development requires an upgrading of the rest of the building to achieve difficult environmental standards does not seem reasonable or fair. Surely just the new build should be designed to meet the higher BREEAM standards?</p>	<p>Noted. This is in recognition of the fact that basements have a higher carbon embodiment compared to the same area of above ground development. This requirement is to offset the additional carbon generated by constructing basements.</p>
34.3.72	Anthony Temple	<p>The passage in relation to residential development says that the "very good" rating should be met ... surely this means 'must be met ...'. The same applies to the provision relating to retrofitting a listed building ...</p>	<p>Noted. Text will be amended to improve clarity.</p>
34.3.72	Norland Conservation Society (Libby Kinmonth)	<p>If " Retrofitting a listed building as a result of basement development should achieve BREEAM Domestic Refurbishment "very good" rating including a minimum of 80% of credits in the waste category, means it will be a condition of any basement permission that</p>	<p>Noted.</p>

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		the energy performance of the whole house should be upgraded, Agree 200%	
34.3.72	Tony Holt	Agreed. Particularly important if the extension is beneath a building in multi-ownership and/or multi-occupation, so that it applies to the whole building.	Noted. The requirement will only apply to the part of the building to which the extension relates not the whole building where this is in multi-ownership.
34.3.72	Panorama Property Services Ltd (James Agace)	Where a basement is proposed to an existing dwelling, to require the whole building to meet the "Very Good" Breeam Domestic for Refurbishment standard is not sound because a deficiency in relation to a dwelling as a whole already exists and would not be a consequence of the current proposal. This has been endorsed by Appeal Inspectors and most recently in relation to appeal decisions for 1 Burnsall Street, London SW3 (APP/K5600/D/12/2174477) and 6 Argyll Road, London W8 (APP/K5600/D/11/ 2162153).	Noted. The requirement has also been upheld in other appeals. It is also supported by London Plan policy 5.4 Retrofitting which states <i>"Within LDFs boroughs should develop policies and proposals regarding the sustainable retrofitting of existing buildings. In particular they should identify opportunities for reducing carbon dioxide emissions from the existing building stock by identifying potential synergies between new developments and existing buildings through the retrofitting of energy efficiency measures, decentralised energy and renewable energy opportunities."</i>
34.3.72	Scott Morgan	If you can only build a basement under the far end of a listed building, essentially unconnected to the main building, then it is not fair to demand that the whole of the listed building should be upgraded to meet difficult environmental standards. If, as it should be, the basement under listed building are allowed provided Listed Building Consent has been obtained then provided all reasonable attempts have been made to improve environmental performance then that should be sufficient. Listed buildings are a special case when you consider that things like double glazing to replace original single glazed windows are usually not allowed.	Noted. This is in recognition of the fact that basements have a higher carbon embodiment compared to the same area of above ground development. This requirement is to offset the additional carbon generated by constructing basements. Lower targets have been set for listed buildings in recognition of the fact that environmental upgrades should not harm the historic features.
34.3.72	Sonata Persson	Does the whole property have to be changed if an applicant adds a rear extension? If not it does not seem fair to apply that measure to a basement development. Surely the council cannot be proposing one rule for applicants for below ground development and another for above ground development?	Noted. This is in recognition of the fact that basements have a higher carbon embodiment compared to the same area of above ground development. This requirement is to offset the additional carbon generated by constructing basements.
34.3.72	Thomas O'Donohoe	Basements under existing dwellings reduce the need for development on back gardens or other 'green' land so should be positively encouraged. Requiring a wholesale upgrade of an entire building where a basement development is being undertaken seems and onerous and unjustified requirement. A basement development under a garden allows full planting now and in the future with flexibility for mature tree planting anywhere over a garden basement roof. This is better than for any other form of extension or indeed new build at ground level. This adds to biodiversity, greenification and leafiness of the borough. As such the development is environmental and does not need added carbon targets. Also a basement will last for many years - decades or quite probably centuries. Basements	Back gardens are excluded from the definition of previously developed land in the National Planning Policy Framework. This requirement is in recognition of the fact that basements have a higher carbon embodiment compared to the same area of above ground development. This requirement is to offset the additional carbon generated by constructing basements. Gardens perform a number of functions and while there can be planting on top of the basement the drainage function of soil and the ability to plant major trees is lost once there is a basement underneath a garden.

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		once built are very green with excellent insulation and thermal mass driving fantastic energy efficiency. Over the full life of the basement the energy efficiency will probably more than make up for the carbon negative of construction.	
34.3.72	Steven Aldridge	<p>Basements under existing dwellings reduce the need for development on back gardens or other 'green' land so should be positively encouraged. Requiring a wholesale upgrade of an entire building where a basement development is being undertaken seems and onerous and unjustified requirement.</p> <p>A basement development under a garden allows full planting now and in the future with flexibility for mature tree planting anywhere over a garden basement roof. This is better than for any other form of extension or indeed new build at ground level.</p> <p>This adds to biodiversity, greenification and leafiness of the borough. As such the development is environmental and does not need added carbon targets.</p> <p>Also a basement will last for many years - decades or quite probably centuries. Basements once built are very green with excellent insulation and thermal mass driving fantastic energy efficiency. Over the full life of the basement the energy efficiency will probably more than make up for the carbon negative of construction. Has anyone run the numbers on this or has the policy been formulated from the hip in order to support a politically driven anti-basement stance?</p>	<p>Back gardens are excluded from the definition of previously developed land in the National Planning Policy Framework. This requirement is in recognition of the fact that basements have a higher carbon embodiment compared to the same area of above ground development. This requirement is to offset the additional carbon generated by constructing basements.</p> <p>Gardens perform a number of functions and while there can be planting on top of the basement the drainage function of soil and the ability to plant major trees is lost once there is a basement underneath a garden.</p>
34.3.72	Shrimplin Brown (Robert Shrimplin)	Moreover, it is clear from the fact that restrictions are being proposed on basement development that do not apply to other forms of extensions to houses, for example to improve the sustainability performance of the rest of the house or to improve the character of the building, that the intention of the guidance is indeed to frustrate basement development. This is contrary to people's right, appropriately controlled by the planning, to seek to improve and extend their houses.	Noted. This is in recognition of the fact that basements have a higher carbon embodiment compared to an equivalent above ground development. This requirement is to offset the additional carbon generated by constructing basements. Policy is formulated within the remit of planning legislation and is examined by a Government appointed planning inspector before it can be adopted. It is not designed to curtail development or people's rights.
34.3.72	David Innes	Finally, the Council's insistence that the refurbishment of a whole house be included as part of the project to meet arbitrary "Green Credentials" will have far more impact than a basement development. For example, to meet the required green standards windows might need to be ripped out and replaced, exterior walls battened so they can be insulated, ceilings torn down to install roof insulation, boilers and pipework replaced, etc., etc. It also seems that the Council has made no attempt to quantify the level of upgrades required and therefore the related additional construction impact. (and cost).	<p>Noted. The standards are set at a level which will not require external or internal wall insulation and can be met by service upgrades with a combination of fabric upgrades.</p> <p>This is in recognition of the fact that basements have a higher carbon embodiment compared to an equivalent above ground development. This requirement is to offset the additional carbon generated by constructing basements.</p>
34.3.72	David Innes	<p>It makes no sense that basements alone are signalled out. Long term basements are well insulated and will use significantly less energy to heat and cool, Additionally, tdue to its construction any basement will last the next 100 - 200 years (if not longer) unlike many other buildings being constructed at ground level across the borough.</p> <p>Hence before imposing arbitrary constraints on basement developments the Council should have conducted a life-time (assuming the basement remains usable for at least 100 - 200 years) assessment of the total carbon balance of basements vs. above ground constructions, use of cars across the borough, etc.</p>	<p>This requirement is in recognition of the fact that basements have a higher carbon embodiment compared to an equivalent above ground development. This requirement is to offset the additional carbon generated by constructing basements.</p> <p>These are not arbitrary constraints rather the requirements are based on evidence.</p>
34.3.72	KPMG (Patrick Parke)	If it is not possible for the development to meet these requirements, then offsets (e.g. carbon offsets by preserving rainforest) should be allowable, rather than prohibiting the	The objective is that impacts should be dealt with locally.

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		development	
34.3.72	Yasmin Ayoub	<p>I do not really understand the detail of what is being said here but it does not seem right that the whole house has to be assessed and changed if there is only going to be a small cellar installed.</p> <p>This policy would mean that in a six storey house, to install a 10m2 basement cellar, you might have to do works to the whole house. This seems to be illogical and, given that this justification and policy is about reducing carbon emissions, at times counter productive.</p>	A common sense approach is applied when using policies. The policy is written for most basement developments which are bigger than enlarging a cellar.
34.3.72	Harcus Sinclair (Damon Parker)	<p>Any new building should be built to the highest standards of the time. However to insist that any basement development must also involve a retrofit of the existing dwelling is not fair.</p> <p>I suspect that this would result in greater construction associated with every basement development when the point of this policy is supposed to be reducing the construction impact.</p> <p>Need to consider off-setting strategies - carbon off set is allowed and justified across all sorts of industries and sectors.</p>	<p>This requirement is in recognition of the fact that basements have a higher carbon embodiment compared to an equivalent above ground development. This requirement is to offset the additional carbon generated by constructing basements.</p> <p>The targets are set at a level that will not require major changes to the fabric of the building.</p> <p>The objective is that impacts should be dealt with locally and offsetting is unsuitable.</p>
34.3.72	The Chelsea Society (Terence Bendixson)	Accept	Noted.
34.3.72	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	This should only fairly be applied to the basement structures and not the whole building as this will only increase disruption and noise to neighbours	<p>This requirement is in recognition of the fact that basements have a higher carbon embodiment compared to an equivalent above ground development. This requirement is to offset the additional carbon generated by constructing basements.</p> <p>The targets are set at a level that will not require major changes to the fabric of the building.</p>
34.3.72	Martin Dallison	<p>Does the whole property have to be changed if an applicant adds a rear extension? If not it does not seem fair to apply that measure to a basement development.</p> <p>Surely the council cannot be proposing one rule for applicants for below ground development and another for above ground development?</p>	<p>This requirement is in recognition of the fact that basements have a higher carbon embodiment compared to an equivalent above ground development. This requirement is to offset the additional carbon generated by constructing basements.</p> <p>If no distinction was made between above and below ground development, basements would be precluded to a large extent. Basement development has become increasingly popular as policies do not allow above ground development to the same extent.</p>
34.3.72	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	<p>The only comment we would wish to make on this is that this should be applied flexibly in the case of listed buildings if our points on CL7 e are accepted.</p> <p>This would be in line with the approach in the current guidance.</p>	A lower standard is set for listed buildings to recognise that the upgrade to meet the standards should not harm the historic environment.
34.3.72	Kensington Society	Delete the penultimate sentence.	Noted. Text will be amended as appropriate to aid clarity.

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	(Michael Bach)		
34.3.72	Kensington Society (Michael Bach)	* ensuring all buildings with a basement are adapted to a high level of performance with regard to energy, waste and water - but this does not cover London Plan policies for sustainable construction and design, etc	The London Plan policies apply to all developments. However the BREEAM requirements set out deal with a range of issues. There are 33 different criteria against which credits are available. The requirements would mean that 80% of waste is diverted from landfill.
34.3.72	Basement Force (Simon Haslam)	Carbon emissions should be considered on a full life time basis not on an immediate one off and a full lifetime study should be completed before a policy like this is introduced. Doing so would provide a clearer picture of the merits of the proposals in environmental terms, particularly as "basements tend to perform much better in environmental terms than above ground construction" [Alan Baxter at paragraph 11.5 page 37]. Requiring what would be an arbitrary environmental offset to the carbon emissions involved in construction (using current methods) by an improvement to the rest of the house, is unwarranted and disproportionate. It does not reflect properly the presumption in favour of sustainable development.	This requirement is in recognition of the fact that basements have a higher carbon embodiment compared to an equivalent above ground development. This requirement is to offset the additional carbon generated by constructing basements. This is an existing policy and its supporting evidence will be published in due course. Policy 5.4: Retrofitting of the London Plan should be referred to.
34.3.72	Robert Ward-Booth	Support	Noted.
34.3.72	Mark and Sophie Fitzgerald	Basements under existing dwellings reduce the need for development on back gardens or other 'green' land so should be positively encouraged. Requiring a wholesale upgrade of an entire building where a basement development is being undertaken seems and onerous and unjustified requirement. A basement development under a garden allows full planting now and in the future with flexibility for mature tree planting anywhere over a garden basement roof. This is better than for any other form of extension or indeed new build at ground level. This adds to biodiversity, greenification and leafiness of the borough. As such the development is environmental and does not need added carbon targets. Also a basement will last for many years - decades or quite probably centuries. Basements once built are very green with excellent insulation and thermal mass driving fantastic energy efficiency. Over the full life of the basement the energy efficiency will probably more than make up for the carbon negative of construction.	This is an existing policy. This requirement is in recognition of the fact that basements have a higher carbon embodiment compared to an equivalent above ground development. This requirement is to offset the additional carbon generated by constructing basements. Gardens are not included in the definition of previously developed land and should be considered Greenfield. This is an existing policy and its supporting evidence will be published in due course.
34.3.72	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.72	Christian Leigh	No comment	Noted.
34.3.72	Savills (Nick de Lotbiniere)	Sustainability The proposed supporting text to the revised policy continues to require BREEAM standards to be met across the entire existing building. As noted within the appeal decision ref. APPIK5600/D/12/2174477, the Inspector came to the conclusion that "any deficiency in relation to the dwelling as a whole already exists and would not be a consequence of the current proposal". This appeal was granted in June 2012; as such this constitutes very recent case law and should be given significant weight. RBKC have not provided any evidence of other appeal decisions where the policy in relation to the BREEAM requirement has been accepted, as such we do not consider that this requirement is legally compliant and it should therefore be removed.	Noted. This is the only case and there are other appeals as mentioned before where this requirement has been upheld. For example in APP/K5600/A/12/2181281, Nos. 9, 10 12 13 and 14 Woodsford Square, London the Inspector allowed the appeal and included the existing EcoHomes requirements as a condition (see condition 3). Policy 5.4: Retrofitting of the London Plan should be also referred to. A lower target has been set for listed building so that the historic fabric of the building is not harmed as a result of meeting the

Document Part Name	Respondent Name	Comment	Council's Response
		<p>The requirement for listed buildings to achieve a BREEAM 'very good' rating is very restrictive as it is often challenging to meet required standards in listed buildings without impacting unnecessarily on their heritage value. The policy needs to be realistic in terms of what can actually be achieved at listed buildings and the requirement for meeting BREEAM standards should be determined on a case by case basis. The policy should therefore incorporate some flexibility on this requirement.</p> <p>I trust the above comments will be taken into consideration. I would also like to take this opportunity to confirm that we would wish to speak at Examination in Public.</p>	standard.
34.3.72	Cranbrook Basements (Kevin O'Connor)	<p>Once constructed basements require less energy to operate and have a lower carbon footprint than equivalent above ground forms of construction. This is evidence based. It is unreasonable and punitive to require the entire building to be upgraded to off-set some notion "constructional carbon footprint".</p> <p>In the worst case scenario applicants should be allowed the option to purchase certified carbon credits as is done by other industries under the Climate Change Act to off-set any perceived carbon footprint.</p> <p>If RBKC wish the mitigation to be carried out locally then financial payment could be made equal to the cost of purchasing the carbon credit off-sets and the Local Authority could spend those funds upgrading local housing stock to achieve the carbon policy objectives.</p>	<p>This is an existing policy and the related evidence will be published in due course. Policy 5.4: Retrofitting of the London Plan should be also referred to.</p> <p>The objective is to offset the additional carbon emissions locally and the offsetting schemes do not meet these objectives.</p> <p>The standards are set at a level that do not require invasive fabric changes to buildings to be made.</p>
34.3.72	Bell Cornwall (Simon Avery)	<p>To seek to force a basement development scheme to raise the carbon emissions rating of the whole .of the property which already exists above it fails the requirements to be "directly related to the development" and "fairly and reasonably related in scale and kind to the development", in the Framework Paragraph 204. Likewise that approach fails the requirement of Conditions needing to be relevant to the development permitted, as set out in The Framework Paragraph 206. It is therefore in conflict with the Framework, as has been confirmed by Appeal Inspectors in dealing with basement extension cases within the Borough already.</p>	<p>Noted. This is an existing policy and has been upheld in several appeals. For example in APP/K5600/A/12/2181281, Nos. 9, 10 12 13 and 14 Woodsford Square, London the Inspector allowed the appeal and included the existing EcoHomes requirements as a condition (see condition 3). The related evidence will be published in due course.</p> <p>Policy 5.4: Retrofitting of the London Plan should be also referred to.</p> <p>A lower target has been set for listed building so that the historic fabric of the building is not harmed as a result of meeting the standard.</p>
34.3.73	Oliver Parr	<p>It would be more honest to say that "Basement construction will almost inevitably cause nuisance..."</p> <p>No amount of effort by the applicant will eliminate this "impact" and accordingly it would be better to say "The applicant must demonstrate that these impacts are restricted to the lowest possible acceptable levels..."</p>	Noted. Text will be amended to improve clarity as appropriate.
34.3.73	Kensington Society (Michael Bach)	<p>34.3.73: Line 2: After "construction traffic" add ", obstruction of the highway, parking suspensions,"</p> <p>Need to cover other issues in the CMTP.</p> <p>Line 7: after "site or" add ", only where this is impossible,"</p>	Noted. Text will be amended to improve clarity as appropriate.

Document Part Name	Respondent Name	Comment	Council's Response
		<p>Need to make clear the presumption that wherever possible everything should be off the highway.</p> <p>Add at the end: ", whilst ensuring that the space taken is minimised in terms of extent and duration."</p> <p>The "lead policy" for this need to be in the new servicing section referred to in the Miscellaneous section, to provide the headline policy for both the Transport and Basements SPDs</p>	
34.3.73	Guy Mayers	<p>In the introduction to "Elements of the Pre Consultation 1.6 it is said "It will be clarified that p. Permission can be refused on transport grounds if legitimate concerns are raised". There is no mention of the other concerns of Noise, Dust, Vibration, Length of building time etc etc.</p> <p>34.3.73 Does mention "nuisance and disturbance" saying applicants must demonstrate they are at acceptable levels. Since applicants must already produce an acoustic report to demonstrate that noise levels POST works completion are acceptable surely they should do so DURING construction by providing a 24/7 noise measurement device. I am not an expert but I suspect that there are similar measurements for Dust, Vibration etc. The paragraph is totally silent as to how the applicant will ensure that the length of time neighbours are inconvenienced is kept to "an acceptable level". Please do bear in mind that it is far from just "Transport" that is of neighbours concern and these other issues must be addressed in any new "Basement & Transport Supplementary Planning Document".</p> <p>Given the concerns expressed at numerous planning meetings how does RBK&C propose to consult on such a new SPD?</p>	<p>As stated these matters will be dealt with in detail in the revised basements Supplementary Planning Document. A specific mention is made of the transport issues in response to several comments in the course of consultation.</p> <p>These will be dealt with in detail in the revised Supplementary Planning Document.</p> <p>The Council will consult on the SPD in accordance with the Planning Regulations. There will be a six week consultation period.</p>
34.3.73	P Whitehouse-Vaux	<p>Any construction, not just basement construction, will cause nuisance and disturbance for neighbours and others in the vicinity. I believe Building Control currently manage these issues. If the problem seems to be what is deemed acceptable levels then surely these should be revisited. If existing regulations are not being enforced then surely they need to be.</p>	<p>Existing regulations are enforced. Transport related issues are dealt with by the Council's Transport and Highways team while noise, vibration and dust are dealt with by Environmental Health. Building control deals with the construction in accordance with Building Regulations.</p>
34.3.73	P Whitehouse-Vaux	<p>Surely construction impact is already considered as part of the planning process and what is deemed acceptable under existing legislation is monitored and policed by departments such as Building Control.</p> <p>This seems to be an additional layer of regulation.</p>	<p>Transport related issues are dealt with by the Council's Transport and Highways team while noise, vibration and dust are dealt with by Environmental Health. Building control deals with the construction in accordance with Building Regulations.</p> <p>This is not an additional layer. These requirements are considered proportionate given the complexities and issues related to basements.</p>
34.3.73	Anthony Temple	<p>I support the concept that the applicant must demonstrate that impacts are kept to acceptable levels. The impacts surely include- and this should be stated :</p> <p>(i) The duration of the works.</p> <p>(ii) The proximity of the works to neighbouring buildings.</p> <p>(iii) The means of constructing new basements e.g. percussive piling.</p>	<p>Noted. A range of information is required and the items mentions are included in the various report submitted.</p>

Document Part Name	Respondent Name	Comment	Council's Response
		<p>These considerations should expressly be brought into account.</p> <p>There should be a further express obligation to minimise the impacts by adopting work methods which are available which would mitigate impacts on neighbours.</p>	
34.3.73	Stuart Bates	<p>34.3.73 acknowledges that basement construction can cause nuisance and disturbance to neighbours and says that the applicant must demonstrate that these impacts are kept to an acceptable level. This is simply impossible to achieve. The drilling, vibration and dust of the past eighteen months could never be described as acceptable - it was more a matter of "this is what you have to expect to put up with".</p> <p>I therefore urge you to go further and legislate against all future basement applications. Please also arrange for one of your planning officers to contact me to visit our flat to see for himself the extent of the damage to our property. There has to be a full understanding of what has been going on.</p>	<p>Noted. The Council's Environmental Health department deals with levels of noise, vibration and dust. The Environmental Health department can issue a s60 notice specifying recommended best practicable means. The revised basements SPD will specify more detail on this.</p> <p>The Council cannot prepare new legislation rather it can draft planning policies within the remit of existing legislation. The draft policy is written within this remit.</p>
34.3.73	Norland Conservation Society (Libby Kinmonth)	<p>Agree with 37.3.73</p> <p>34.3.73 "Basement construction can cause nuisance and disturbance for neighbours and others in the vicinity" -</p> <p>Surely this cannot be over emphasised? Planning at the moment favours the developer over the resident in what has become industrial scale development for private gain which impacts on the domestic lives of residents. On the scale of anti-social behaviour, basement excavations would probably rate above drunken football crowds . j & K under CL7 relate to this but in such a mild fashion that it feels disconnected from the reality of living next door to basement developments see also 34.3.74/75/78</p>	Noted.
34.3.73	Tony Holt	Agreed. Any temporary construction adjacent to the building on pavement and /or roadway should be limited in time with heavily increasing charges as time goes on.	Noted.
34.3.73	Panorama Property Services Ltd (James Agace)	<p>There should be a separate reasoned justification for Proposed Policy j and Proposed Policy k.</p> <p>For the reasoned justification for construction traffic is not sound to take account of other development proposals at the time of planning as other proposals may never be built, or be undertaken at any time over the following three years. Construction traffic should, if not ultra vires, be considered immediately in advance of the work on site so that the local situation at that time can be allowed for.</p> <p>The wording for the reasoned justification should say something like "the applicants should provide a construction traffic plan that does not have impacts at unacceptable levels, taking into account other projects in the area."</p> <p>Provided the construction traffic plan does not have impact at an unacceptable level then the location of the building compound and skip is irrelevant. The sentence 'The building compound and skip location should be' should be deleted.</p>	<p>The two issues relate to construction impact and the reasoned justification explains the issues together.</p> <p>At present the construction and traffic management plan is dealt with by condition. However, this approach does not allow local views and knowledge to be taken into account. Requiring construction and traffic management plans with the planning application will allow these to be consulted on.</p> <p>Parking suspensions impact on the spaces available in the local area and as such as part of the construction impact.</p> <p>Text may be amended to make changes to improve clarity.</p>
34.3.73	Panorama Property Services Ltd (James Agace)	<p>There should be a separate reasoned justification for Proposed Policy j and Proposed Policy k.</p> <p>Noise, vibration and dust are controlled under the Environmental Health Act and therefore</p>	As above.

Document Part Name	Respondent Name	Comment	Council's Response
		<p>introducing planning rules to control them is ultra vires.</p> <p>If not ultra vires then the wording should, in line with NPPF, presume in favour of development and be something like "impacts such as noise, dust and vibration during construction should not be at unreasonable levels."</p>	
34.3.73	Scott Morgan	<p>Basement construction, like any other construction, will cause nuisance and disturbance for neighbours and other in the vicinity.</p> <p>The point is what are acceptable levels? Are these the levels allowed by existing environmental law? If this is the case then isn't the problem that existing laws are not being enforced?</p> <p>Why should the building compound and skip location be immediately outside the application site? If the impact can be better managed by having the building company and skip located somewhere else would that not be a better option?</p>	<p>Noted. Acceptable levels rely on using best practicable means. The Environmental Health department can issue a s60 notice specifying recommended best practicable means. The revised basements SPD will specify more detail on this.</p> <p>The aim is to minimise the impacts on others living in the vicinity. If parking suspensions are made in front of someone else's properties it will have an impact on them.</p>
34.3.73	Sonata Persson	Isn't the Highways Agency is already responsible for this? Isn't the council duplicating their role here?	The construction and traffic management plans are linked to development and are part of the planning process. The Transport and Highways department are involved in approving the plans.
34.3.73	Sonata Persson	<p>Doesn't the Building Control department deal with this already? Isn't planning duplicating their role here?</p> <p>Skip location must be considered within the wider remit of the Highways Agency surely?</p>	Building control does not deal with transport issues or with issues of noise. Building Control deal with the construction of the building in accordance with Building Regulations.
34.3.73	Sue Whittle	Planning is not responsible for road safety or congestion. I believe this is the remits of the Highways / Traffic department.	The construction and traffic management plans are linked to development and are part of the planning process. The Transport and Highways department are involved in approving the plans.
34.3.73	Sue Whittle	Again, isn't this outside the planning department's remit and already managed by Building Control? If they aren't doing their job then focus on that not use planning as a blunt and ineffective tool to add another layer of regulation.	<p>Building control does not deal with transport issues or with issues of noise. Building Control deal with the construction of the building in accordance with Building Regulations.</p> <p>The construction and traffic management plans are linked to development and are part of the planning process.</p>
34.3.73	Jennifer Ware	<p>Firstly all excavations should be kept a distance, say 3-4 feet away, from party walls and footings to party walls. The rooms would be smaller but could be greater in number on top of each other. This would reduce ground movement and transmitted vibration which is responsible for most of the structural damage to adjacent property and would also considerably baffle the noise level.</p> <p>Secondly all machinery should be stood on vibration and shock absorbent pads at all times when in use, outside the building as well as inside. Concrete rafts should be similarly lined and 'padded' where they meet party walls to reduce transmission of noise and vibration through floors. Walls, as they are finished, should have sound absorbent linings, put in place at the earliest possible time. I am sure your sound engineers will have many other proposals along these lines.</p>	<p>Planning policy cannot specify structural details. This is best dealt with by qualified engineers.</p> <p>The suggested requirements are not reasonable to define in planning policy.</p> <p>Further details on the requirements for a demolition and construction management plan will be set out in the revised basements Supplementary Planning Document.</p>

Document Part Name	Respondent Name	Comment	Council's Response
34.3.73	Jennifer Ware	Requiring the walls of new basements and subsequent levels of basements to be a metre or more inside the line of adjacent party walls may allow measures to be taken to stabilise the ground between buildings thus limiting the possibility of ground shift and further settlement in future years. We learn of the danger of this occurring as one of the challenges of engineering tunnels through London clay. Space would be available for both vertical and lateral support. Only specialist geotechnical consultants, of course, could pronounce on this but the possibility should be researched.	Noted. The Council cannot prescribe structural methods to be used.
34.3.73	Thomas O'Donohoe	I understood that construction impact and traffic are already controlled by existing environmental legislation and regulation. Why is there a need for planning to now add in this requirement?	This has been a planning requirement for many years. The only change will be in the process of when information is required.
34.3.73	Thomas O'Donohoe	What is a reasonable level? Construction impacts such as noise, vibration and dust are already controlled by other existing rules and regulations. If the concern is that these existing rules are not being enforced then perhaps that should be the focus rather than additional rules.	A reasonable level is what can be undertaken using best practicable means as defined in BS 5228: 1997 and the relevant acts and guidance. Text will be amended to clarify this. These are not additional rules rather change in the process of when information is required.
34.3.73	K Howell	The acceptable levels should be decided by the Highways / Traffic department - they are the people responsible for the highways and traffic congestion.	Highways and Transport department approves the construction and traffic management plan but the process is led through planning as the impacts are related to a development.
34.3.73	K Howell	Aren't Building Control in charge of noise, vibration and dust? If so, they should be the department that decides what is acceptable and enforce this. If, as some of the comments to the 1st draft policy say, Building Control are not controlling noise, vibration and dust then the right action is for Building Control to improve and not for planning to introduce some additional layer of regulation using planning rules.	This is within the remit of Environmental Health. They will be involved in approving the demolition and construction management plan. However but the process is led through planning as the impacts are related to a development.
34.3.73	Howard Green	I wish to maintain all my previous comments. In reply to your response I have the following comments. The fact of the matter is that all your conditions requiring the retrofitting of an entire existing property, together with the imposition of conditions concerning Traffic Management and the appointment of Structural Engineers etc, are ultra vires - as stated in Government advice in Circular 11/95. Your response appears to be that since you have 'got away with it' in other cases then this advice in Circular 11/95 should not be applicable. I suggest you contact your Legal Department to obtain advice on this matter and would draw your attention to paragraph 42 of Circular 11/95 which states:- "42. An unreasonable condition does not become reasonable because an applicant suggests it or consents to its terms. The condition will normally run with the land, and may therefore still be operative long after the applicant has moved on, it must always be justified on its planning merits"	Noted. This requirement is in recognition of the fact that basements have a higher carbon embodiment compared to an equivalent above ground development. This requirement is to offset the additional carbon generated by constructing basements. This is an existing policy and its supporting evidence will be published in due course. The existing policy itself was adopted after it had been examined by a Planning Inspector. Policy 5.4: Retrofitting of the London Plan should be referred to.

Document Part Name	Respondent Name	Comment	Council's Response
		The fact that other appellants have not challenged the imposition of these conditions and other Inspectors have not, therefore, considered their legality does not make them acceptable.	
34.3.73	Steven Aldridge	I understood that construction impact and traffic are already controlled by existing environmental legislation and regulation. Why is there a need for planning to now add in this requirement?	This is not an additional requirement rather change in the process of when information is required.
34.3.73	Steven Aldridge	What is a reasonable level? Construction impacts such as noise, vibration and dust are already controlled by other existing rules and regulations. If the concern is that these existing rules are not being enforced then perhaps that should be the focus rather than additional rules.	A reasonable level is what can be undertaken using best practicable means as defined in BS 5228: 1997 and the relevant acts and guidance. Text will be amended to clarify this. These are not additional rules rather change in the process of when information is required.
34.3.73	David Innes	We are all council tax and income tax payers and it is our democratic right that full access is provided by the roads department / council / government to our properties to enable the full development of said properties. It is grossly unfair that the council; should propose limiting the potential development of one's property because it has not installed the infrastructure to enable his to happen - or has spent the portion of the council taxes / income tax paid by one on developing the infrastructure in other areas of the borough / country. How can this be democratic and equitable?! Also, why is there a requirement to site the building compound or skip directly outside the site - there may be good reasons to locate it elsewhere and the best interests of the development or neighbours should be assessed on a case by case basis surely? RBKC require Applicants to meet a standard for disruption. I understood this was already the case as monitored by Environmental Health and Building Control. I am concerned that the use of terms such as "acceptable levels" which are poorly defined may lead to application being turned down without substantive evidence to back up claims that the disruption caused will be unreasonable.	Paying Council tax and income tax does not provide the rights to development. Development planning is controlled through the Town and Country Planning Act (as amended) and is linked to considerations of the impact of development rather than payment of taxes. It is not clear what infrastructure the Council is expected to have installed to enable development. If the respondent is referring to narrow streets, they are part of the character of this Borough and London in general. 70% of the Borough is within conservation areas, the Council does not embark on programmes of road widening to enable development. Rather the approach is one of conservation and managing traffic congestion by supporting the London wide strategy of promoting sustainable transport modes. Locating skip elsewhere would result in parking suspensions at another location. Such disruptive impacts should be kept as close to the site as possible. No additional rules to manage construction are being proposed rather the change is in the process of when information is required. Acceptable level is what is set out in the relevant acts and guidance. Text will be amended to clarify this.
34.3.73	David Innes	RBKC require Applicants to meet a standard for disruption. I understood this was already the case as monitored by Environmental Health and Building Control. Why is a separate and specific case being decided for basement construction? Surely all construction needs to conform to the Environmental Health and Building Control standards and I see no reason why disturbance from above-ground construction and development should be treated any differently from that of basements.	No additional rules to manage construction are being proposed rather a change in the process of when information is required is proposed. If the Council made no distinction between above and below ground development, the extent of basements would be severely curtailed. Policies protecting above ground development are one of the reasons for the increasing trend of building basements.

Document Part Name	Respondent Name	Comment	Council's Response
		<p>Why should my one neighbour, who has planning permission to knock-down and rebuild his house, be allowed to make any more noise, vibration and dust than my other neighbour who is excavating a basement? This makes no sense and again I request that the council be consistent!</p> <p>I am also concerned that the use of terms such as "acceptable levels" which are poorly defined may lead to application being turned down without substantive evidence to back up claims that the disruption caused will be unreasonable.</p>	<p>Basement construction involves major excavation works with huge quantities of soil excavated and transported from sites. This makes them distinct from above ground extensions which can only be proportionately small in relation to the original building. The Council is seeking to minimise the impacts from these large operations in densely built up residential areas.</p> <p>The relevant environmental health act and building regulations apply to all development not just to basements. As mentioned before the change that is being made is to the process i.e. information will be required at the time of planning application rather than through condition.</p> <p>Acceptable level is what is set out in the relevant acts and guidance. Text will be amended to clarify this.</p>
34.3.73	Richard Henchley	<p>The Consultation says that basement works should:</p> <p>"not place unreasonable inconvenience on the day to day life of those living and working nearby;</p> <p>k. ensure that construction impacts such as noise, vibration and dust are kept to a reasonable level for the duration of the works;</p> <p>l. be designed to safeguard the structural stability of the application building and nearby buildings"</p> <p>without noise and vibration measuring equipment a neighbour is unable objectively to demonstrate that works fail to comply with these requirements and accordingly there is no pressure on the developer so to comply. It should be a condition of any approval that the developer pays for any necessary measuring equipment requested by an immediate neighbour for the duration of the works.</p>	<p>The Council's Environmental Health department deals with levels of noise, vibration and dust. The Environmental Health department can issue a s60 notice specifying recommended best practicable means. The revised basements SPD will specify more detail on this. Where neighbours are concerned about levels being exceeded they should contact the Environmental Health department.</p>
34.3.73	Gabrielle Teare	Irrelevant do not allow basements	Noted.
34.3.73	Gabrielle Teare	Noise horrendous for 2 years. Unable to work. Vibration caused widespread and ongoing damage throughout my house on all 3 floors internally and externally c £25000 of damages. The Party Wall Act did not enable me to recover these. I also have to redecorate my house due to the dust.	Noted.
34.3.73	Yasmin Ayoub	<p>Another example of duplicating existing legislation. Already legislation in place to protect residents from construction impact in the borough. If Building Control or other agencies are not doing their job properly then that has to be addressed rather than stopping construction.</p> <p>Additional legislation adds cost and bureaucracy for no reason.</p>	<p>The Council is not duplicating existing legislation. These are existing requirements. A change in the process of when information is required is proposed rather than new/duplicate requirements.</p> <p>New legislation is made at the national level not by the Council. The Council has to work within existing legislation.</p>

Document Part Name	Respondent Name	Comment	Council's Response
34.3.73	Philip Muelder	<p>Any construction, not just basement construction, causes "nuisance and disturbance for neighbours and others in the vicinity". A requirement to keep within acceptable levels is already managed through other agencies such as Environmental Health and Building Control. Why does there need to be an additional requirement. How is the applicant expected to show this with regard to other development proposals as they presumably don't have the total picture, only the planning department / Council does.</p> <p>Needs greater clarity and structure so applicants know that if plans are rejected it is by a clear, fair and quantifiable measure. Planning approval does not mean construction begins immediately so planning is in no position to monitor the actual cumulative impact of developments at any one time. Surely a more sensible way to manage this is (as stated above) is through the Highways agency who need to approve skip permits and so on. This agency is well placed to monitor levels of construction and could therefore restrict development where seem to be above "acceptable" levels.</p>	<p>Noted. The relevant environmental health acts relating to noise, dust and pollution apply to developments whether above or below ground. Acceptable level is what is set out in the relevant acts and guidance. Text will be amended to clarify this.</p> <p>Information is required in proportion to the development being proposed.</p> <p>The Highways and Transport department does need to be notified as stated and they are also responsible for approving the construction and traffic management plan. However as these impacts are linked to a development, their assessment is within the remit of planning.</p>
34.3.73	Harcus Sinclair (Damon Parker)	<p>The intention is good but this is not a matter for planning. Attempting to deal with construction impacts and traffic will lead to an awful muddle and confusion over what is allowed and what should not be allowed. Other regulation and legislation deals with environmental and traffic so if you put this into planning I strongly suspect that you will end up with some difficult legal wrangles as applicants take refused decisions to appeal, win these appeals and then drive a huge hole in the policy. All of this will cost the council a fortune, waste massive amounts of time and end up with a policy that is unable to control anything. It really is wrong headed.</p>	<p>Noted. Construction and traffic management is currently dealt with through the planning process. The only change being proposed is to the process i.e., that the information is supplied with the planning application rather than through a planning condition.</p>
34.3.73	Harcus Sinclair (Damon Parker)	<p>Who defines reasonable? Isn't this already the case?</p> <p>Again this policy is going to end up with lots of successful appeals to refusals; costing the council money and leaving the basement planning policy in tatters. These matters really do need to be left to the departments that deal with them currently as laying planning policy over matters already dealt with by other existing rules and regulations will not work.</p>	<p>Reasonable levels are what is set out in the relevant acts and guidance. Text will be amended to clarify this.</p> <p>Highways and Transport and Environmental Health will be involved in approving the details but the process is led through planning as these impacts are related to a development. This has always been the case but changes are now proposed to the process to ensure better consideration of issues at an early stage.</p>
34.3.73	The Chelsea Society (Terence Bendixson)	<p>Can the Council give examples of basement construction that have not caused nuisance and disturbance to neighbours? And what impacts are 'acceptable'? The wording of this clause is inconsistent with 34.3.57 where it says, 'Basements raise particular issues not raised by above ground extensions.' The Chelsea Society urges the Council to re-write it along the following lines:</p> <p>'Basement construction invariably causes nuisance and disturbance.....The applicant must demonstrate in advance how these impacts will be kept to low levels and ones consistent with the continued residential occupation of adjoining houses or flats.'</p> <p>And surely this clause should make clear that, if the applicant can not demonstrate low impact, this will justify refusal?</p>	<p>Noted. Text will be amended as appropriate. There are a number of relevant acts and guidance that set out acceptable levels. Text will be amended to refer to 'the relevant acts and guidance. Further detail will be provided in the revised basements supplementary planning document.</p>
34.3.73	The Chelsea Society (Terence Bendixson)	<p>Basement construction, by its very nature, always causes nuisance and disturbance to neighbours and what contractors think is 'acceptable' will invariably be earlier, later, noisier, smellier, and dustier than those harmed by such nuisances. Furthermore the wording of this clause is inconsistent with 34.3.57 where it says, 'Basements raise particular issues not raised by above ground extensions.' The Chelsea Society urges the Council to re-write it as follows:</p>	<p>Noted. Text will be amended as appropriate. There are a number of relevant acts and guidance that set out acceptable levels. Text will be amended to refer to the relevant acts and guidance. Further detail will be provided in the revised basements supplementary planning document.</p>

Document Part Name	Respondent Name	Comment	Council's Response
		'Basement construction invariably causes nuisance, disturbance and harm.....The applicant must demonstrate in advance how these impacts will be kept to low levels and ones consistent with the continued occupation of adjoining and adjacent houses or flats - taking into account the cumulative impact of other development proposals. The building compound.....'	
34.3.73	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	This is heavily influenced by which contractor undertakes the work and how it is planned . As planning cannot affect how many basements or other projects are carried out at a time in any one street or area only the use of Highways to regulate licences and traffic would be appropriate. This is already regulated by Environmental Health what has this got to do with Planning Legislation ?	Noted. This is covered by environmental health but as it is linked to a development, the impacts are considered as part of the planning process. The change proposed is to the process to ensure better consideration of issues at an early stage.
34.3.73	Michael and Jacqueline Hayes	The policy is fine, but the major problem is that while the application may demonstrate a commitment to these norms, the actual construction works may fail to achieve them. There should be real sanctions for failure to comply, including financial penalties and effective orders to cease work until real evidence of actual compliance is demonstrated, and any damage already caused to adjoining properties should be rectified before building work recommences.	Noted. The Party Wall Act etc rather than the Planning Acts are better suited to deal with issues of damage.
34.3.73	Michael and Jacqueline Hayes	Same comments as for CL7 (j)	Noted.
34.3.73	Martin Dallison	Isn't the Highways Agency is already responsible for this? Isn't the council duplicating their role here?	The Highways and Transport department approve the construction and traffic management plans but as it is linked to a development, the impacts are considered as part of the planning process. The change proposed is to the process to ensure better consideration of issues at an early stage.
34.3.73	Martin Dallison	Doesn't the Building Control department deal with this already? Isn't planning duplicating their role here? Skip location must be considered within the wider remit of the Highways Agency surely?	Building Control do not deal with these issues, it is Transport and Highways and Environmental Health.
34.3.73	The Markham Square Association (David Cox)	We welcome the reworking of this paragraph, although we take issue with the opening words "Basement construction can cause nuisance and disturbance for neighbours and others in the vicinity" as we believe it inevitably does so. We agree that the applicant must demonstrate that the impacts of the construction must be kept to acceptable levels and that the cumulative impacts of other development proposals must be taken into account. We suggest that the words "can be" are added between "impacts" and "are" in line 4 so that this requires the applicant to demonstrate that these impacts both can be and are kept to acceptable levels. Please also see our comment below with regard to the enforcement of planning requirements and conditions under "Miscellaneous" below.	Noted. Text will be amended to improve clarity as necessary.
34.3.73	Zai Nordmann	This "reasoned justification " is confused. For construction traffic it doesn't make sense to take into account other development proposals at the time of planning as you don't know what will be happening in the specific location at the time - planning is for three years.	Noted. This will assume that previously granted permissions are being implemented and take the worst case scenario. If these permissions are not being implemented, the CTMP would still be workable.

Document Part Name	Respondent Name	Comment	Council's Response
		If planning is valid for three years then the best approach for this matter is by insisting that the Highways department (rather than planning) have to approve the traffic plan before construction begins?	
34.3.73	Zai Nordmann	I think that Environmental Health Law cover noise, vibration and dust. We do not need more and more rules that are on things that are already covered by other rules.	Yes, it does cover these issues but the impacts are dealt with as part of the planning process as they are linked to a development.
34.3.73	R G Leeper	The applicant must be able to demonstrate that these impacts can be and are kept to acceptable levels.	Noted.
34.3.73	R G Leeper	The policy must give clear protection to adjoining of neighbouring properties at least equivalent to that given by the existing Core Strategy Policy CL2(g) and Policy CD32. The old Party Wall Act and Building Regulations do not cover sufficiently for basement developments. The Basement Impact Assessment will require a second qualified structural engineer who must be independent of the applicant. The independent structural engineer would report to the Council, but his fee would be met by the applicant. Both the applicant's and the independent structural engineer must agree to take responsibility / liability for any problems that occur, particularly in respect of properties not covered by the Party Wall Act. The independent structural engineer should be required to provide evidence that it possesses and undertakes to maintain adequate professional indemnity insurance.	Noted. Further details will be provided in the revised basements Supplementary Planning Document.
34.3.73	Kensington Society (Michael Bach)	<p>* ensuring traffic and construction activity does not harm road safety, significantly increase congestion, nor place unreasonable inconvenience on day-to-day life of residents - however, there is a need for greater clarity on CTMPs . These must be part of validation of applications, available for objection and, if necessary, be a ground for refusal. The basic principles for CTMPs must be set out in justification (34.3.73) and in the policy, to provide the basis for more detailed guidance in the SPDs on Transport and on Basements. (see also comments on Miscellaneous changes)</p> <p>* ensuring that construction impacts - noise, vibration and dust - are kept to a reasonable level - we propose that the decision letter include informatives on working hours, noise levels, vibration and dust</p>	Noted. Comments relate to procedural issues which are formulated separately. The draft policy is clear in making construction traffic management a requirement of the planning application. Further details will be provided in the revised basements supplementary planning document.
34.3.73	Abbey Pynford (Lewis O'Connor)	<p>34.3.73 Basement construction can cause nuisance and disturbance for neighbours and others in the vicinity, through construction traffic and the noise, dust and vibration of construction itself. ...</p> <p>Objection. There is no quantitative evidence to support this statement. This item is therefore neither reasonable nor justified.</p> <p>&middot; Nuisance is determined by deviation from the normal levels of traffic, noise, vibration and dust. There is no evidence that basements cannot be constructed within the normal parameters.</p> <p>&middot; There is no further restriction of other types of building works in this regard and this amendment is therefore unreasonable and unjustifiable.</p> <p>&middot; Execution, methodology, sequence and management determine nuisance type of development. This is widely acknowledged and evidenced in public funded commercial projects.</p> <p>&middot; Basements can be completed with less impact when undertaken by experienced,</p>	<p>The evidence can be found in the neighbours surveys carried out in the summer of 2012.</p> <p>This paragraph is indicating that construction issues are relevant and should be considered at the beginning of the process. No additional restriction than those required by relevant acts and guidance are intended to be proposed.</p> <p>Controls are not being duplicated as these issues will be considered by the relevant departments. The change proposed is to the process to ensure better consideration of issues at an early stage.</p>

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		<p>qualified, specialist professional teams than other types of construction project not covered by these planning amendments.</p> <p>&middot; The proposed change amounts to prescriptive / broad brush restriction not based upon statistical evidence.</p> <p>&middot; If construction impact is a valid reason for a planning policy then it should be assessed on a case by case basis.</p> <p>&middot; Moreover, noise, vibration and dust are controlled by environmental legislation. Double regulation will serve only to obfuscate permissible activities and potentially create legislative anomalies.</p>	
34.3.73	Basement Force (Simon Haslam)	<p>While it is recognised that the impact of construction, whether above or below ground, on the amenities of the locality is a material consideration it is generally controlled successfully by condition or (occasionally) by planning obligation under s.106.</p> <p>Highways issues and the convenience of road users: developers work with the highway authority who ensure their proposals for traffic management are reasonable. If agreed measures are not adhered to, it becomes a matter for enforcement. Meanwhile any obstruction to the highway which is not legitimately sanctioned is a public nuisance. In short, highways issues will almost never be a basis for refusing planning permission as they can and should be controlled.</p> <p>The siting of the skip and building compound should not be set in stone within the policy but should be determined in response to the applicant's proposals by those who know the area and can judge its suitability in the individual case.</p> <p>Other amenity issues arising from the noise dust and vibration of construction are generally controlled by condition and the common law of nuisance.</p> <p>This paragraph should therefore be redrafted in a way which recognises the role of conditions and other agencies in regulating the impact of construction both on highways users and neighbours.</p>	<p>Noted.</p> <p>Planning applications are assessed on the basis that development should take place in accordance with the development plan unless material considerations indicate otherwise.</p> <p>Amendments will be made to the text to draw attention to the range of acts and guidance that should be followed. However, given the scale and proportion of basement development and major excavation involved in their construction the requirement to be able to assess the impacts at an early stage are reasonable.</p>
34.3.73	Basement Force (Simon Haslam)	<p>Please see comments on this paragraph above. It is well known that planning policy should not duplicate controls enforced through other regulatory regimes, and that environmental health officers are well equipped with a range of powers to prevent construction activity giving rise to a statutory nuisance. Meanwhile, conditions and (where necessary) s106 agreements can impose a proper degree of control on activity in the interests of residential amenity.</p>	<p>Noted. Controls are not being duplicated as these issues will be considered by the relevant departments. The change proposed is to the process to ensure better consideration of issues at an early stage.</p>
34.3.73	Ladbroke Association (Sophia Lambert)	<p>We think the opening words understate the problem (and it is important that the Inspector understands why the Council is proposing this policy). We suggest instead something like:</p> <p>"Basement construction, other than minor excavations almost invariably causes nuisance and disturbance for neighbours and others in the vicinity, through construction traffic and the noise, dust and vibration of construction itself. Major basement developments, especially in terraced houses, can cause real hardship and disruption to the lives of the occupants of the adjoining properties."</p>	<p>Noted. Text will be amended to improve clarity as necessary.</p>

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		We also suggest that a sentence be added to this paragraph to acknowledge that the impacts of some projects may be just too great for planning permission to be given.	
34.3.73	Underpin & Makegood (Contracting) Ltd (David Gakhar)	This comment could and should be used for all construction and other activity and is simply a measure of correct planning and control and should not be simply used with respect to basement construction in isolation.	The Environmental Protection act and building regulations apply to all developments.
34.3.73	Robert Ward-Booth	Support - See covering letter dated the 1st May 2013	Noted.
34.3.73	Robert Ward-Booth	Support - See covering letter dated the 1st May 2013	Noted.
34.3.73	Mark and Sophie Fitzgerald	I believe that construction impact and traffic are already controlled by existing environmental legislation and regulation. Why is there a need for planning to now add in this requirement?	Construction and traffic management is currently dealt with through the planning process and this is not a new requirement. The change being proposed is to the process i.e. that the information is supplied with the planning application rather than through a planning condition.
34.3.73	Mark and Sophie Fitzgerald	Construction impacts such as noise, vibration and dust are already controlled by other existing rules and regulations. If the concern is that these existing rules are not being enforced then clearly that should be the focus rather than additional rules.	These are existing requirements. The change being proposed is to the process i.e. that the information is supplied with the planning application rather than through a planning condition.
34.3.73	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.73	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.73	Christian Leigh	Support if this is requirement based on the discharge of a planning condition. Requiring such information with the lodging of an application would be an onerous requirement, particularly since at that stage there is often not a contractor with firm tender in place; it is unrealistic to expect an applicant to tie down a possible future contractor with a construction plan prior to permission being granted. Hence, no objection if this requirement is part of a condition.	Noted. Given the major excavation involved in basement construction and the need to transport huge quantities of soil along with other construction impacts, it is considered reasonable and necessary to have this information with the planning application.
34.3.73	Christian Leigh	Comments on this the same as for CL79(j) above.	Noted.
34.3.73	Cranbrook Basements (Kevin O'Connor)	It is not always in the interest of development of neighbours to locate the building compound or skip directly outside the subject property - there may be good reason to locate it elsewhere - the location of a builders skip cannot be a planning matter. Applicants should not be required to meet some undefined arbitrary standard for disruption using such terms as "acceptable levels" - acceptable to whom. Please refer to previous comments we have made regarding location of the construction compound and the unreasonable requirement to meet some arbitrary standard for acceptable level of disruption.	Noted. Locating skip elsewhere would result in parking suspensions at another location. Such disruptive impacts should be kept as close to the site as possible. Text will be amended to improve clarity.
34.3.73	Greater London Authority (Mathew Carpen)	The future SPD could provide more detail on this, as signposted in proposed policy justification paragraphs 34.3.73 (construction impacts) and 34.3.74 (affects on existing built fabric). For example, in paragraph 34.3.73, it mentions skips on the highway- TfL, as highway authority, would need to give permission for these on the TLRN.	Noted.

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34.3.73	Friends of Portobello (Robina Rose)	See City of London code of conduct practice for reconstruction and construction sites 6d Feb 2011. & Research Consulted is inadequate to its task. See RIBA Hidden Aspects for Urban Planning 2002. City of London Code 2011. & Crossrail Clays researches at Imperial College. & All Thames Water documentation.	Noted.
34.3.73	Friends of Portobello (Robina Rose)	Nuisance and disturbance - yet again - what is "acceptable levels"? and long term health impacts such as hearing, lung disease and cancer. (Available online). NB see City of London Code of practice for deconstruction and construction sites 6th Feb 2011. RBKC still falling short. Nb especilaly working hours W11 has highest number of people working from home (writers etc) in Europe Nb ES recent coverage on Elgin Crescent.	Acceptable levels are what is set out in the relevant acts and guidance. Text will be amended to refer to these. Further detail will also be provided in the revised basements SPD. The Council does not have any evidence to show that a large number of people who work from home have been affected by the construction impacts of basements. Any restrictions on working hours in this Borough will be linked to its largely residential character. The predominant character of the City of London is its business use for which it is known globally, so clearly that can define working hours in the City but the same cannot be said of the Royal Borough. No change.
34.3.74	Oliver Parr	A more honest introduction would be "Basement development will normally have some negative effect on existing built fabric and very often on internal decorations."	Noted.
34.3.74	Guy Mayers	See comments under 10 CL7 Part I re paragraph 34.3.73. I don't think your policy re noise, vibration and dust is strong enough. I could find no reference to a Construction Management Statement, to the standards of tolerable construction noise, vibration, dust etc Whilst you may suggest that this would be covered by a Supplementary Planning Document I fail to understand why Transport would be part of policy and noise etc would be "supplementary". An applicant should know what STANDARDS of noise, vibration, dust etc are acceptable during construction and be required to monitor them.	CL7 (l) does mention noise, vibration and dust. The policy and the reasoned justification mentions all the issues including structure which is at present covered in a Construction Method Statement. The Core Strategy of which the basements policy will become a part is a long term plan. Mentioning exact titles for documents or specifying noise levels can make the document out of date very quickly. It is possible that as technologies improve noise thresholds can be lowered for example. It is best to specify details in the revised supplementary planning document.
34.3.74	P Whitehouse-Vaux	Why is planning seeking to duplicate issues of structural stability already considered within Building Regulations?	Planning is not duplicating issues but setting out the range of issues that should be considered when preparing a proposal for a basement. A construction method statement is required with basement applications at present.
34.3.74	Marianne Harris	Definitely there should be a limit on the number of developments in any one street / ward. The developer of the basement should post a bond with the council that will cover cost of repair and cleaning the public area that are affected. Eg: cracked pavements, damaged cobblestones, cleaning	Noted. Planning permissions are valid for a period of 3 years and the Council cannot stipulate when development takes place within this period. Highways approval will be needed where a development would affect a public highway. If relevant damage cost is covered by the applicant.
34.3.74	Norland Conservation Society (Libby Kinmonth)	Agree Re 34.3.73/74/76 Again conditions etc that look so good on paper can fall way short of the mark when construction is under way. How can unreasonable impact be dealt with. Should there be a time constraint built into a basement build and compensation to neighbourhood if it goes over?	Noted. The Council's Environmental Health department deals with levels of noise, vibration and dust. The Environmental Health department can issue a s60 notice specifying recommended best practicable means. The revised basements SPD will specify more detail on this. The Council cannot stipulate duration of development.
34.3.74	Norland Conservation	Agree with 37.3.74	It is for the applicant to demonstrate that this requirement is met. The report is paid for by the applicant.

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	Society (Libby Kinmonth)	Re Part (l) of Policy CL7 : stability of the existing or neighbouring buildings is safeguarded; who determines that and who pays for this report? : adequate soil depth and material is provided to ensure sustainable growth. who determines adequate soil depth	The soil depth is stated as 1m.
34.3.74	Tony Holt	Noise and vibration are a particular problem	Noted.
34.3.74	Tony Holt	Yes, as far as it goes. But dependence on Building Regulations and the Party Wall Act is not enough. They depend on Civil Law for enforcement. There is no reason why neighbours and other third parties affected by these works should have to go to the cost and complication of legal proceedings.	Noted.
34.3.74	Tony Holt	Yes, essential. The Baxter Report spells out the risks, as did the Ove Arup Report. They are under played by the developers and their professionals.	Noted.
34.3.74	Panorama Property Services Ltd (James Agace)	This reasoned justification should be deleted. Structural stability is dealt with by other legislation and rules, namely Building Regulation and the Party Wall Act, it is therefore ultra vires for the council to introduce additional planning policy and rules to control structural stability. This is supported by the planning appeal decision for 44 Phillimore Gardens, London W8 (APP/K5600/A/07/2050877) which is quoted in the Council's Subterranean Development SPD May 2009. In that decision the Inspector stated "I understand concerns about the implications for neighbours of the process of excavation, demolition and construction..... However, these are matters controlled under other legislation".	Noted. The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i> . Basements can cause land instability and the Council is requiring structural consideration to be demonstrated as part of the planning application process. The Council currently requires construction method statements to be submitted as part of the planning application.
34.3.74	Sonata Persson	Surely safeguards are already in place through Building Regulations and the enforcement of these by Building Control? Isn't planning duplicating their role here and adding additional regulation where it isn't meant to?	The role is not being duplicated. These are issues linked with the development. On-site inspections will continue to be carried out by building control.
34.3.74	Sue Whittle	Structural stability is surely already controlled by Building Regulations and the requirement for engineering drawings and calculations to be approved by Building Control? If so then they should continue to be the department that decides what is acceptable and enforce this. If things need to be improved / tightened up then this is the department that should do it. If the problem is with Building Control failing to control structural stability then surely the right thing to do is to improve the performance of the Building Control department rather than for planning to try to manage this? More rules, more layers of regulation and council involvement, more expense for the council tax payer and less efficient council.	The Council currently requires construction method statements to be submitted as part of the planning application. This is not a new or additional requirement. On-site inspections will continue to be carried out by building control. Building Control is not provided solely by the Council. This service is also provided by private approved inspectors.
34.3.74	Jennifer Ware	Thirdly there should be a presumption of compensation when work exceeds the expected time and/or the structural damage is greater than allowed for under the party-wall agreements. This, I think, could notably speed the work. All remediable damage is put right now at the developers' expense, of course, but the inconvenience and aggravation of this work is not compensated for. Nor can irreversible damage be included: my house has been subject to a small structural shift. This is not	The Council cannot get involved in compensation or control the duration of works. Such issues are better dealt with through the Party Wall Act or civil courts.

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		<p>dangerous but it means that never again will anything be absolutely straight or square; one expects this inconvenience in a Tudor house but not in a late Victorian one. The prospect of paying compensation should help to ensure best methods of construction and high standards of workmanship which are otherwise impossible to monitor. Ensuring safety is not enough.</p> <p>I am in favour of subterranean development as a good way of increasing living space in a crowded borough. I hope you will receive my suggestions as a positive contribution.</p>	
34.3.74	Thomas O'Donohoe	<p>Structural stability is controlled by Building Regulations.</p> <p>Why is planning duplicating existing regulation? Again.</p>	This is not a new or additional requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.
34.3.74	K Howell	<p>Structural stability is controlled by the Building Regulations and by Building Control. They should be the department that decides what is acceptable and enforce this properly.</p> <p>If, as some of the comments to the 1st draft policy say, Building Control are not controlling structural stability then the right action is for Building Control to improve and not for planning to introduce some additional layer of regulation using planning rules.</p>	The Council currently requires construction method statements to be submitted as part of the planning application. This is not a new or additional requirement. On-site inspections will continue to be carried out by building control. Building Control is not provided solely by the Council. This service is also provided by private approved inspectors.
34.3.74	Howard Green	See comments to CL7 (j).	Noted.
34.3.74	Steven Aldridge	<p>Structural stability is controlled by Building Regulations.</p> <p>Why is planning duplicating existing regulation? Again.</p>	This is not a new or additional requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.
34.3.74	Gabrielle Teare	<p>I am left with £25000 damages after my neighbours constructed basements in Chelsea Park gardens. The Party Wall Act did not allow me to recover these.</p> <p>It is wholly unacceptable to the adjoining neighbours for this to occur under the councils proposals.</p> <p>Basements should not be allowed as they damage the adjoining properties.</p>	<p>Noted. These matters are best dealt with by the civil courts if not covered by the Party Wall Act.</p> <p>The draft policy is requiring consideration of structural issues at the start of the process.</p>
34.3.74	Gabrielle Teare	The Porticos have been left with collapsed drains in the whole courtyard area which we have had to pay for.	<p>Noted. These matters are best dealt with by the civil courts if not covered by the Party Wall Act.</p> <p>The draft policy is requiring consideration of structural issues at the start of the process.</p>
34.3.74	Gabrielle Teare	Basements undermine the stability and structure of adjoining owners houses therefore they should not be allowed under any circumstances whatsoever.	Noted. It would not be reasonable to stop basement developments. The draft policy is seeking to propose criteria which will allow sustainable development of basements.
34.3.74	Gabrielle Teare	<p>9/12 properties in The Porticos were damaged. The courtyard has subsided and we are left with structural damages, widespread cracks and drain collapse.</p> <p>Therefore basements should not be allowed under any circumstances whatsoever.</p>	<p>Noted. These matters are best dealt with by the civil courts if not covered by the Party Wall Act.</p> <p>The draft policy is requiring consideration of structural issues at the start of the process.</p>
34.3.74	Richard	1. The policy must give clear protection to adjoining neighbouring properties at least	1. Noted. The policy has the same requirements as the existing

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	Grantley	<p>equivalent to that given by the existing Core Strategy policy CL2(g) and policy CD32. The old Party Wall Act and Building Regulations do not cater sufficiently for basement developments. The Basement Impact Assessment will require a second qualified structural engineer, who must be independent of the applicant. The independent structural engineer would report to the Council, but his/her fee would be met by the applicant. Both the applicant's and the independent structural engineer must agree to take responsibility/liability for any problems that occur, particularly in respect of properties not covered by the Party Wall Act. The independent structural engineer should be required to provide evidence that it possesses, and to undertake to maintain, adequate professional indemnity insurance.</p> <p>2. Paragraph 4.51 of the Strategic Environmental Assessment (March 2013) implies that responsibility for structural damage to neighbouring buildings caused by new developments is solely that of the developer. We disagree. The Council must accept responsibility for ensuring, on a "best efforts" basis, that developments are controlled so as not to harm neighbouring properties.</p>	<p>policy. Details of the process will be included in the revised basements supplementary planning document.</p> <p>2. The Council cannot take responsibility for structural damage. These issues are dealt with by the Party Wall Act and/or the civil courts.</p> <p>The National Planning Policy Framework (NPPF) para 109 states <i>"Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner". (our emphasis)</i></p>
34.3.74	Yasmin Ayoub	<p>Another example of duplicating existing legislation. Already EXTENSIVE legislation in place through Building regulations regarding structural stability.</p> <p>Additional legislation adds cost and bureaucracy for no reason.</p>	<p>The process has been misunderstood. Legislation is made at the national level. The Council has to work within this legislation including formulating planning policies.</p> <p>This is not a new or additional requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.</p>
34.3.74	Philip Muelder	<p>This states the obvious and also that this is already controlled through existing legislation outside the auspices of planning. Is the council now trying to bring this within planning?</p>	<p>This is not a new requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.</p>
34.3.74	Harcus Sinclair (Damon Parker)	<p>Clearly applications need to be well designed, engineered and executed to ensure they are safe and stable. Could this be helped by firstly ensuring strict enforcement of building control measures and a bias towards contractors that have demonstrated experience in the field?</p> <p>Planning just does not seem like the right place to be deciding on engineering and construction matters.</p>	<p>Noted.</p> <p>This is not a new requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.</p> <p>Building control is not provided only by the Council but also by private approved inspectors.</p>
34.3.74	The Chelsea Society (Terence Bendixson)	<p>Accept</p>	<p>Noted.</p>
34.3.74	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	<p>This is not a planning matter and is surely regulated by Building Control and to a degree covered by the party wall act .</p>	<p>Noted. The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)".</i> Basements</p>

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			<p>can cause land instability and the Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>This is not a new requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.</p>
34.3.74	Michael and Jacqueline Hayes	The applicant's proposals should be made available to adjoining owners at an early stage, and the applicant should pay for the adjoining owners to employ a consulting engineer or other appropriately qualified professional of the adjoining owner's choice to advise the adjoining owners as to whether the structural stability of their properties will be sufficiently safeguarded. Similarly for the ground and hydrological conditions of adjoining properties.	<p>Noted. Please refer to para 34.3.76 of the second draft basements policy document which strongly advises applicants to consult with neighbours.</p> <p>Details of the process will be set out in the revised basements supplementary planning document.</p>
34.3.74	Martin Dallison	Surely safeguards are already in place through Building Regulations and the enforcement of these by Building Control? Isn't planning duplicating their role here and adding additional regulation where it isn't meant to?	This is not a new requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.
34.3.74	The Markham Square Association (David Cox)	We agree with these paragraphs. Although outside the scope of this policy document, the Council will be aware of the inadequacies of the party walls legislation in its application to basements and will moreover know that building regulations are not designed to offer protection to adjoining or neighbouring properties or owners. In any event, the new policy must afford protection to neighbouring properties at least equivalent to that promised by existing Core Strategy policy CL2(g) and policy CD32	Noted. The draft policy offers the same level of protection as the existing policy.
34.3.74	Zai Nordmann	When I have done work the Building Control Inspector has told me that the building regulations are the rules that cover structural stability. Is he right or not.	Planning requires applicants to demonstrate structural stability as part of the planning application process. Building Control is responsible to ensure building regulations are met during the construction.
34.3.74	Geostructural Solutions Ltd (Sean Bennett)	Consideration should be given to operating an approved list of Basement Specialists, perhaps similar to the manner in which the Grosvenor Estate have achieved this.	Noted. The Council cannot endorse certain contractors.
34.3.74	Kensington Society (Michael Bach)	* safeguarding structural stability - refer to Baxter Report	Noted.
34.3.74	Abbey Pynford (Lewis O'Connor)	<p>Objection:</p> <p>&middot; Structural stability is covered by other legislation and control, notably by Building Regulations and by Building Control. It should not be double regulated by the council. Double regulation will serve only to obfuscate permissible activities and potentially create legislative anomalies.</p> <p>&middot; Structural stability is not a planning matter and should not be included in planning policy</p>	<p>This is not a new requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.</p> <p>The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and the Council is requiring structural consideration to be demonstrated as part of the planning application</p>

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			process.
34.3.74	Scott Morgan	<p>As stated in paragraph 37.3.74 Building Regulations control the structural integrity of the development. Isn't this the right place for structural stability to be enforced?</p> <p>If more information, checking or oversight is needed by Building Control then this should be improved rather than adding further planning rules.</p>	<p>This is not a new requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.</p> <p>The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and the Council is requiring structural consideration to be demonstrated as part of the planning application process.</p>
34.3.74	Basement Force (Simon Haslam)	<p>Structural stability is controlled by Part A of Building Regulations. Part A requires buildings to be designed, constructed and altered so as to be structurally safe and robust, and also so as not to impair the structural stability of other buildings.</p> <p>This is recognised by the paragraph: the importance of securing structural stability is not disputed and there is no objection to the Council referring to it in the text. However to impose requirements on the applicant for planning permission to demonstrate matters which will be regulated by Building Control and other agencies is unfair and increases expense and delay within the planning process for no good reason.</p> <p>This is supported by the planning appeal decision for 44 Phillimore Gardens, London W8 (APP/K5600/A/07/2050877) which is quoted in the Council's Subterranean Development SPD May 2009. In that decision the Inspector stated "I understand concerns about the implications for neighbours of the process of excavation, demolition and construction..... However, these are matters controlled under other legislation".</p>	<p>This is not a new requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.</p> <p>The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and the Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>In the appeal for 44 Phillimore Gardens the Council did not object to the proposal on grounds of structural stability, having considered the structural method statement and supporting information provided by the appellant and its assessment by independent structural engineers (see para 16 of the appeal decision). Therefore, proposals do need to demonstrate that they have been designed to ensure structural stability at the planning stage. Other regimes such as building regulations apply during the construction stage as mentioned by the Inspector.</p>
34.3.74	Ladbroke Association (Sophia Lambert)	<p>The last section reflects a misconception about the Party Wall Act. The Act does not provide for the preservation of the structural stability of neighbouring buildings but only for the work to be done in a way that avoids inconvenience as far as is reasonable and for any damage caused to neighbouring buildings to be "made good" by the building owner. It is important therefore, that the Council, as part of its duty of care towards its residents, should do what it can to minimise the damage caused to neighbouring properties during</p>	<p>Noted. Text will be amended to clarify this.</p> <p>The Council cannot get involved in issues relating to damage.</p> <p>The National Planning Policy Framework (NPPF) para 109 states <i>"Where a site is affected by contamination or land stability issues,</i></p>

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		construction, as this is not adequately covered by any other legislation. Moreover, there have been cases in the Borough where damage has been caused to buildings two or even three houses away and therefore wholly outside the scope of the party wall legislation.	<i>responsibility for securing a safe development rests with the developer and/or landowner". (our emphasis)</i>
34.3.74	Robert Ward-Booth	Support - See covering letter dated the 1st May 2013	Noted.
34.3.74	Mark and Sophie Fitzgerald	I understand that Structural stability is controlled by Building Regulations. What is the reason for duplicating existing regulation again?	<p>Planning requires applicants to demonstrate structural stability as part of the planning application process. Building Control is responsible to ensure building regulations are met during the construction.</p> <p>This is not a new requirement. The Council currently requires construction method statements to be submitted as part of the planning application. On-site inspections will continue to be carried out by building control.</p>
34.3.74	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.75	Kensington Society (Michael Bach)	<p>Add at end:</p> <p>In particular,</p> <p>&sect; self-contained basement dwellings will not permitted in Flood Risk Zones 3 of the Environmental Agency's tidal flood risk zones map.</p> <p>&sect; self-contained basement dwellings in Flood Risk Zone 2 will only be permitted where they pass the 'exceptions test'. This is a test which forms part of the technical guidance on flooding.</p> <p>&sect; a flood risk assessment will be required in Flood Zones 2 and 3, in Critical Drainage Areas/Local Flood Risk Zones, and for sites greater than 1 ha in Flood Risk Zone 1, demonstrating how the development will be made safe, and the flood risk reduced, and incorporating mitigation measures into the proposal. This will include the installation of a 'positively pumped device'.</p> <p>This material needs to be adapted to to deal more explicitly with protecting basements from flooding.</p>	Noted. Policy CE2 which sets out these details is referred to in the text and the policy and it is not suitable to repeat it here. Text here is only dealing with the specific issue of flooding from sewers which all basements can be susceptible to regardless of fluvial flood risk. No change.
34.3.75	Norland Conservation Society (Libby Kinmonth)	<p>Part (a) of Policy CE2, "Flooding"</p> <p>The Council will resist vulnerable development, including self-contained basement dwellings, in Flood Risk Zone 3 as defined in the Strategic Flood Risk Assessment. Does this mean that new basements in flood risk zones will not get approved? The thing is they can be built to such high spec that as a new build they probably will be flood free, it is the effect on neighbouring properties that has to be considered here.</p>	As stated in the policy self-contained basement dwellings will be resisted. No change.

Document Part Name	Respondent Name	Comment	Council's Response
34.3.75	Tony Holt	Essential to provide full protection, not just a non-return valve.	Noted. Non-return valves are not being required as they are not as effective as positive pumped devices. No change.
34.3.75	Panorama Property Services Ltd (James Agace)	<p>This reasoned justification should be deleted.</p> <p>Protection of property from sewer flooding is controlled by Building Regulations. It is therefore ultra vires for planning to introduce duplicate regulation.</p> <p>What is a 'positive pumped device'?</p> <p>How should the positive pumped device be positioned, designed and installed? If you are going to include something like this as part of planning policy then you need to say how it should be installed and operated in sufficient detail for the policy to be meaningful.</p>	<p>The Borough has experienced flooding incidents in the past 20 years. Many related to the inability of the Counters Creek, the Victorian sewer system to cope with the amount of surface and foul water entering the system during significant rainfall event.</p> <p>This issue was raised by Thames Water in the representation to the last consultation. The intention is to ensure that basements are designed so that they are protected from sewer flooding. It is within the remit of planning to ensure new development is designed to be safe from all types of flooding.</p> <p>Planning policy will be supported by a revised basements supplementary planning document which will include more detailed information.</p> <p>A positively pumped device is as the name says a device that pumps sewage away from the property. It includes a non-return valve to prevent backflow from the sewer. Thames Water has been fitting these devices in The Counters Creek area in properties that have a known risk of flooding from sewers http://www.thameswater.co.uk/about-us/15234.htm.</p>
34.3.75	Sue Whittle	<p>Surely all basements need positively pumped devices where the drainage is below the existing sewer level otherwise nothing would get out of the basement. What is meant by this and what is the intention of including it in the policy?</p> <p>There must be various ways of protecting against flooding and this policy seems to be restrictive and rather limited in its thought and therefore scope.</p>	<p>The Borough has experienced flooding incidents in the past 20 years. Many related to the inability of the Counters Creek, the Victorian sewer system to cope with the amount of surface and foul water entering the system during significant rainfall event.</p> <p>This issue was raised by Thames Water in the representation to the last consultation. The intention is to ensure that basements are designed so that they are protected from sewer flooding.</p> <p>There may be different types of pumps available in the market but if a basement is below the drainage level a gravity system will not work.</p>
34.3.75	K Howell	<p>The wording "positively pumped device" is not clear.</p> <p>There must be a pump in any basement where the drainage is below the existing sewer level, otherwise nothing would get out of the basement. If all the basement drains are above the existing sewer, then no pump is required (just as none is required for current buildings without a basement or with a lower ground floor). Can you explain what is meant by this?</p> <p>Why is a non-return valve not acceptable?</p> <p>I believe you can also get anti-flooding valves that are specifically made to protect against sewer flooding/surges. I think that they are the same sort of thing as a non-return valve, but</p>	<p>The Borough has experienced flooding incidents in the past 20 years. Many related to the inability of the Counters Creek, the Victorian sewer system to cope with the amount of surface and foul water entering the system during significant rainfall event.</p> <p>This issue was raised by Thames Water in the representation to the last consultation. The intention is to ensure that basements are designed so that they are protected from sewer flooding.</p> <p>There may be different types of pumps available in the market but if a basement is below the drainage level a gravity system will not work.</p>

Document Part Name	Respondent Name	Comment	Council's Response
		made to a higher quality/performance standard. Please explain why such a valve cannot be fitted.	<p>A non-return valve is a mechanical device. It will not pump the sewage away from the property actively and may not be as effective when the sewer is inundated during heavy rainfall.</p> <p>The device includes a non-return valve to prevent backflow from the sewer. Further details will be provided in the revised basements supplementary planning document.</p>
34.3.75	Yasmin Ayoub	<p>Another example of duplicating existing legislation. Surely existing applications have to have pumps and so on? If not then they should but is this really something for planning?</p> <p>If someone wants to flood their own home isn't that for them to be daft enough to do to themselves?</p> <p>Isn't this sort of thing covered by Building Regulations and Building Control?</p>	<p>This is not an existing requirement although applicants may be fitting these to protect their properties.</p> <p>The Borough has experienced flooding incidents in the past 20 years. Many related to the inability of the Counters Creek, the Victorian sewer system to cope with the amount of surface and foul water entering the system during significant rainfall event.</p> <p>This issue was raised by Thames Water in the representation to the last consultation. The intention is to ensure that basements are designed so that they are protected from sewer flooding.</p> <p>If a property is flooded it is not just the owners that are affected, public resources are used to attend to emergencies. Thames Water has been fitting these devices in The Counters Creek area in properties that have a known risk of flooding from sewers http://www.thameswater.co.uk/about-us/15234.htm.</p>
34.3.75	Philip Muelder	<p>Are basements any more prone to flooding than the lower ground floors of buildings?</p> <p>Should they not also be subject to these rules?</p> <p>Is planning (rather than Building regulations) the right place to specify what type of drainage system should be used? Surely the experts in the Building department are more up to date with the best products and techniques rather than planning?</p>	<p>The Council cannot require existing lower ground floors to fit these devices. The Borough has experienced flooding incidents in the past 20 years. Many related to the inability of the Counters Creek, the Victorian sewer system to cope with the amount of surface and foul water entering the system during significant rainfall event. Thames Water has been fitting these devices in The Counters Creek area in properties that have a known risk of flooding from sewers http://www.thameswater.co.uk/about-us/15234.htm.</p> <p>This issue was raised by Thames Water in the representation to the last consultation. The intention is to ensure that basements are designed so that they are protected from sewer flooding. Thames Water's regulator Ofwat agree this is the most suitable technology.</p> <p>As noted in the text, other devices (in-line with technical advances) can be used.</p>

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34.3.75	The Chelsea Society (Terence Bendixson)	Accept	Noted.
34.3.75	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Flooding and drainage is covered by BS 12056 Part 4 and Building Regulations and should not be a planning issue.	Flooding is a major planning issue.
34.3.75	Zai Nordmann	What is a 'positive pumped device'?	A positively pumped device is as the name says a device that pumps sewage away from the property. It includes a non-return valve to prevent backflow from the sewer. Further details can be seen on Thames Water's website http://www.thameswater.co.uk/about-us/15234.htm .
34.3.75	R G Leeper	Although pumped devices may be desirable to protect against flooding, the proposed construction must nevertheless be demonstrated to be "fail safe" so that flooding does not occur, even if the pumped device fails for any reason (e.g. a power cut). Although such failures may be rare, any risk of flooding is entirely unacceptable, even if the event is rare. Also pumping devices must not be audible, either outside or in adjoining properties.	A positively pumped device is as the name says a device that pumps sewage away from the property. It includes a non-return valve to prevent backflow from the sewer. Further details can be seen on Thames Water's website http://www.thameswater.co.uk/about-us/15234.htm .
34.3.75	Kensington Society (Michael Bach)	* requiring basements to be protected from sewer flooding through the installation of a suitable pumped device - this does not cover surface water flooding where sump pumps may be required to protect habitable basements.	Surface water flooding is addressed through the requirements for SUDs earlier in the policy.
34.3.75	Abbey Pynford (Lewis O'Connor)	34.3.75 Given their nature, basements are more susceptible to flooding, both from surface water and sewerage, than conventional extensions. Objection: There is no statistical evidence to support this statement. &middledot; Conversely to the assumption of the statement "Given their nature, basements are more susceptible to flooding"; given their nature basements are in fact less susceptible to flooding from surface water. Basements are covered by BS8102 and are constructed to a more rigorous standard than other developments. &middledot; Protection from flooding is also a building control matter and Double regulation will serve only to obfuscate permissible activities and potentially create legislative anomalies. &middledot; Drainage in basements, including anti-flooding, is covered in British Standard 12056 Part 4. It should not be covered again by planning policy. Double regulation will serve only to obfuscate permissible activities and potentially create legislative anomalies.	Please refer to the flooding pages on the Council's website to understand flooding issues in the Borough including flooding from sewers http://www.rbkc.gov.uk/planningandconservation/planningpolicy/floodissues.aspx . The Borough has experienced flooding incidents in the past 20 years. Many related to the inability of the Counters Creek, the Victorian sewer system to cope with the amount of surface and foul water entering the system during significant rainfall event. This issue was raised by Thames Water in the representation to the last consultation. The intention is to ensure that basements are designed so that they are protected from sewer flooding not to duplicate building regulations.
34.3.75	Basement Force (Simon Haslam)	This is a proper concern of Building Control and an obvious statement both as to the risks and as to the importance of safeguarding against them, but the planning policy seeks to overreach itself and is over prescriptive both within the text and the policy.	The Borough has experienced flooding incidents in the past 20 years. Many related to the inability of the Counters Creek, the Victorian sewer system to cope with the amount of surface and foul water

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		The correct way to protect a dwelling from sewer flooding is given in British Standards, the highly readable BS EN 12056-4 - Gravity drainage systems inside building - Part 4: Wastewater lifting plants - Layout and calculation. No doubt this will change and be updated over the years.	entering the system during significant rainfall event. This issue was raised by Thames Water in the representation to the last consultation. The intention is to ensure that basements are designed so that they are protected from sewer flooding. Thames Water's regulator Ofwat agree this is the most suitable technology. The text gives the flexibility to respond to changes in technology.
34.3.75	Ladbroke Association (Sophia Lambert)	"Positive pumped devices" should have some fail-safe device to deal with power-cuts etc.	It includes a non-return valve to prevent backflow from the sewer in case of a power failure. Further details can be seen on Thames Water's website http://www.thameswater.co.uk/about-us/15234.htm .
34.3.75	Underpin & Makegood (Contracting) Ltd (David Gakhar)	This is not a planning issue and is covered by BS 12056 Part 4 and Building Regulations.	The Borough has experienced flooding incidents in the past 20 years. Many related to the inability of the Counters Creek, the Victorian sewer system to cope with the amount of surface and foul water entering the system during significant rainfall event. This issue was raised by Thames Water in the representation to the last consultation. The intention is to ensure that basements are designed so that they are protected from sewer flooding. Thames Water's regulator Ofwat agree this is the most suitable technology. The text gives the flexibility to respond to changes in technology.
34.3.75	Robert Ward-Booth	Support - See covering letter dated the 1st May 2013	Noted.
34.3.75	Thames Water Utilities Ltd (Mark Mathews)	Thames Water support this requirement which is necessary to minimise the risk of occupiers of new basement development being affected by sewer flooding.	Noted.
34.3.75	Cadogan Estates (Cadogan)	No comment.	Noted.
34.3.76	Oliver Parr	Why cannot the Council require applicants to meet with neighbours, rather than simply "strongly advise them" so to do? I believe that the only fair way to deal with neighbours' legitimate concerns about basement developments is for immediate/contiguous neighbours to be required to support such applications. This would almost certainly require applicants to make payments to such neighbours sufficient to induce their support. This would be entirely reasonable given the significant capital gain that basement developments bring to those who effect them - in contrast to the very real inconvenience suffered by neighbours during the rebuilding process (and often well into the future too).	The Council does not have the legal powers through the planning acts to make this a requirement.
34.3.76	Guy Mayers	In Para 34.3.76 applicants are "strongly advised to discuss the project with neighbours" "Construction Traffic plans should be discussed with the council before the application is submitted...". We are of course not concerned with the majority of applicants who do all the right things but with those who cut corners to save money and effort. There is no mention I could find of Construction Management Statements in your document, how the applicant proposes to mitigate building noise, dust, vibration etc. Shouldn't the applicant discuss that and his traffic plan with neighbours before putting in the application? Have the Council	Policy CL7 (j) and (k) make the issues a requirement. The exact title of documents such as construction and traffic management plan and demolition and construction management plan are not mentioned as the Core Strategy (of which the draft basements policy will become a part) is a long-term document and the exact titles can change relatively frequently. Further details will be provided in a revised basements supplementary planning document.

Document Part Name	Respondent Name	Comment	Council's Response
		Officers read the proposed policy with those minority of applicants in mind?	
34.3.76	Norland Conservation Society (Libby Kinmonth)	Obviously	Noted.
34.3.76	Tony Holt	Agreed	Noted.
34.3.76	Steven Aldridge	34.3.76 needs more detail and explanation. At present this is a woolly statement.	Not sure what is not clear.
34.3.76	Ladbroke Association (Sophia Lambert)	<p>We welcome the encouragement to consult neighbours. But we think this text could be strengthened. It could be emphasised at the beginning of this paragraph, for instance, that the evidence is that projects go much more smoothly when neighbours are consulted at the outset.</p> <p>We note, incidentally, that there could be problems about beginning party wall negotiations too far in advance, when plans are still being developed. The costs of the adjoining owner's surveyor in preparing the party wall award are normally covered by the building owner, but as we understand it, any costs that could be said to be related to giving prior advice to the adjoining owner would normally have to be paid by the adjoining owner himself. This is something on which you may wish to seek advice.</p>	Noted. The text is considered to be strong enough. The note on commencing Party Wall negotiations is advisory rather than a requirement. No change.
34.3.76	Mrs Riviere	The council also needs to consider and give proper detail as to how it is practical for applicants to confer with local businesses and residents as proposed in 34.3.76.	This will be at the applicant's discretion.
34.3.76	Cranbrook Basements (Kevin O'Connor)	<p>Applicants should not be required to commence Party Wall negotiations in advance of receiving planning consent - this will lead to the applicant incurring unnecessary costs that could be avoided particularly in circumstances where planning consent may be refused.</p> <p>Applicants may not wish to construct a basement for up to three years from grant of planning consent whereas the life-span of a Party Wall Agreement is twelve months. On this basis commencement of Party Wall negotiations before a date for commencement of construction is determined could lead to very significant abortive costs on the part of the applicant. This proposed policy is unreasonable.</p> <p>In circumstances where applicants were required to commence Party Wall process as part of the planning application this may lead to adjoining owners incurring costs which they may not recover. The Party Wall Act DOES NOT state that costs are automatically paid by the person having the work carried out and consequently requiring adjoining owners to engage in Party Wall negotiations in advance of determining a date for commencement of the works - simply to comply with some planning process - is unfair to adjoining owners.</p> <p>Attempts to "negotiate" with neighbours in submitting a planning application are unreasonable. This requirement could be an unreasonable delay to the planning process whilst neighbours are contacted - particularly in the case of overseas neighbours, off-shore companies or commercial interests.</p> <p>Neighbours are not qualified to comment on complex safety related highways matters and the proposal to consult with neighbours on safety related issues where they have not professional expertise is potentially dangerous. Traffic Management Plans should be subject to approval by the relevant Highways Authority only.</p>	<p>The text 'strongly encourages' but does not make this a requirement. This should be done at the pre-application stage and should not lead to delays when properly planned. It is not expected that neighbours will contribute to technical details but the benefits of local knowledge in formulating plans is an established principle.</p> <p>The note on commencing Party Wall negotiations is advisory rather than a requirement. No change.</p>

Document Part Name	Respondent Name	Comment	Council's Response
34.3.76	Greater London Authority (Mathew Carpen)	Paragraph 34.3.76 could be amended to read that TfL should be also consulted on construction traffic plans prior to submission, where the proposals could impact the TLRN, bus operations or other transport infrastructure or operations.	Further details will be provided in a revised basements supplementary planning document (SPD) and this can be included in the SPD.
Policy CL7	Gabrielle Teare	My house was underpinned by my two neighbours in Chelsea Park Gardens. I have resulting £25000 damages on all three floors internally and externally that I have not been able to recover under the Party Wall Act. I am now worried about future subsidence as a result I see no reason whatsoever why the council should allow any basement developments. That they were given permission to damage my house by the council against my express wishes is wholly unacceptable to me. I may not be able to insure my house in the future and it may lose value as a direct result of the underpinnings.	Noted. Assuming this issue cannot be dealt with through the Party Wall Act, it should be dealt with through the civil courts.
Policy CL7	Kensington Society (Michael Bach)	Delete: "except that, on large comprehensively planned developments the requirements in a. and b. below may be varied depending on site circumstances." Leave out this "exception" - let applicants argue for a relaxation, based on the circumstances of the case. CL7(e) proposes a specific exception for listed buildings.	Noted. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	P Whitehouse-Vaux	Why is site size a relevant factor? Surely it is the impact of construction that needs to be managed as this is what is upsetting residents? The size of the site is not material and should of itself not be considered. Site size should be omitted and the same rules should apply to all sites. It is the disruption caused by the work that bothers people, with larger sites causing larger larger nuisance.	Noted. Site characteristics can play an important role in shaping development. Large sites can keep construction impacts confined within the site. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	Nellen (Gideon Nellen)	The exemption for large comprehensively planned developments should not apply - environmental damage and impact could be even more extensive in such developments as considerably larger areas (eg gardens) will be involved.	Noted. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	Norland Conservation Society (Libby Kinmonth)	If para 1 means the introductory para: what is meant by "large comprehensively planned developments"? Surely you need to define minimum size to be a "large comprehensively planned development"?	Noted. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	Michael Stevens	A requirement that development must be of "the highest quality" seems perfectly reasonable but is in practice rather difficult to prove. I doubt that even the council knows what "the highest quality" means. I suggest that this sentence should be deleted.	Developments that meet the policy requirements would be of the highest quality.
Policy CL7	Paula McPherson	I don't understand the relevance of the size of a development in relation to the percentage of a garden that can be developed or the number of basement storeys. The rules should apply equally to all developments.	Noted. Site characteristics can play an important role in shaping development. Large sites can keep construction impacts confined within the site. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	Scott Morgan	The size of a site should not make any difference about the size of basement to be built. The size of the site in itself is not the important factor - what matters is can the construction impact be managed; can noise, dust and vibration be managed; can the development be designed to ensure structural stability; and so forth. The size of the site is not material and	Noted. Site characteristics can play an important role in shaping development. Large sites can keep construction impacts confined within the site. Greater clarity will be provided on the exception in the

Document Part Name	Respondent Name	Comment	Council's Response
		should of itself not be considered. It may well be possible to manage the various factors more easily on a large site but at the same time on some other large site it may well not be possible to manage the various factors easily. On the other hand it might well be possible to manage the various factors easily on some small sites. Site size should be omitted and the same rules should apply to all sites.	next version of the document.
Policy CL7	Sue Whittle	The policy seems to begin from an anti-basement stance and seeks to justify that. The appears to run against everything the Coalition government is trying to do to stimulate economic growth especially through helping the construction industry which has been severely hit since 2008.	The policy begins with requiring basements to be of the highest quality.
Policy CL7	Thomas O'Donohoe	The adoption of a 50% figure with relation to the amount of garden that can be involved in basement construction needs further examination and the council needs to provide evidence that this is the right number. Why not 40%, why not 60%? Why does the size of the development have any bearing on the amount of the garden that can be developed upon or the number of basement storeys. The rules should apply equally to all developments. What does large mean?	The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% of the garden as natural. Other circumstances such as presence of trees of townscape amenity or drainage issues may further limit the development. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	K Howell	This is poor policy making. The clear aim of the policy changes is to reduce the impact and disruption from construction. So why does it not address this aim properly? The changes proposed are arbitrary and are not supported by any real engineering or scientific evidence. It seems as if the policy changes are driven by a few very vocal residents who would rather stop basements altogether. This is really quite worrying and short-sighted. The policy should also consider that the value of properties is increased by this work, thus benefiting everyone in the RBKC. The regulations should not limit the size of basements in an attempt to reduce construction impact. Some areas may be able to take larger and more extensive work. And some areas should be restricted to smaller sizes. The Council should put more emphasis on the planning process, the planners, the Highway Department and Building Control to do their job properly.	The objective of the policy is not just reducing construction impacts. The range of reasons are set out in the reasoned justification to the policy. Planning policy is not prepared in isolation by the Council. Therefore whilst local views may be taken into account ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.
Policy CL7	Steven Aldridge	The adoption of a 50% figure with relation to the amount of garden that can be involved in basement construction needs further examination and the council needs to provide evidence that this is the right number. Why not 40%, why not 60%? Why does the size of the development have any bearing on the amount of the garden that can be developed upon or the number of basement storeys. The rules should apply equally to all developments.	The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% of the garden as natural. Other circumstances such as presence of trees of townscape amenity or drainage issues may further limit the development.

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		What does large mean?	Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	James Copinger-Symes	I am concerned with the economic impact that this policy will have and deal with this in detail at the end of this submission.	Noted. The policy is not banning basements. It would still allow substantial basements to be built. The policy has to balance social, environmental and economic reasons.
Policy CL7	William H Buckley	As long as the development is planned and designed in a safe way and relevant safeguards regarding construction impact, safety, drainage are in place it should be approved.	Noted. Development that meets all the policy criteria will be approved.
Policy CL7	Sally Duckworth	I don't understand why the size of a development is related to the percentage of a garden that can be developed or how many storeys the basement can have. If the point of limiting both of these is to reduce construction impact then allowing largest sites to be exempt from these rules will not achieve this. The rules should apply equally to all developments.	Noted. Site characteristics can play an important role in shaping development. Large sites can keep construction impacts confined within the site. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	Geostructural Solutions Limited (Tim Jolley)	Agreed. 'All aspects of basement development must be designed, constructed and completed to the highest standard and quality'. With regard to the remaining text, please refer to our comments set out herein.	Noted.
Policy CL7	Zai Nordmann	I do not understand why the policy proposes excluding the need for 'larger' (yet to be defined) sites to comply with proposed policies a. and b. The planning policy in general as well as this particular proposed policy should apply equally to all projects. The proposed policy should be able to cope with all basement development proposals. If not then it needs to be considered again not simply including an undefined size definition to give the planning department wiggle room when it comes to planning decisions. Surely basements on "large comprehensively planned developments" (para 1) will have significantly more impact on drainage, local residents, light pollution etc etc than the types of residential basements this policy seems designed to curtail? The policy will enable a basement under a Tesco superstore but not under a residential garden. Is this what the council has in mind when it comes to protecting local residents? Surely all basements regardless of size if should be allowed as long as "all aspects of the basement development are designed, constructed and completed to the highest standard and quality" (CL7 Para 1)?	Noted. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	Philip Muelder	All developments whether above or below ground should achieve the highest standards in design and construction. Is there a way that given the council's concerns regarding the perceived special construction needs of basements that they include the requirement for a specialist firm to construct a basement?	Noted. The Council cannot stipulate the requirement for a specialist firm. The revised basements supplementary planning document can provide guidance as suggested.
Policy CL7	The Chelsea Society (Terence Bendixson)	CL7 para 1 provides an exception for 'large comprehensively planned developments'. The Chelsea Society considers that this exception could be provided for large commercial developments but urges the Council to define 'large'. We do not consider that the exception should apply to any residential developments The Society also urges the Council to add to this preamble a section on costs and benefits - or, better still, costs and benefits could be made the subject of an added clause coming before little 'a'.	Noted. Greater clarity will be provided on the exception in the next version of the document. The policy itself is formulated on the basis of striking the right balance between social, environmental and economic issues. Development that meets the policy criteria would be meeting this balance and it is not necessary to require this as suggested.

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		Appropriate wording for this new clause might be: Basement development should: 'not lead to harmful social, environmental or economic effects greater than any resulting benefits'.	
Policy CL7	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	All applications should have to comply with the same planning rules - different site and circumstances will have greater or lesser ability to meet planning rules Site and size should not be a planning consideration .	Site size and characteristics are material planning issues.
Policy CL7	Michael and Jacqueline Hayes	Not clear what this refers to. There does not appear to be a para 1 of CL7.	Noted.
Policy CL7	The Markham Square Association (David Cox)	We have concerns about the exception proposed for "large comprehensively planned developments". The term "large" needs to be defined. We suggest that the exception should be limited to commercial developments so that the exception would not apply to residential developments.	Noted. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	The Markham Square Association (David Cox)	We have already commented upon paragraphs a, b, c, d e, f, k, l and m. We have in addition the following drafting points:	Noted.
Policy CL7	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	It follows that we object to this insofar as it requires compliance with all of the criteria listed subsequently a to m. We object to certain of these criteria as set out below.	Noted.
Policy CL7	Geostructural Solutions Ltd (Sean Bennett)	I agree that all aspects of a basement development should be designed and constructed to the highest standard and quality. It is good to hear that on large, comprehensively planned developments the requirements of paragraphs 7a and 7b may be varied. What would be considered a large basement? This should be defined. Why could the requirement of paragraphs 7a and 7b not be similarly varied for small comprehensively planned developments?	Noted. Greater clarity will be provided on the exception in the next version of the document. Unlike small site, large sites can keep construction impacts confined within the site.
Policy CL7	Onslow Neighbourhood Association (Eva Skinner)	In the third line, immediately before "large comprehensively planned developments", the qualification "exceptionally" should be inserted.	Noted. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	R G Leeper	The RBK&C Council's recognition that much more control is needed over basement developments and many of the changes including in the Second Draft Policy as a result of consultation.	Noted.
Policy CL7	Kensington	The Kensington Society strongly supports the revision of the Local Plan policy for	Noted

Document Part Name	Respondent Name	Comment	Council's Response
	Society (Michael Bach)	basements, but consider that basements should not be built under gardens.	
Policy CL7	Kensington Society (Michael Bach)	Unresolved issues: * We are concerned about the proposed treatment of "large, comprehensively planned developments" - will be abused.	Noted. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	Jones Lang LaSalle (Kathryn Williams)	There is no reference in the Policy to reflect para. 34.3.63 of the Reasoned Justification, where in excess of 50% of the garden area, or more than one new level, would be acceptable in certain circumstances.	Noted. The policy states the exception related to para 34.3.63 at the very beginning. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	Basement Force (Simon Haslam)	The first sentence is a legitimate aim for the policy and, if it is met, would enable the benefits of basement development to be provided at an acceptable level of impact. The stated exception to criteria a and b "on large comprehensively planned developments" is not understood and not based on any objectively justifiable evidence. This part of the policy is not sound. Whenever the applicant demonstrates that the objectives of those criteria can be met without meeting their prescriptive requirements there should be an exception to them. In addition, their requirements may be met through the application of conditions or by s106 obligation.	Noted. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Each application should be considered on an individual basis in respect of complying with the same format of planning rules.	Noted.
Policy CL7	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
Policy CL7	Thames Water Utilities Ltd (Mark Mathews)	No comment	Noted.
Policy CL7	Mark and Sophie Fitzgerald	The adoption of a 50% figure with relation to the amount of garden that can be involved in basement construction needs further examination and the council needs to provide evidence that this is the right number. Why not 40%, why not 60%? It seems like a figure that has no genuine basis or rationale behind it. Furthermore, why does the size of the development have any bearing on the amount of the garden that can be developed upon or the number of basement storeys. The rules should apply equally to all developments. Also, I would be interested to know what "large" means?	The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% of the garden as natural. Other circumstances such as presence of trees or townscape amenity or drainage issues may further limit the development. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	The Cherry	The Cherry Trees Residents' Amenities Association ("CTRAA") welcomes the Council's	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
	Tree Residents' Amenities Association (Thomas Blomberg)	attempt to formulate a Basement Policy and agrees with many of the proposals in the second draft. We feel that the proposed single storey limitation should definitely apply for any basement excavations underneath existing domestic properties in terraced streets. Likewise, we see the 50% garden limitation as a welcome improvement from the first draft's 75%.	
Policy CL7	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7	Bell Cornwall (Simon Avery)	"large comprehensibly planned development" - see 34.3.63 above. This lacks clarity.	Noted. Greater clarity will be provided on the exception in the next version of the document.
Policy CL7	Friends of Portobello (Robina Rose)	How is this to be monitored or enforced? "Highest Standards & Quality". What does this mean? or is it merely rhetoric?	A monitoring framework will be developed for the policy. The criteria in the policy sets out what is meant by 'highest standards and quality'. This will be further amplified in the revised basements supplementary planning document.
Policy CL7	Friends of Portobello (Robina Rose)	How is "highest standard" to be monitored or enforced? Otherwise it is meaningless (see my accompanying notes show).	A monitoring framework will be developed for the policy.
Policy CL7 (a)	P Whitehouse-Vaux	This 50% rule seems an arbitrary number and could be left out. If planning is concerned about flexibility in tree planting, construction impact, artificially level gardens and drainage then have rules that deal with each of these in turn. Limiting development to 50% doesn't deal with these. For example you could reword to insist that garden basements must be designed to: * Ensure flexibility in planting major trees . * Provide reasonable control of construction impact. * Avoid designs that have flat gardens??? (even as I write this one sounds bizarre). * Ensure that drainage is maintained or improved. Re second point above - doesn't Building Control already have the remit to manage construction impact?	The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% of the garden as natural.
Policy CL7 (a)	P Whitehouse-Vaux	Do you support CL7 (a)? No	Noted.
Policy CL7 (a)	Sarah Curtis	We believe items b) and a) of the proposed policy are essential for the long-term benefit of RBKC. We are thankful that in future there will probably be no new double basements excavated under houses and less excavation under gardens.	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
		Ideally we would prefer prohibition of all new basements under lower ground floors and all basements under gardens but what is proposed is a good beginning, preventing some if not all of the long-term dangers.	
Policy CL7 (a)	Marianne Harris	Do you support CL7(a)? YES	Noted.
Policy CL7 (a)	Anthony Temple	Do you support CL7 (a)? Yes Agreed No Not applicable	Noted.
Policy CL7 (a)	Anthony Temple	I attended the consultation session held at the Town Hall on the evening of 8 April 2013. I refer to this because it was obvious that some (but not all) representatives of the basement construction industry were unduly combative, seeking to argue their case rather than to ask questions and engage in a constructive dialogue with the planning department. Local residents are, as I am sure Councillors are aware, deeply troubled by the operation of the current policy and are very supportive of the revised March 2013 draft. This is particularly so in relation to draft policy CL 7(a) which we see as a practical yardstick for assessing the various elements which inform the policy guidance.	Noted.
Policy CL7 (a)	Nellen (Gideon Nellen)	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Nellen (Gideon Nellen)	Permitting basement developments not exceeding 50% of a garden is far too extensive. It should be limited to 10% i.e. a traditional "area".	Noted. The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% of the garden as natural.
Policy CL7 (a)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Norland Conservation Society (Libby Kinmonth)	Agree, except 50% is too much	Noted.
Policy CL7 (a)	Michael Stevens	Do you support CL7 (a)? YES	Noted.
Policy CL7 (a)	Michael Stevens	Well explained and supported by the background notes.	Noted.
Policy CL7 (a)	Tony Holt	Do you support CL7(a)? NO	Noted.
Policy CL7 (a)	Tony Holt	Should be 50% not 75%	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (a)	Paula McPherson	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Paula McPherson	<p>As stated in my first paragraph counter intuitively basement development can be environmentally friendly and should, where possible, be encouraged to its maximum extent.</p> <p>Also currently Eric Pickles, the Secretary of State for Communities and Local Government, seems to be encouraging residential building to the greatest extent possible, pushing for permitted development rights to be widened, in order to help kick start the economy. The proposed policy goes against the Secretary of State's higher level intention.</p> <p>Provided construction impact, garden planting, drainage, and any other areas of concern can be met/mitigated then development to the maximum extent should be encouraged.</p> <p>Based on the reasons above the policy seems wrong.</p> <p>I don't understand why the unaffected garden must be in a single area.</p>	<p>Noted. The Government is not promoting development at the cost of environmental and social harm. The policy is seeking to balance environmental, social and economic issues to support sustainable development.</p> <p>Having the unaffected garden in a single area has benefits for planting, drainage and allows linking up with other areas of natural garden in adjoining properties which can also have biodiversity benefits.</p>
Policy CL7 (a)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Panorama Property Services Ltd (James Agace)	<p>I oppose the proposed policy.</p> <p>Limiting the garden size on a percentage does not make sense.</p> <p>I cannot see how anyone really cares about the percentage that is built. If the council cares about drainage then have a rule about drainage. If the council cares about construction impact then have a rule about construction impact.</p> <p>The policy seems to be limiting / controlling multiple things by the proxy of a percentage limitation. Logically if there is a sound planning justification then it should clearly support one clear planning policy.</p> <p>No reason is given why the unbuilt garden needs to be in a single area. Water will flow over, around and under a basement. There is no need for the unbuilt section at basement level to be in one area. This sentence should be deleted.</p>	<p>Noted.</p> <p>The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% of the garden as natural.</p> <p>Having the unaffected garden in a single area has benefits for planting, drainage and allows linking up with other areas of natural garden in adjoining properties which can also have biodiversity benefits.</p>
Policy CL7 (a)	Scott Morgan	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Scott Morgan	<p>See below.</p> <p>The Reasoned Justification and Proposed Policy currently are not very logical. I have suggested something more logical below.</p> <p>This blanket rule does not seem right.</p> <p>You have listed the things that you are of concern - drainage, flexibility in tree planting,</p>	<p>The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The suggested text would not enable retaining a significant proportion of natural gardens.</p>

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		<p>construction impact, artificially level gardens. If you want to ensure that each of these is met then have rules that say this explicitly. eg:</p> <p>Garden basements must be designed to:</p> <ol style="list-style-type: none"> 1. Ensure that drainage to the 'upper aquifer' is maintained or improved. 2. Enable flexibility in planting, including major trees. 3. Ensure adequate control of construction impact and duration. 4. Avoid designs that result in the garden above being artificially level. 	
Policy CL7 (a)	Sonata Persson	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Sonata Persson	<p>There is a lack of "reasoned justification" for limiting development to 50% of the garden. Provided "all aspects of the basement development are designed, constructed and completed to the highest standard and quality" (CL7 Para 1) then the applicant should be allowed to build under as much of the garden as they want. This would ensure adequate drainage with regard to the idiosyncrasies of the local vicinity.</p> <p>Seems like a number has been chosen almost at random to try to limit development for the sake of it.</p>	The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.
Policy CL7 (a)	Sue Whittle	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Sue Whittle	<p>Building under a back garden should be of less concern to neighbours than an above ground development.</p> <p>Concerns regarding drainage impact can be allayed and managed within any properly constructed development. That should be the aim of the planning policy not a blanket restriction which is a blunt and pretty simplistic, ineffective tool.</p> <p>If construction impact is the problem then work out a policy that deals with that alone. Simply restricting the size of basements doesn't seem to deal with the real objection which is the level of construction going on at any one time.</p> <p>There is also a general dismissal in the comments to the first draft of any opposing views to those stated in the AB report. It would serve the council and AB better to take opposing views more seriously or the charge that this is a false consultation would appear to have more credence.</p>	<p>The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p>

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			<p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p> <p>The Alan Baxter and Associates report is a technical report specially commissioned to look into these issues in detail. The Council is not aware of another study that shows differing view.</p> <p>Planning policy is not prepared in isolation by the Council. Policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p>
Policy CL7 (a)	Thomas O'Donohoe	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Thomas O'Donohoe	The evidence base for this rule is not there. From reading the comments to the first draft policy the justification for the rule based on drainage, tree planting and so forth is just not there. The only logical justification for limiting the size of basements under gardens is the amount of construction impact. And reading the comments from people who seem to know what they are talking about it seems that construction impact is a matter dealt with by the Highways Department and the Highways Act, and so it should not be a matter for planning policy.	<p>Evidence on drainage is in the Alan Baxter and Associates report. Replacing natural gardens with 1m of soil will impact on the scope of planting.</p> <p>The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i>

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			<p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p> <p>The construction and traffic management plans are linked to development and are part of the planning process. The Transport and Highways department are involved in approving the plans.</p> <p>Construction and traffic management is currently dealt with through the planning process. The only change being proposed is to the process i.e., that the information is supplied with the planning application rather than through a planning condition.</p>
Policy CL7 (a)	Adam Hollis	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Adam Hollis	<p>There is no arboricultural basis for Policy CL7 (a) in that:</p> <ol style="list-style-type: none"> 1. The undulation of a garden over a basement is not restricted in any way. A garden over a basement can be as undulating as desired now and at any time into the future. 2. Ground of one metre depth over a concrete basement roof does not restrict the range of planting in any way, including major trees. 3. Any major tree grown in the UK can reach maturity and live for a normal life span in 600mm of fertile soil. One metre is more than adequate. 4. One metre of soil is more than adequate to structurally support any major tree grown in the UK. <p>Please see my comment to Reasoned Justification section 34.3.59.</p>	<p>Noted. The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it</p>

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			is reasonable to expect a significant proportion to be retained in its natural form.
Policy CL7 (a)	K Howell	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	K Howell	<p>The Government is trying to get people to stimulate the economy by building extensions. The new basement policy is aimed at limiting basements under gardens for no defensible reason. Building under a back garden seems to create far less of a planning concern than building above ground. Once built you hardly know that the basement is there. If the problem is really about the disruption during construction, then there should be a specific policy about this aspect of the work.</p> <p>All the other reasons about drainage, trees and so forth have not been backed up by real engineering or scientific evidence. The 'rule of thumb' in the Alan Baxter report is not based on any evidence and not a good way to make policy. Why have previous comments about this been dismissed in drafting the current policy?</p>	<p>Noted. The Government promoting development but not at the cost of environmental and social harm. The policy is seeking to balance environmental, social and economic issues to support sustainable development.</p> <p>The policy is not just trying to minimise construction impacts. The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p>
Policy CL7 (a)	Steven Aldridge	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Steven Aldridge	The evidence base for this rule is not there. From reading the comments to the first draft policy the justification for the rule based on drainage, tree planting and so forth is just not there. The only logical justification for limiting the size of basements under gardens is the amount of construction impact. And reading the comments from people who seem to know what they are talking about it seems that construction impact is a matter dealt with by the Highways Department and the Highways Act, and so it should not be a matter for planning	<p>Noted. The Government promoting development but not at the cost of environmental and social harm. The policy is seeking to balance environmental, social and economic issues to support sustainable development.</p> <p>The policy is not just trying to minimise construction impacts. The</p>

Document Part Name	Respondent Name	Comment	Council's Response
		<p>policy.</p> <p>I have also read the council's responses to the first draft policy and see that when anyone makes a seemingly valid point that counters the policy it is just about dismissed off hand, even when the point is made by a chartered engineer or other expert. I hope that my comments, as a resident of RBKC, will not be treated quite so poorly.</p>	<p>objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p> <p>The Council has sought expert opinion from specialists and is acting on this basis.</p> <p>Planning policy is not prepared in isolation by the Council. Differing views may be expressed during the course of consultation. These are considered but ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p>
Policy CL7 (a)	Shrimplin Brown (Robert Shrimplin)	The justification for increasing this from the current target of 85% is to be found in the supporting Alan Baxter Report. However, this report simply says that 75% (the figure used in the January 2013 consultation version of the SPD) is a "rule of thumb" (paragraph 9.8.3).	The recommendations in the Alan Baxter and Associates report have been used in formulating the policy. However the policy is not based purely on these recommendations. The ABA report is a technical

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		<p>No evidence is presented to justify this approach or that the current target is inappropriate or has led to any problems. No mention is even made of the 50% target.</p> <p>Similarly there is no justification for why the unaffected garden must be in a single area.</p> <p>The January 2013 consultation document suggested that where an analysis of surface water conditions on the site demonstrate that surface water drainage will not be maintained the percentage would be reduced from 75%. Similarly, it may be that the conditions on the site or possible alternative solutions would allow the percentage to be increased. If it is accepted that flexibility within the policy is needed, then that flexibility must be applied fairly.</p>	<p>report mainly focusing on various technical and engineering issues linked with basement development. Other issues such as garden character and planting are not discussed in detail in the ABA report.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p> <p>Having the unaffected garden in a single area has benefits for planting, drainage and allows linking up with other areas of natural garden in adjoining properties which can also have biodiversity benefits.</p> <p>The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens. Applying flexibility the other way would not allow a substantial proportion to be maintained.</p>
Policy CL7 (a)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	KPMG (Patrick Parke)	Do you support CL7 (a)? NO (not as currently worded)	Noted.
Policy CL7 (a)	David Innes	Do you support CL7 (a)? No	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (a)	David Innes	A planning policy should be derived from evidence. Limiting the extent of development to 50% of gardens is a "rule of thumb" figure rather than one that can be substantiated.	<p>The recommendations in the Alan Baxter and Associates report have been used in formulating the policy. However the policy is not based purely on these recommendations. The ABA report is a technical report mainly focusing on various technical and engineering issues linked with basement development. Other issues such as garden character and planting are not discussed in detail in the ABA report.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p> <p>Having the unaffected garden in a single area has benefits for planting, drainage and allows linking up with other areas of natural garden in adjoining properties which can also have biodiversity benefits.</p>
Policy CL7 (a)	William H Buckley	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Sally Duckworth	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Gabrielle Teare	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Richard Grantley	<p>1. The proposed reduction of the maximum garden area to be developed to 50% is a step in the right direction.</p> <p>2. However, the letter of 31 January 2013 submitted on behalf of Thames Water states: "Urban creep (the loss of permeable area) has been significant across the Royal Borough over the last 40 years.....around 20% of green space has been lost during this time. This rate of urban creep has had a significant effect on the performance of the sewerage</p>	<p>1. Noted.</p> <p>2. The study regarding urban creep in Thames Water's letter was for the whole of the Counter's Creek area which extends far beyond the boundaries of this Borough. The figure for urban creep in this Borough is not accurate in the letter. The study was carried out over a 40 year period; basements are a more recent phenomenon. The</p>

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		<p>network. Therefore, and because of the specific sewer flooding risk in this area, Thames Water has concerns about any development taking place outside of the current footprint of buildings...." (our italics). On this logic, the reduction should be not to 50% but to 0%.</p> <p>3. It has been suggested by RBK&C that the TW letter should not be taken into account as it does not represent the views of Thames Water and that a further letter from them was expected. However, no such letter has been seen or published and the risk expressed is so serious that no further basement development should be allowed outside the footprint of existing buildings unless and until TW has clearly and publicly retracted their original letter in writing and has replaced it with a new written statement of its position on the risk of flooding from basement developments</p> <p>4. The Council's own Strategic Environmental Assessment (SEA) also says that "the impact [of basements beneath gardens] on flooding could be significant". This further makes the point that basement developments should not be allowed under gardens.</p>	<p>study was also based on a comparison of aerial photographs. Since the Council requires 1m of soil on top of basements, it is possible that basements would not have been noticeable in the study. Therefore the link between basements and increased pressure on the sewage network could not be established, it is not reasonable to progress with any further restriction on this basis.</p> <p>3. It has not been suggested by the Council that the letter should not be taken into account. The letter was included in the Council's response to the previous consultation along with other representations received. Thames Water has submitted a representation on the second draft consultation (included in this report) and supports the extent of basements into the garden.</p> <p>4. The impact on flooding is a positive one as set out in Table 4.4 of the SEA.</p>
Policy CL7 (a)	Geostructural Solutions Limited (Tim Jolley)	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Geostructural Solutions Limited (Tim Jolley)	<p>There is no apparent reason why the basement construction below should make the garden artificially level. Geostructural Solutions are currently creating a basement in a rear garden area which follows the original profile of the rear garden and those of the adjacent properties. They have a terraced profile running from front to back.</p> <p>It is suggested that the past, existing and probable future layout of a garden needs to be taken into account when considering whether a proposed basement will change the character of that garden. If it has been laid to lawn in the past for some considerable time and it is laid to lawn now, it probably will be so in the future.</p>	Noted. Basements can cause gardens to appear artificially level and sterile. Evidence will be published to demonstrate this in due course.
Policy CL7 (a)	Zai Nordmann	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Zai Nordmann	<p>I do not support the proposed policy.</p> <p>The policy seems to be aiming to limit development and referencing issues that would be better dealt with specifically rather than by a general percentage limitation that seems to have been picked out simply as a halfway house.</p>	<p>Noted.</p> <p>The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p>
Policy CL7 (a)	James Dawson	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Yasmin Ayoub	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Philip Muelder	Do you support CL7 (a)? NO	Noted.

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Policy CL7 (a)	Philip Muelder	See above. Not sure why the unexcavated areas needs to be a single continuous area. Surely if a drainage plan is in place that is what matters. Case by case makes more sense.	Having the unaffected garden in a single area has benefits for planting, drainage and allows linking up with other areas of natural garden in adjoining properties which can also have biodiversity benefits.
Policy CL7 (a)	Harcus Sinclair (Damon Parker)	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Harcus Sinclair (Damon Parker)	The amount allowable needs to be readdressed - increasing it to whatever amount can be shown to achieve the drainage and planting performance needed	Noted. The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.
Policy CL7 (a)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	The Chelsea Society (Terence Bendixson)	Please replace the existing text with: 'Be confined to the footprint of the existing building - not including detached garden summer houses and other garden structures.	Noted. It would be unreasonable to restrict basements to the footprint of existing buildings.
Policy CL7 (a)	Martin Dallison	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Martin Dallison	It is hard to imagine just how you arrived at 50% figure? It is not explained here. Many urban gardens are paved for practical and maintenance purposes, therefore your policy seems to add an additional "artificial" idea of what an urban garden should look like. No reasoned justification for limiting basemen developments to 50% of the garden provided. Applicants should have the freedom to decide the extent of their planning proposals for subterranean developments. Is 50% chosen at random? Please provide clear justification and explanation behind this figure.	A paved garden and basements are very different and should not be compared. Paving rests lightly on the surface and in the future if need be can be easily removed to provide planting or drainage. The same cannot be said for basements. A range of reasons are provided. The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens. Other issues such as trees of townscape value or drainage issues can result in a larger proportion of garden free of development. The Alan Baxter and Associates report should be referred to, to understand issues relating to surface water drainage. The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic</i>

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			<p>characteristics,</p> <ul style="list-style-type: none"> • Providing safe, secure and sustainable environments and play spaces, • Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and • Enhancing the distinct character of suburban London." <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p>
Policy CL7 (a)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (a)? - No	Noted.
Policy CL7 (a)	Michael and Jacqueline Hayes	Do you support CL7 (a)? - Yes	Noted.
Policy CL7 (a)	Michael and Jacqueline Hayes	This is agreed.	Noted.
Policy CL7 (a)	TOLA (Lennart Perlhagen)	Do you support CL7 (a)? - Yes	Noted.
Policy CL7 (a)	The Markham Square Association (David Cox)	<p>In our January 2013 submission, we said that we were strongly in favour of a reduction in the percentage of garden under which the construction of a basement is permitted. We suggested a new formula: the smaller of (i) 3 metres beyond the rear wall into the rear garden and (ii) 50% (not 75%) of each garden of the property. We favoured this reduction in the maximum percentage in order to reduce the amount of spoil which has to be removed from the site, and the nuisance which this creates, and to minimise the risk of flooding. We accordingly welcomed the proposal to limit the basement development to no more than 50% of each garden of the property. However, we now believe this does not go far enough.</p> <p>Since making our submission, we have seen a letter dated 31 January 2013 from Savills on behalf of Thames Water to RBKC in response to the December 2012 Draft Policy. In this letter, Thames Water expresses concerns about the sheer scale of subterranean development in the Royal Borough and says that the depth of some of the basements makes them highly vulnerable to many types of flooding. In particular, Thames Water is concerned about "any development taking place outside of the current footprint of</p>	<p>Noted. The study regarding urban creep in Thames Water's letter was for the whole of the Counter's Creek area which extends far beyond the boundaries of this Borough. The figure for urban creep in this Borough is not accurate in the letter. The study was carried out over a 40 year period; basements are a more recent phenomenon. The study was also based on a comparison of aerial photographs. Since the Council requires 1m of soil on top of basements, it is possible that basements would not have been noticeable in the study. Therefore the link between basements and increased pressure on the sewage network could not be established, it is not reasonable to progress with any further restriction on this basis.</p> <p>Thames Water has submitted a representation on the second draft consultation (included in this report) and support the extent of basements into the garden.</p>

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		<p>buildings".</p> <p>In the light of these comments, we now submit that basement extensions should be limited to the footprint of the building, with no basement development whatsoever being permitted under the gardens. Indeed, we are of the view that, in the light of this advice from Thames Water, it would be difficult, if not impossible, for the Council to approve any percentage (however small) of development under the garden.</p>	<p>The policy is seeking to reduce the existing flow and volume of surface water through the provision of sustainable urban drainage system.</p>
Policy CL7 (a)	The Markham Square Association (David Cox)	<p>If our primary contention, that there should be no basement development under gardens, is not accepted, we remain concerned that if there is a stated maximum (such as 50%) it will in reality become a new norm or minimum. This must be resisted.</p> <p>We welcome the proposal that each garden should be assessed separately and that existing outbuildings are not part of the garden.</p>	<p>Noted. Other factors such as trees of townscape value or drainage issues apply and could in relevant cases restrict development below the 50% limit.</p>
Policy CL7 (a)	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	<p>Do you support CL7 (a)? - No</p>	<p>Noted.</p>
Policy CL7 (a)	Geostructural Solutions Ltd (Sean Bennett)	<p>Do you support CL7 (a)? - No</p>	<p>Noted.</p>
Policy CL7 (a)	Geostructural Solutions Ltd (Sean Bennett)	<p>Basements should not be limited arbitrarily to 50% of a garden space.</p> <p>Each site should be considered individually as recommended in the Alan Baxter Associates Report.</p> <p>An arboriculturist should be consulted to advise on the extent of any root protection zones and the basement located to avoid the RPZ's.</p>	<p>The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict</p>

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			flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.
Policy CL7 (a)	Onslow Neighbourhood Association (Eva Skinner)	Requirement a. of Policy CL7 (Basement development should not exceed 50% of each garden of the property) Several members of ONA who regard the possibility of basement development as adding value to houses or as providing scope for desirable work of architects, interior designers and construction undertakings oppose limiting basement development under gardens to a fraction only of each garden. ONA therefore at this stage expresses no collective view on this point, but has urged members to send their comments on it individually to the Council.	Noted.
Policy CL7 (a)	Sam Gordon Clark	Garden Area: 50% makes sense. Anything more is unnecessary	Noted.
Policy CL7 (a)	R G Leeper	The proposed reduction of the maximum garden area to be developed to 50% is welcome. The letter submitted in the previous consultation on behalf of Thames Water (31 Jan 2012) has not been taken into account. This raised serious concerns about the scale of basement developments, particularly those "outside the current footprint of the building". It has been suggested by RBK&C that the TW letter should not be taken into account as it does not represent the views of Thames Water and that a further letter from them was expected. No such letter has been seen or published and the risk expressed is so serious that no further basement development should be allowed outside the footprint of existing buildings unless and until TW has clearly and publically detracted their original letter in writing and has supplied it with a new written statement of its position on the risk of flooding from basement developments.	Noted. The study regarding urban creep in Thames Water's letter was for the whole of the Counter's Creek area which extends far beyond the boundaries of this Borough. The figure for urban creep in this Borough is not accurate in the letter. The study was carried out over a 40 year period; basements are a more recent phenomenon. The study was also based on a comparison of aerial photographs. Since the Council requires 1m of soil on top of basements, it is possible that basements would not have been noticeable in the study. Therefore the link between basements and increased pressure on the sewage network could not be established, it is not reasonable to progress with any further restriction on this basis. It has not been suggested by the Council that the letter should not be taken into account. The letter was included in the Council's response to the previous consultation along with other representations received. Thames Water has submitted a representation on the second draft consultation (included in this report) and support the extent of basements into the garden.
Policy CL7 (a)	The Boltons Association (Calvin Jackson)	To be specific on our response ; with regard to the Basements Consultation Document 's Box 2, page 11, and using the same alphabetical references, our views are as follows: * (a): We consider that the proposed tightening up of the "85 per cent rule" to 50 per cent is a significant step forward, but feel that in the case of properties with large gardens - such as many in the Boltons Conservation Area - 50 per cent is still too high - could a more sophisticated approach be devised which limited the percentage below 50 per cent in the case of gardens over a certain size?	Noted. This is a maximum limit and other issues such as trees of townscape value can further limit the extent. The policy cannot include every possible scenario and the 50% limit is a reasonable requirement.
Policy CL7 (a)	Kensington Society (Michael Bach)	CL7a - delete and replace with new wording - "be confined to the footprint of the existing buildings, not including detached garden summer houses and other garden structures."	Noted. It is not proposed to restrict basements to the footprint of properties.
Policy CL7 (a)	Abbey Pynford (Lewis)	Do you support CL7 (a)? - No	Noted.

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	O'Connor)		
Policy CL7 (a)	Jack Bowles	Do you support CL7 {a)? NO	Noted.
Policy CL7 (a)	Jack Bowles	<p>Provided you meet the requirements given in the justification of planting, flexibility in future planting, drainage, construction impact and traffic etc. then you should not be limited to building only 50% of a garden. This just does not make sense.</p>	<p>The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p>
Policy CL7 (a)	Jack Bowles	<p>The rule should be changed to:</p> <p>Not exceed 50% of each garden of the property or not be limited provided the design demonstrates that planting, flexibility in future planting, drainage, construction impact and traffic etc each meet the desired level.</p> <p>I do not understand why the unaffected garden must be in a single area and where relevant form a continuous area with other neighbouring gardens .</p>	<p>Noted. The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens. The suggested change would not allow retention of a significant proportion of natural garden.</p> <p>Having the unaffected garden in a single area has benefits for large scale planting and drainage. Linking up with other areas of natural garden in adjoining properties can enable continuity of planting which can have biodiversity benefits and it can also enable a continuous area for drainage of surface water.</p>
Policy CL7	Jones Lang	50% limit of each garden of the property (down from 75% in the first draft) - this is arbitrary	The objective is to retain a significant proportion of gardens in their

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(a)	LaSalle (Kathryn Williams)	limit with no robust justification.	<p>natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p>
Policy CL7 (a)	Jones Lang LaSalle (Kathryn Williams)	50% restriction - this is not justified.	Noted. See response above.
Policy CL7 (a)	Basement Force (Simon Haslam)	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Basement Force (Simon Haslam)	<p>The 50% cap is arbitrary, over-prescriptive and not justified by the evidence.</p> <p>The claimed rationale for the policy within this text is threefold</p> <p>a) The ability to provide appropriate landscaping and planting within gardens including the ability for flexibility in future mature tree planting.</p> <p>b) The impact on drainage especially into the sewer system.</p> <p>c) Construction impact on amenity</p> <p>The policy should include criteria relating to these concerns rather than impose an unjustified cap on size. The applicant can be required to provide appropriate technical</p>	<p>The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play</i>

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		reports and, to the extent necessary, permission can be controlled by conditions and section 106 obligations.	<p>spaces,</p> <ul style="list-style-type: none"> • Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and • Enhancing the distinct character of suburban London." <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p>
Policy CL7 (a)	Basement Force (Simon Haslam)	<p>The 50% cap is arbitrary, over-prescriptive and not justified by the evidence. Please see further representations on the text supporting the policy above.</p> <p>In addition</p> <p>The arbitrary cap of 50% is a further 25% lower than was proposed in the first round of consultation and both are without sound justification. This lower figure is not even supported by Alan Baxter's report.</p> <p>Three reasons for it are given in the response to consultation on the first draft policy and none of them justifies the lower figure. Together they suggest that the Council is taking an emotional anti-basement stance which is entirely contrary to the principles of the NPPF.</p> <p>The commercial opportunities of larger basements will attract the more innovative, skilled, more expensive and ultimately higher quality developers. This is a highly competitive sector and the demand for basements will not go away. This policy could have a profoundly damaging effect on investment at the top end and, ultimately, the objective of the Council which must be to foster sustainable development - in the case of basements this means basements of the highest quality on appropriate sites.</p>	<p>See response above. The figure is not based only on the drainage issues set out in Alan Baxter and Associates report.</p> <p>It is correct that the policy is seeking to promote sustainable development which includes a consideration of environmental, social and economic issues. It will still be possible to build substantial basements by extending below the footprint of the property and into a maximum of 50% of each garden. Therefore the economic impacts are not as profound as stated. The policy will however, limit the environmental harm caused by losing natural gardens and their related function and social impacts on residents living in a dense urban environment.</p>
Policy CL7 (a)	Neil Collins	Part (a) relates to the maximum extent of basement development in gardens. The reasons and supporting text for this policy are set out in paragraphs 34.3.58, 34.3.59, 34.3.60 and 34.3.63.	Noted.
Policy CL7 (a)	Neil Collins	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Neil Collins	<p>Should be allowed to build under as much of the garden as you want provided that everything is done correctly and it enables drainage, planting, and the like.</p> <p>Seems like trying to control development for the sake of it.</p>	<p>The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p>

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			<ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and</i> • <i>Enhancing the distinct character of suburban London.”</i> <p>Para 1.2.22 of the London Plan Housing SPG further states <i>“Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</i></p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p> <p>Policy is devised with the legal remit of the planning legislation and not just for the sake of curtailing development. It is seeking to promote sustainable development which includes a consideration of environmental, social and economic issues.</p>
Policy CL7 (a)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	The extent of garden left unaffected by a basement development should be dictated by the structural requirements/justifications.	<p>Noted. The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>“defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the</i>

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			<p><i>effects of climate change including the 'heat island' effect, and</i></p> <ul style="list-style-type: none"> • <i>Enhancing the distinct character of suburban London."</i> <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p>
Policy CL7 (a)	Robert Ward-Booth	Do you support CL7 (a)? - No	Noted.
Policy CL7 (a)	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
Policy CL7 (a)	Nicola Floyd	Do you support CL7 (a)? NO	Noted.
Policy CL7 (a)	Thames Water Utilities Ltd (Mark Mathews)	Do you support CL7 (a)? YES	Noted.
Policy CL7 (a)	Thames Water Utilities Ltd (Mark Mathews)	Thames Water support the requirement to ensure that an area of the garden is retained free from subterranean development to allow water to drain to the upper aquifer.	Noted.
Policy CL7 (a)	Mark and Sophie Fitzgerald	Do you support CL7 (a)? - No	Noted.
Policy CL7 (a)	Mark and Sophie Fitzgerald	<p>There seems to be no evidence to justify this rule, with the only sound argument resting with construction impact - which presumably is a matter dealt with by the Highways Department and the Highways Act, and not planning policy.</p> <p>Having seen the council's responses to the first draft policy, I am concerned that all expert opinion that counters the policy is seemingly ignored. I hope that my comments, as a resident of RBKC, will not be treated quite so poorly.</p>	<p>Noted. The policy is not just trying to minimise construction impacts. The objective is to retain a significant proportion of gardens in their natural form to allow the continuation of the different roles that gardens play but at the same time allow development to take place. The second draft policy states that 50% is a maximum figure so the policy objective is to retain at least 50% natural gardens.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> • <i>"defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,</i> • <i>Providing safe, secure and sustainable environments and play spaces,</i> • <i>Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the</i>

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			<p><i>effects of climate change including the 'heat island' effect, and</i></p> <ul style="list-style-type: none"> • <i>Enhancing the distinct character of suburban London."</i> <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p> <p>The Council has sought expert opinion from specialists and is acting on this basis.</p> <p>Planning policy is not prepared in isolation by the Council. Differing views may be expressed during the course of consultation. These are considered but ultimately the policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.</p> <p>The construction and traffic management plans are linked to development and are part of the planning process. The Transport and Highways department are involved in approving the plans.</p> <p>Construction and traffic management is currently dealt with through the planning process. The only change being proposed is to the process i.e., that the information is supplied with the planning application rather than through a planning condition.</p>
Policy CL7 (a)	Alison Durden	Do you support CL7 (a)? YES	Noted.
Policy CL7 (a)	Mrs Riviere	Do you support CL7 (a)? - No	Noted.
Policy CL7 (a)	Atoussa Parsa-Davis	Do you support CL7 (a)? - No	Noted.
Policy CL7 (a)	Trustees of the Phillimore Estate	Do you support CL7 (a)? - No	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (a)	Trustees of the Phillimore Estate	<p>There have been no legislative changes in relation to basements. Furthermore, the Government's recently published National Planning Policy Framework March 2012 (NPPF) does not make any statements about or place any limits on subterranean developments.</p> <p>Paragraph 182 of the NPPF states that</p> <p>'a local planning authority should submit a plan for examination which it considers is "sound" - namely that it is:</p> <ul style="list-style-type: none"> * Positively prepared * Justified * Effective * Consistent with national policy' <p>On the basis of the comments made above the proposed policy and supporting text are not justified or consistent with national policy and the revised Core Strategy is therefore unsound.</p> <p>There is therefore no justification for the revised approach to basements in RBKC and the existing policy framework is considered sufficient, and works effectively to control subterranean development.</p>	The policy is being prepared to support sustainable development. The various strands of sustainable development – economic, environmental and social have been considered. It is not clear why the policy is not sound.
Policy CL7 (a)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (a)	Leigh & Glennie Ltd (Christian Leigh)	Supported so long as the caveat remains that this may be varied due to circumstances: the supporting text to the Policy now acknowledges that the character of some rear areas is small, hard-paved yards (para 34.3.71) where there would be no logic in restricting size, due to such a restriction in fact being out of character.	<p>Noted. The paragraph referred to is about sustainable urban drainage scheme being provided in ways other than 1m of soil where the character of small paved courtyards. The same cannot be said about the limits on extent.</p> <p>A paved garden and basements are very different and should not be compared. Paving rests lightly on the surface and in the future if need be can be easily removed to provide planting or drainage. The same cannot be said for basements.</p>
Policy CL7 (a)	Cranbrook Basements (Kevin O'Connor)	<p>A single planted area is not best suited to all gardens. Each case should be considered on its merits. Expert arboricultural and horticultural advice confirms this.</p> <p>RBKC state within the consultation they wish to retain "random nature" gardens - this policy contradicts that aim.</p>	The objective is to retain the natural garden in the same area. This will allow for natural drainage and planting in a large continuous area.
Policy CL7 (a)	Bell Cornwall (Simon Avery)	(a) See 34.3.59 and 34.3.60 comments above. There is no evidential justification.	Noted.
Policy CL7 (a)	Friends of Portobello (Robina Rose)	Do you support CL7 (a)? YES	Noted.
Policy CL7 (b)	P Whitehouse-Vaux	Do you support CL7 (b)? No	Noted.
Policy CL7 (b)	P Whitehouse-Vaux	I do not see the need for this policy if planning and Building Control are capable of understanding and ensuring that the design and engineering of a development is	Noted.

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		acceptable. If the policy is saying that Building Control cannot do its job then that is another thing. However, if the intention of this policy is to control construction impact then you should state this and draft a planning policy about construction impact.	
Policy CL7 (b)	Marianne Harris	Do you support CL7 (b)? YES	Noted.
Policy CL7 (b)	Marianne Harris	Absolutely agree that one level of basement should be the maximum in a residential area.	Noted.
Policy CL7 (b)	Anthony Temple	Do you support CL7 (b)? Yes Yes No Not applicable	Noted.
Policy CL7 (b)	Nellen (Gideon Nellen)	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Nellen (Gideon Nellen)	An "existing basement" needs definition and should include any level which is more than 50% below ground.	Noted. The definition will be clarified at the next stage.
Policy CL7 (b)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (b)? YES	Noted.
Policy CL7 (b)	Norland Conservation Society (Libby Kinmonth)	Essential	Noted.
Policy CL7 (b)	Michael Stevens	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Michael Stevens	This proposed restriction could reasonably be part of general guidance but does not need to be part of policy.	Noted.
Policy CL7 (b)	Tony Holt	Do you support CL7(b)? YES	Noted.
Policy CL7 (b)	Tony Holt	Agreed.	Noted.
Policy CL7 (b)	Paula McPherson	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Paula McPherson	Given that basement development is environmentally friendly it should be encouraged to the maximum extent provided construction impact, garden planting, drainage, and any other areas of concern can be covered. The size of the site is immaterial. The extent of development allowed should be driven by	Noted. Basements have a much higher carbon embodiment than above ground development and are not environmentally friendly.

Document Part Name	Respondent Name	Comment	Council's Response
		how the areas of concern are dealt with.	
Policy CL7 (b)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Panorama Property Services Ltd (James Agace)	I am against this policy. No valid justification has been given for limiting basements to one storey.	Noted. Justification is provided in the document.
Policy CL7 (b)	Sonata Persson	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Sonata Persson	Provided "all aspects of the basement development are designed, constructed and completed to the highest standard and quality" (CL7 Para 1) then multiple level basements should be allowed. Seems like the council is trying to bring in an overly restrictive policy to limit development by the back door - it seems a trifle devious. If construction impact is the problem then deal with construction impact and don't introduce a sly rule to impose a general cap on construction.	Noted. Planning policy is not prepared in isolation by the Council. The policy has to comply with higher level policies in the London Plan and the National Planning Policy Framework. The Council has to balance differing interests and weigh up the benefits of building basements and the impacts on amenity, environment, drainage etc. The policy should deliver a balance of social, economic and environmental issues. Once the Council has formulated its policy it is submitted to the Secretary of State who appoints a Planning Inspector to examine the policy. The Inspector will assess the soundness of the policy based on all the evidence submitted. Policy can only be adopted following Inspector's recommendations.
Policy CL7 (b)	Sue Whittle	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Sue Whittle	Again, if a project is properly engineered and designed it should be granted planning permission. A blanket ban is a blunt and ill-designed tool. Again, if construction disruption is the problem then work out a separate policy that deals with that. Simply restricting the size of basements doesn't seem to deal with the real objection which is level of disruption due to construction going on at any one time. Poor policy making.	Noted. The issue is not just construction impact, it is also the risk of damage to the built environment. Alan Baxter and Associates report highlights that deeper basements are more complex and challenging than a single storey basement.
Policy CL7 (b)	Thomas O'Donohoe	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	K Howell	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	K Howell	If a project is properly engineered and designed it should be granted planning permission. If the disruption during construction is a concern then that should be dealt with directly under a separate policy. Broad-brush limitation of development size aimed at limiting disruption during construction is not the right way to go about things. This will end up as a poor policy that will not solve the perceived problem.	Noted. The issue is not just construction impact, it is also the risk of damage to the built environment. Alan Baxter and Associates report highlights that deeper basements are more complex and challenging than a single storey basement.
Policy CL7	Steven	Do you support CL7 (b)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(b)	Aldridge		
Policy CL7 (b)	Steven Aldridge	See above (34.3.62)	Noted.
Policy CL7 (b)	Shrimplin Brown (Robert Shrimplin)	The justification for this approach is twofold. Firstly, that deeper basements take longer to construct and, secondly, that they have greater structural risks and complexities. However, one can find examples of any form of development which has been poorly undertaken. The answer is not to outlaw this form of development altogether. Rather each site should be assessed on its merits.	Noted. Firstly the policy is not banning basements and secondly an exception is made for large comprehensively planned sites.
Policy CL7 (b)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	KPMG (Patrick Parke)	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	David Innes	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	KPMG (Patrick Parke)	I would suggest this reads: Not comprise more than two basement storeys	Noted. This is not agreed. Alan Baxter and Associates report highlights that deeper basements are more complex and challenging than a single storey basement.
Policy CL7 (b)	William H Buckley	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Sally Duckworth	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Sally Duckworth	As stated above I don't think the size of the site should be linked to extent of development allowed. The extent of development allowed should be driven by how the areas of concern (construction impact, garden planting, drainage,) are dealt with.	Noted. Site size has a bearing on construction impacts as plant, machinery, vehicles etc can be contained on-site.
Policy CL7 (b)	Gabrielle Teare	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Geostructural Solutions Limited (Tim Jolley)	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Geostructural Solutions Limited (Tim Jolley)	It is suggested that strict control is kept on the qualification and experience of contractors (and consultants) involved in the design and construction of multi-storey basements in order to manage the structural risks and complexities involved. If this is the case, there appears to be no technical argument to restricting the number of stories to a single storey (see our comment under 34.3.62 regarding the audit system for ASUC contractors).	Noted. The Council cannot stipulate the contractors who can undertake such development. Guidance along the lines suggested can be included in the revised basements supplementary planning document as good practice.
Policy CL7 (b)	Zai Nordmann	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	James Dawson	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Yasmin Ayoub	Do you support CL7 (b)? NO	Noted.
Policy CL7	Philip Muelder	Do you support CL7 (b)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(b)			
Policy CL7 (b)	Harcus Sinclair (Damon Parker)	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (b)? YES	Noted.
Policy CL7 (b)	The Chelsea Society (Terence Bendixson)	Accept	Noted.
Policy CL7 (b)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (b)? No	Noted.
Policy CL7 (b)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	<p>Basements of more than one level should be permitted</p> <p>Structural risk and complexity are not a planning matter.</p> <p>Construction impact - this is dealt with by other legislation and regulation and should not therefore be a matter for planning policy.</p> <p>If the council wishes, incorrectly, to deal with construction impact as a planning matter then a policy to control construction impact should be included and attempting to control construction impact by proxy via an inappropriate and unwieldy policy should be avoided.</p> <p>The proposed policy is unsound.</p>	<p>Noted. Protecting built environment from harm is a planning matter. Existing procedures require submission of a construction management plan with the application for basement development.</p> <p>The construction and traffic management plans are linked to development and are part of the planning process. The Transport and Highways department are involved in approving the plans.</p> <p>Construction and traffic management is currently dealt with through the planning process. The only change being proposed is to the process i.e., that the information is supplied with the planning application rather than through a planning condition.</p>
Policy CL7 (b)	Michael and Jacqueline Hayes	Do you support CL7 (b)? - Yes	Noted.
Policy CL7 (b)	Michael and Jacqueline Hayes	The words "or an existing lower ground floor" should be added after the words "an existing basement."	Noted. This is not agreed.
Policy CL7 (b)	TOLA (Lennart Perlhagen)	Do you support CL7 (b)? - Yes	Noted.
Policy CL7 (b)	Martin Dallison	do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Martin Dallison	<p>Multiple level basements should be allowed, provided "all aspects of the basement development are designed, constructed and completed to the highest standard and quality" (CL7 Para 1).</p> <p>Existing policy is already very restrictive, to try to add to it will impose a general cap on construction within the borough. I am suspicious how council is already protective of large developments, which should meet more strict criteria than applicants for individual</p>	<p>Noted. The draft policy will allow substantial basements under the entire footprint of the building and into 50% maximum of each garden. It is not clear how this will put a general cap on construction in the Borough.</p> <p>Exceptions are made for large sites as they can contain construction impacts and are generally not located within a very dense residential</p>

Document Part Name	Respondent Name	Comment	Council's Response
		properties.	area.
Policy CL7 (b)	Zai Nordmann	I do not support the proposed policy. No valid justification has been given for limiting basements to one storey.	Noted. Justification is provided in the text and is related to minimising risks to the built environment from deep basements (as set out in the Alan Baxter and Associates report) and to construction impact such as a reduced quantity of soil being excavated.
Policy CL7 (b)	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	Do you support CL7 (b)? - No	Noted.
Policy CL7 (b)	Geostructural Solutions Ltd (Sean Bennett)	Do you support CL7 (b)? - No	Noted.
Policy CL7 (b)	Geostructural Solutions Ltd (Sean Bennett)	The blanket precautionary approach to limit basements to a single storey is too onerous. The Alan Baxter Associates Report states that multi storey basements should be formed using piled walls. The risks should be minimised by undertaking detailed investigations, selecting an appropriate form of temporary works, such as Top Down Construction, designing the permanent works to the highest standard and appointing an established Basement Specialist that can demonstrate having successfully completed numerous projects of a similar extent or complexity to install the piled walls and complete the work. The appointment of a suitably qualified professional team and the use of a Basement Specialist, all with relevant experience is critical.	Noted. The restriction is also being imposed to limit construction impacts. However, the Council cannot stipulate construction methods or the use of particular contractors. The revised basements supplementary planning document can highlight the benefits of a suitably qualified professional team as best practice as this is also relevant to a single storey construction.
Policy CL7 (b)	Sam Gordon Clark	Only one storey: This is the best solution, and makes admirable sense.	Noted.
Policy CL7 (b)	The Boltons Association (Calvin Jackson)	*(b): We submit that TBA's existing policy of no significant subterranean development would be the paradigm approach for the Council to adopt, but we do appreciate and welcome the fact that the Council's proposed policy of not more than one basement storey and not permitting a further basement floor to an existing basement is a significant step forward	Noted.
Policy CL7 (b)	Abbey Pynford (Lewis O'Connor)	Do you support CL7 (b)? - No	Noted.
Policy CL7 (b)	Scott Morgan	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Scott Morgan	I do not see the need for this policy. Provided the design and engineering is demonstrated as acceptable then the number of storeys is irrelevant. If the aim of the policy is to control construction impact then state this explicitly and have a planning policy about construction impact.	Noted. As stated in the reasoned justification, the single storey restriction is seeking to minimise risk as well as reduce construction impacts.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (b)	Jack Bowles	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Jack Bowles	More than one level should be allowed provided everything is designed and built correctly. It would seem entirely practical and possible to achieve this given modern engineering and construction techniques and capabilities .	Noted. As stated in the reasoned justification, the single storey restriction is seeking to minimise risk as well as reduce construction impacts.
Policy CL7 (b)	Jones Lang LaSalle (Kathryn Williams)	Restriction to one basement level per house - again, this is arbitrary, further levels would have nil effect upon the townscape.	Noted. The reasons for the restriction are not based on impact on the character but as stated in the reasoned justification, the single storey restriction is seeking to minimise risk as well as reduce construction impacts
Policy CL7 (b)	Jones Lang LaSalle (Kathryn Williams)	Limited to one basement - this is not justified.	Noted.
Policy CL7 (b)	Basement Force (Simon Haslam)	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Basement Force (Simon Haslam)	This criterion is arbitrary and not justified by reliable evidence. It is legitimate to seek to ensure high quality design and workmanship in all development projects, particularly given the construction risks associated with all basement development, but this is not achieved by blanket bans on second storeys. The construction impact of a deep basement should be assessed on its merits on a case by case basis. The policy should protect the reasonable amenity of neighbouring and nearby properties, but this is most appropriately achieved by considering the site and the developer's proposals (including, if necessary, by planning obligation) and by imposing appropriate conditions.	Noted.
Policy CL7 (b)	Neil Collins	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Neil Collins	The policy and reasoning are clumsy.	Noted.
Policy CL7 (b)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Construction impact is ineffectively restricted by reducing one form of construction. Conversely, the impact of construction is better controlled by considering the impact of each individual application rather than simply restricting a certain type of construction, This is an ineffective and incorrect use of planning legislation and should certainly not impact on multi storey basements on their own.	Noted. As stated in the reasoned justification, the single storey restriction is seeking to minimise construction impacts as they have an adverse impact on residential amenity and the health and well-being of residents. In addition the restriction is also being imposed as a precautionary measure to minimise the risk to the built environment from deep basements.
Policy CL7 (b)	Robert Ward-Booth	Do you support CL7 (b)? - No	Noted.
Policy CL7 (b)	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (b)	Nicola Floyd	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Thames Water Utilities Ltd (Mark Mathews)	Do you support CL7 (b)? YES	Noted.
Policy CL7 (b)	Thames Water Utilities Ltd (Mark Mathews)	No comment	Noted.
Policy CL7 (b)	Mark and Sophie Fitzgerald	Do you support CL7 (b)? - No	Noted.
Policy CL7 (b)	Mrs Riviere	Do you support CL7 (b)? - No	Noted.
Policy CL7 (b)	Alison Durden	Do you support CL7 (b)? YES	Noted.
Policy CL7 (b)	Atoussa Parsa-Davis	Do you support CL7 (b)? - No	Noted.
Policy CL7 (b)	The Cherry Tree Residents' Amenities Association (Thomas Blomberg)	However, we feel that the new writing about the single storey limitation muddles the water. There needs to be a clear distinction between basement additions under existing properties, and basements that are part of large, new constructions, such as the huge site at 375 Kensington High Street, the former Inland Revenue offices (Charles House).	Noted. Text will be amended to provide greater clarity on the exception.
Policy CL7 (b)	Trustees of the Phillimore Estate	Do you support CL7 (b)? - No	Noted.
Policy CL7 (b)	Trustees of the Phillimore Estate	There is not sufficient justification for restricting basements to one storey. See also comments above. The policy is therefore contrary to the NPPF and is unsound. There have been no legislative changes in relation to basements. Furthermore, the Government's recently published National Planning Policy Framework March 2012 (NPPF) does not make any statements about or place any limits on subterranean developments.	Noted. The reasoned justification in the second draft basements policy document sets out the reasons behind the policy. The NPPF requires support for sustainable development which has three strands – social, economic and environmental. The draft policy seeks to achieve this balance.
Policy CL7 (b)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (b)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (b)	Leigh & Glennie Ltd (Christian Leigh)	Object to blanket ban on more than one level to a basement. That clearly stems from considerations of disruption during construction (para 34.3.58): if an additional basement level is provided it could quite easily be designed to have no impact whatsoever on the character of the area or the property. Whilst there are policies in the Core Strategy and in the NPPF to protect character and amenity, and ensure good design, there are no policies in those documents that include construction as a land use planning matter.	The restriction is proposed to protect residential amenity from adverse construction impacts and to minimise the risk to the built environment from deep basements. The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing</i>

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		Furthermore, criteria j & k of the proposed Policy CL7 require there to not be any harm from noise, etc, during construction. Hence, there is no need to prohibit more than one storey to a basement on the basis of disturbance.	<i>development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)</i> ". Basements can cause land instability and the Council is requiring structural consideration to be demonstrated as part of the planning application process.
Policy CL7 (b)	Leigh & Glennie Ltd (Christian Leigh)	Do you support CL7 (b)? NO	Noted.
Policy CL7 (b)	Christian Leigh	Object for reasons given above and earlier.	Noted.
Policy CL7 (b)	Bell Cornwall (Simon Avery)	(b)See 34.3.61and 34.3.62 comments above. There is no evidential justification.	Noted.
Policy CL7 (b)	Friends of Portobello (Robina Rose)	In terraces "existing basement" should include Victorian "Lower Ground Floor" as pre-existing, in that the discrepancies between depth in terraces causes long term damage. See Earls Terrace end wall fallaway etc.	A basement is defined in relation to the ground level of back gardens in the draft policy. This is because back gardens reflect natural ground levels rather than streets which were artificially raised historically. No change.
Policy CL7 (b)	Friends of Portobello (Robina Rose)	Do you support CL7 (b)? YES	Noted.
Policy CL7 (c)	P Whitehouse-Vaux	Do you support CL7(c)? No	Noted.
Policy CL7 (c)	P Whitehouse-Vaux	I thought the council already protected trees? Why is further protection needed? If the real problem is the weak or lack of enforcement of existing regulations then the council should address that issue rather than introducing further layers of regulation.	Noted. The Council is not adding further requirements but making the particular requirements for trees likely to be affected by basement construction clear.
Policy CL7 (c)	Tree Projects Ltd (Nicholas Bentley)	'Tunnelled underneath'. Knowing your objectives, this appear weak to me as it does not necessarily preclude attempts to tunnel underneath parts of the root system. To me tunnelling beneath a tree is beneath the bit that stick up above ground and not the agreed RPA, which is probably what you want to drive at. That reference to 'the long term' is in my personal opinion and from experience sensible as my view is that most trees, with adequate protection and precautions, can tolerate encroachment say into RPA as long as the restored environment is conducive to future growth. I applaud that you might seek to require tree protection proposals for the construction phase with applications and hope that with such a clause that you will refuse to determine applications with inadequate protection proposals. That said 'proteciton proposals... for the completed development' is not clear to me and I am struggling to work out what this means. Is there any scope for you guys to more explicit? Edge protection / no upstand beams / ensuring connectivity between virgin soils and that applied over basement slabs/ use of	Noted. Roots are an integral part of the tree and tunnelling underneath would be precluded. Text will be amended to clarify this. The restriction is not based only on planting issues but also a range of other issues as set out in the draft policy. The reference to completed development is incorrect. Text will be amended to delete this reference.

Document Part Name	Respondent Name	Comment	Council's Response
		<p>concrete as ground protection etc?</p> <p>I also think a gaping hole apart from monitoring (ever thus) is providing PROOF of use of appropriate media at the landscaping phase.</p> <p>For what it's worth I think it is somewhat dubious to cite the inability of 1m depth of soil to support growth as a reason for curtailing basements.</p>	
Policy CL7 (c)	Marianne Harris	Do you support CL7(c)? YES	Noted.
Policy CL7 (c)	Marianne Harris	Absolutely agree that trees must be protected. Apart from preserving the green in the borough, the tree roots extend so far under neighbouring buildings.	Noted.
Policy CL7 (c)	Anthony Temple	<p>Do you support CL7 (c)?</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Not applicable</p>	Noted.
Policy CL7 (c)	Nellen (Gideon Nellen)	Do you support CL7(c)? YES	Noted.
Policy CL7 (c)	Nellen (Gideon Nellen)	Agreed.	Noted.
Policy CL7 (c)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (c)? YES	Noted.
Policy CL7 (c)	Norland Conservation Society (Libby Kinmonth)	Agree 200%	Noted.
Policy CL7 (c)	Michael Stevens	Do you support CL7(c)? YES	Noted.
Policy CL7 (c)	Tony Holt	Do you support CL7(c)? YES	Noted.
Policy CL7 (c)	Tony Holt	Agreed	Noted.
Policy CL7 (c)	Paula McPherson	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	Paula McPherson	Trees are already protected by existing regulation. I cannot see why this needs to be mentioned again here.	This alerts the applicants to be aware of the requirements regarding trees and the supporting text also has some specific requirements such as 'tunnelling underneath is not acceptable' that relates specifically to basements.
Policy CL7 (c)	Panorama Property	Do you support CL7(c)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
	Services Ltd (James Agace)		
Policy CL7 (c)	Panorama Property Services Ltd (James Agace)	Trees are already protected by existing rules and planning policy. There is no need to restate an existing rule again; it just adds words to an already overblown policy.	This alerts the applicants to be aware of the requirements regarding trees and the supporting text also has some specific requirements such as 'tunnelling underneath is not acceptable' that relates specifically to basements.
Policy CL7 (c)	Scott Morgan	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	Thomas O'Donohoe	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	Steven Aldridge	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	Steven Aldridge	See above (34.3.64)	Noted.
Policy CL7 (c)	Shrimplin Brown (Robert Shrimplin)	<p>All development near trees puts them at risk. Even working in front gardens, well away from trees in rear gardens, can put them at risk from piling and general disturbance. The answer is not simply to prevent development but to undertake a risk assessment to assess the development's feasibility.</p> <p>This restrictive policy approach that seeks to prevent any trees of townscape or amenity value being "removed, felled, uprooted, topped, damaged, harmed or put at risk" (proposed text, paragraph 34.3.64) does not apply to other forms of development despite the fact that they could also impact upon trees. Nor is there any definition of what represents a tree of townscape or amenity value.</p> <p>Rather, as suggested in the remainder of the proposed paragraph, "works should be carried out in accordance with BS 5837 2012 and the Council's Trees and Development SPD. All applications for basements where there are trees will be accompanied by a full tree survey and tree protection proposal. These must include consideration of the construction phase of the proposal as well as the completed development" (proposed text, paragraph 34.3.64).</p>	<p>Noted. These requirements apply to all developments. Core Strategy policy CR6: Trees and Landscape should be referred to.</p> <p>This inclusion of part (c) in the policy will alert the applicants to be aware of the requirements regarding trees and the supporting text also has some specific requirements such as 'tunnelling underneath is not acceptable' that relates specifically to basements.</p>
Policy CL7 (c)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (c)? NO	Noted.
Policy CL7 (c)	KPMG (Patrick Parke)	Do you support CL7(c)? NO (not as currently worded)	Noted.
Policy CL7 (c)	KPMG (Patrick Parke)	<p>I would suggest this reads something like:</p> <p>Replace any trees that are removed so that the development provides a net benefit to London's landscape</p>	Noted. The Council's has strong policies to protect existing trees of townscape value applies to all development and replacing trees to allow development is not supported.
Policy CL7 (c)	David Innes	Do you support CL7(c)? NO	Noted.
Policy CL7	Sally	Do you support CL7(c)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(c)	Duckworth		
Policy CL7 (c)	Sally Duckworth	Trees are already protected by extensive regulation. This is duplication.	Noted.
Policy CL7 (c)	Gabrielle Teare	Do you support CL7 (c)? YES	Noted.
Policy CL7 (c)	Geostructural Solutions Limited (Tim Jolley)	Do you support CL7(c)? YES	Noted.
Policy CL7 (c)	Geostructural Solutions Limited (Tim Jolley)	The construction of basements need not detach from the Council's aim to maintain green and leafy areas whether in the townscape or in garden areas. (See our comments under CL7(a) and 34.3.59 regarding research into the history of the garden area in which the basement structure is proposed.	Noted.
Policy CL7 (c)	James Dawson	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	James Dawson	Replant trees to compensate for any trees that are removed, to provide an overall benefit to the environment	Noted.
Policy CL7 (c)	Yasmin Ayoub	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	Yasmin Ayoub	Trees are already protected this policy is an unnecessary addition.	Noted. This inclusion of part (c) in the policy will alert the applicants to be aware of the requirements regarding trees and the supporting text also has some specific requirements such as 'tunnelling underneath is not acceptable' that relates specifically to basements.
Policy CL7 (c)	Philip Muelder	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	Philip Muelder	Trees are already protected so this policy is an unnecessary addition.	Noted.
Policy CL7 (c)	Harcus Sinclair (Damon Parker)	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	The Chelsea Society (Terence Bendixson)	Do you support CL7(c)? YES	Noted.
Policy CL7 (c)	The Chelsea Society (Terence Bendixson)	Accept	Noted.
Policy CL7 (c)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7(c)? - No	Noted.
Policy CL7 (c)	Michael and Jacqueline Hayes	Do you support CL7(c)? - Yes	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (c)	Michael and Jacqueline Hayes	This should extend to trees situated on neighbouring properties.	Noted. It applies to any trees likely to be affected by development including trees in neighbouring gardens.
Policy CL7 (c)	TOLA (Lennart Perlhagen)	Do you support CL7 (c)? - Yes	Noted.
Policy CL7 (c)	Zai Nordmann	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	Do you support CL7(c)? - Yes	Noted.
Policy CL7 (c)	The Boltons Association (Calvin Jackson)	We strongly endorse the preservation of trees .	Noted.
Policy CL7 (c)	Scott Morgan	<p>The council already protects trees in line with its SPD and the British Standard (BS 5837 2012) as stated. No further protection should be needed.</p> <p>If the problem is that existing regulations are not being enforced correctly that should be addressed rather than introducing further layers of regulation.</p>	<p>Noted. This is not an additional requirement and applies to all development. Core Strategy policy CR6: Trees and Landscape should be referred to.</p> <p>This inclusion of part (c) in the policy will alert the applicants to be aware of the requirements regarding trees and the supporting text also has some specific requirements such as 'tunnelling underneath is not acceptable' that relates specifically to basements.</p>
Policy CL7 (c)	Basement Force (Simon Haslam)	Do you support CL7(c)? YES	Noted.
Policy CL7 (c)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	Robert Ward-Booth	Do you support CL7(c)? - Yes	Noted.
Policy CL7 (c)	Robert Ward-Booth	Support	Noted.
Policy CL7 (c)	Nicola Floyd	Do you support CL7(c)? NO	Noted.
Policy CL7 (c)	Nicola Floyd	Trees are already protected in many ways by different pieces of legislation. No need to have another rule saying the same as others do already.	<p>Noted. This is not an additional requirement as highlighted in the response.</p> <p>However, inclusion of part (c) in the policy will alert the applicants to be aware of the requirements regarding trees and the supporting text also has some specific requirements such as 'tunnelling underneath is not acceptable' that relates specifically to basements.</p>

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (c)	Thames Water Utilities Ltd (Mark Mathews)	No comment	Noted.
Policy CL7 (c)	Mark and Sophie Fitzgerald	Do you support CL7(c)? - No	Noted.
Policy CL7 (c)	Mrs Riviere	Do you support CL7(c)? - No	Noted.
Policy CL7 (c)	Mrs Riviere	Trees are already protected and are hence not required to be further governed under basements ruling.	Noted. This is not an additional requirement. However, inclusion of part (c) in the policy will alert the applicants to be aware of the requirements regarding trees and the supporting text also has some specific requirements such as 'tunnelling underneath is not acceptable' that relates specifically to basements.
Policy CL7 (c)	Alison Durden	Do you support CL7 (c)? YES	Noted.
Policy CL7 (c)	Atoussa Parsa-Davis	Do you support CL7 (c)? - No	Noted.
Policy CL7 (c)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (c)	Christian Leigh	Do you support CL7(c)? YES	Noted.
Policy CL7 (c)	Friends of Portobello (Robina Rose)	Do you support CL7(c)? YES	Noted.
Policy CL7 (d)	Kensington Society (Michael Bach)	After "heritage assets" add ", especially listed buildings and conservation areas."	Noted. Text will be amended to improve clarity as appropriate.
Policy CL7 (d)	P Whitehouse-Vaux	Do you support CL7(d)? No	Noted.
Policy CL7 (d)	P Whitehouse-Vaux	Listed and heritage assets are already well protected. Why is further protection needed? If the real problem is the weak or lack of enforcement of existing regulations then the council should address that issue rather than introducing further layers of regulation.	This is not an additional requirement. It is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.
Policy CL7 (d)	Marianne Harris	Do you support CL7 (d)? YES	Noted.
Policy CL7 (d)	Anthony Temple	Do you support CL7 (d)? Yes Yes No Not applicable	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (d)	Nellen (Gideon Nellen)	Do you support CL7 (d)? YES	Noted.
Policy CL7 (d)	Nellen (Gideon Nellen)	Agreed.	Noted.
Policy CL7 (d)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (d)? YES	Noted.
Policy CL7 (d)	Norland Conservation Society (Libby Kinmonth)	what does "not cause harm to heritage assets mean?" Surely you should be more specific and say in 34.3.65: "No Basements under or within the curtilage of Listed Buildings"?	Noted. This is a requirement in clause (e) of the draft policy in the second draft basements policy document.
Policy CL7 (d)	Michael Stevens	Do you support CL7(d)? YES	Noted.
Policy CL7 (d)	Michael Stevens	This requirement is difficult to argue with but it should not be used to block proposals because an officer is able to assert that substantial harm may be caused when there is good evidence to indicate that it will not be.	Noted. Harm will be considered in relation to the significance of the heritage asset.
Policy CL7 (d)	Tony Holt	Do you support CL7(d)? YES	Noted.
Policy CL7 (d)	Tony Holt	Agreed	Noted.
Policy CL7 (d)	Paula McPherson	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Paula McPherson	Heritage assets are already protected by existing regulation. I cannot see why this needs to be mentioned again here.	These requirements formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 are specific to basements.
Policy CL7 (d)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Panorama Property Services Ltd (James Agace)	Existing planning rules already protect heritage assets. There should be no need for a repetition of something covered elsewhere unless there is some other intention of the policy, such as adding additional restrictions somehow. If adding additional restriction is the intention then this should be clearly stated.	This is not an additional requirement. It is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.
Policy CL7 (d)	Sue Whittle	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Sue Whittle	Surely you want to protect all assets rather than just 'heritage' ones. What is this policy trying to do? There are a raft of policies to protect heritage, historical and listed assets. Why an additional policy? I thought the Coalition Government was trying to reduce red tape and layers of regulation. This policy runs opposite to that.	This part of the policy is seeking to protect heritage assets from harm. Heritage assets include a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest (as defined in the NPPF). These include listed buildings, scheduled ancient monuments, conservation areas, sites of archaeological interest and non-designated heritage assets. This is explained in the footnote in the reasoned justification of this part of the policy.
Policy CL7 (d)	Thomas O'Donohoe	Do you support CL7 (d)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (d)	Thomas O'Donohoe	Heritage assets are already extensively protected by existing regulation. Duplication of regulation.	<p>This is not duplication. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (d)	K Howell	Not sure why this is included since heritage assets are already protected by other legislation and policies.	<p>This is not duplication. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (d)	Steven Aldridge	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Steven Aldridge	Heritage assets are already extensively protected by existing regulation. Duplication of regulation.	<p>This is not duplication. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (d)	Shrimplin Brown (Robert Shrimplin)	<p>Statute already protects the setting of listed buildings and requires conservation areas to be preserved and enhanced by development. There is therefore already protection for heritage assets.</p> <p>Moreover, if these assets were considered to be of enough significance to be worthy of protection then the impact of other forms of development should also be considered, not simply basements.</p>	<p>This is not duplication. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p> <p>The Council's Core Strategy chapter titled 'Renewing the Legacy' has detailed policies on conservation and design that apply to all developments.</p>
Policy CL7 (d)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (d)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (d)	KPMG (Patrick Parke)	Do you support CL7 (d)? YES	Noted.
Policy CL7 (d)	David Innes	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	David Innes	Heritage assets are already well protected. This will go further than existing regulations. I do not believe this is necessary.	<p>This is not duplication. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (d)	Sally Duckworth	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Sally Duckworth	Heritage assets are already protected by extensive regulation. This is duplication.	<p>This is not duplication. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (d)	Gabrielle Teare	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Richard Grantley	1. We agree with the draft policy statement that no harm must be caused to "heritage assets". These must include conservation areas, as they fall within the NPPF definition. We therefore support the option set out in the previous Strategic Environmental Assessment (December 2012) that there should be no new basements within conservation areas. As that SEA says, this would be compatible with SA Objective 16 (Cultural heritage) and may also have a positive impact on air quality and pollution, and on the creation of construction waste and reduction in traffic. (SA objectives 7, 9, 11 and 10).	<p>Noted. Heritage assets include a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest (as defined in the NPPF). These include listed buildings, scheduled ancient monuments, conservation areas, sites of archaeological interest and non-designated heritage assets. This is explained in the footnote in the reasoned justification of this part of the policy.</p> <p>However, the planning tests in Planning (Listed Buildings and Conservation Areas) Act 1990 for listed buildings are different from those for conservation areas. For listed buildings the test for the local planning authority is to have <i>"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"</i>. For conservation areas the local planning authority should give special attention to <i>"the desirability of preserving or enhancing the character or appearance of that area"</i> (our emphasis).</p> <p>The test in terms of listed buildings relates directly to preserving the building, its architectural features or historic interest while for conservation areas it is about preserving or enhancing the character</p>

Document Part Name	Respondent Name	Comment	Council's Response
			or appearance not the historic interest. Basements which are not visible do not impact on the character or appearance. Therefore the same rules cannot apply.
Policy CL7 (d)	Geostructural Solutions Limited (Tim Jolley)	Do you support CL7 (d)? YES	Noted.
Policy CL7 (d)	Geostructural Solutions Limited (Tim Jolley)	The answer 'Yes' to the question 'Do you support CL7(d)' has been given in direct response to the wording 'not cause harm to heritage assets'. Geostructural Solutions Ltd have carried out works below and adjacent to Listed Buildings with no significant movement and no harm being caused to the heritage asset. See our comments regarding the ASUC audit system under 34.3.62.	Noted.
Policy CL7 (d)	James Dawson	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Yasmin Ayoub	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Yasmin Ayoub	Heritage assets are already protected so this is an unnecessary addition.	This is not duplication. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets. The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.
Policy CL7 (d)	Philip Muelder	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Philip Muelder	Heritage assets are subject to a raft of extensive and tried and tested regulation. This seems to work rather well so I do not see that the Council needs to duplicate or in some instances go further than that existing regulation.	This is not duplication. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets. The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.
Policy CL7 (d)	Harcus Sinclair (Damon Parker)	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (d)? NO	Noted.
Policy CL7	The Chelsea	Accept	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(d)	Society (Terence Bendixson)		
Policy CL7 (d)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (d)? - No	Noted.
Policy CL7 (d)	Michael and Jacqueline Hayes	Do you support CL7 (d)? - Yes	Noted.
Policy CL7 (d)	TOLA (Lennart Perlhagen)	Do you support CL7 (d)? - Yes	Noted.
Policy CL7 (d)	The Markham Square Association (David Cox)	We agree that the word "harm" should be unqualified in paragraph d.	Noted.
Policy CL7 (d)	Zai Nordmann	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Zai Nordmann	Lots of care has been taken in this country to protect heritage assets. Existing regulations should cover these assets already; there is no need for additional rules.	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (d)	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	Do you support CL7(d)? - No	Noted.
Policy CL7 (d)	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	We do not object to the specific wording of the policy. Our objections are to the supporting paragraphs 34.3.65 - 69 in so far as they relate to CL7 (e)	Noted.
Policy CL7 (d)	Geostructural Solutions Ltd (Sean Bennett)	Clause 4 of the Core Strategy - Heritage Assets - Listed Buildings, Scheduled Ancient Monuments and Archaeology, states that "any works to a Listed Building should be carried out in a correct, scholarly manner by appropriate specialists", it does not preclude work on Listed Buildings. The survival of historic buildings depends on their continued viable use.	Noted. It is correct work is not precluded to a listed building as per the policy referred to but these are usually minor works/ sub-ordinate to the listed building. The Council has a duty under Planning (Listed Buildings and Conservation Areas) Act 1990 to "have special regard to the desirability of preserving the building or its setting or any

Document Part Name	Respondent Name	Comment	Council's Response
		<p>The built environment in the Royal Borough of Kensington & Chelsea exists as a result of past patronage and private investment. Extensions, either subterranean or above ground, are simply a new layer of history to this built environment.</p> <p>It must be preferable for property owners to refurbish their property to the highest quality of finish with sympathetic unobtrusive extensions, than it is for a heritage property to be allowed to fall into disrepair.</p>	<p><i>features of special architectural or historic interest which it possesses". A basement underneath a listed building will alter the plan-form and therefore harm the special architectural or historic interest of the building. This is an existing policy that applies to basements and Policy CL2 (g) (i) should be referred to.</i></p> <p>Policy is written on the basis of applying to a majority of cases. Development should take place in accordance with the development plan unless material considerations indicate otherwise. Clearly a building 'at risk' would be a material consideration if development would enable saving the building or putting it back to viable use.</p>
Policy CL7 (d)	The Boltons Association (Calvin Jackson)	(d): We strongly endorse the prohibition of subterranean development under listed buildings - our current policy is of course against side/garden subterranean development as well.	Noted.
Policy CL7 (d)	Abbey Pynford (Lewis O'Connor)	Do you support CL7 (d)? - No	Noted.
Policy CL7 (d)	Scott Morgan	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Scott Morgan	<p>The council already protects heritage assets. No further protection should be needed.</p> <p>If the problem is that existing regulations are not being enforced correctly that should be addressed rather than introducing further layers of regulation.</p>	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (d)	Basement Force (Simon Haslam)	Do you support CL7 (d)? YES	Noted.
Policy CL7 (d)	Basement Force (Simon Haslam)	Would be better expressed as "not harm the significance of heritage assets".	Noted. Text will be amended to make this change.
Policy CL7 (d)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (d)? NO	Noted.
Policy CL7 (d)	Robert Ward-Booth	Do you support CL7 (d)? - No	Noted.
Policy CL7 (d)	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
Policy CL7 (d)	Nicola Floyd	Do you support CL7 (d)? NO	Noted.
Policy CL7	Nicola Floyd	Heritage assets are already protected in many ways by different pieces of legislation.	Noted. This is not duplication. Basements can have specific impacts

Document Part Name	Respondent Name	Comment	Council's Response
(d)			<p>on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (d)	Thames Water Utilities Ltd (Mark Mathews)	No comment	Noted.
Policy CL7 (d)	Mark and Sophie Fitzgerald	Do you support CL7 (d)? - No	Noted.
Policy CL7 (d)	Mrs Riviere	Do you support CL7 (d)? - No	Noted.
Policy CL7 (d)	Mrs Riviere	Heritage assets already protected.	<p>Noted. This is not duplication. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (d)	Alison Durden	Do you support CL7 (d)? YES	Noted.
Policy CL7 (d)	Atoussa Parsa-Davis	Do you support CL7 (d)? - No	Noted.
Policy CL7 (d)	Cadogan Estates (Cadogan)	<p>Criterion d) states that basement development should not cause harm to heritage assets. This statement fails to take into account circumstances where the harm caused by proposals may be limited and may be outweighed by other positive enhancements to the heritage asset or wider public benefits the proposal may bring. It is therefore suggested that Criterion d) should be amended as follows:</p> <p>"d) seek to protect the significance of heritage assets.</p>	<p>Noted. Harm will be considered in relation to the significance of the heritage asset.</p> <p>Policy is written on the basis of applying to a majority of cases. Development should take place in accordance with the development plan unless material considerations indicate otherwise. If public benefits outweigh the harm these will be considered in-line with the NPPF.</p>
Policy CL7 (d)	Cadogan Estates (Cadogan)	Do you support CL7 (d)? - No	Noted.
Policy CL7 (d)	Cadogan Estates (Cadogan)	See enclosed letter.	Noted.
Policy CL7 (d)	Christian Leigh	Do you support CL7 (d)? YES	Noted.
Policy CL7 (e)	Kensington Society (Michael Bach)	Delete "except for gardens..." to end	Noted. Text will be amended to improve clarity as appropriate.
Policy CL7	P Whitehouse-	Do you support CL7(e)? No	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(e)	Vaux		
Policy CL7 (e)	P Whitehouse-Vaux	<p>Listed building are sufficiently protected with Listed Building Consent. I am unsure as to why further protection should be needed.</p> <p>Again, enforce existing regulation rather than create new regulations.</p> <p>The reasoned justification states that in the great majority of cases development will affect the hierarchy of the historic floor levels and hence the original building's historic integrity. Therefore if it can be shown that a development will not affect the hierarchy of the historic floor levels will that be allowed?</p> <p>Surely it should be on a case by case basis via Listed Building Consent. This policy seems to provide for a blanket ban which would oppose or override existing listed building rules.</p>	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to heritage assets.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p> <p>The Council has a duty under Planning (Listed Buildings and Conservation Areas) Act 1990 to <i>"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"</i>. A basement underneath a listed building will alter the plan-form and therefore harm the special architectural or historic interest of the building. Text will be amended to reflect this.</p> <p>The Council's existing policy precludes basements underneath listed buildings. This has been upheld on appeal. Core Strategy policy Policy CL2 (g) (i) should be referred to.</p>
Policy CL7 (e)	Haines Phillips Architects (Charles Dorin)	Omit the word 'large' from '...large sites...' The word only makes for unnecessary lack of definition.	Noted. Text will be amended to improve clarity as appropriate. However 'large' is as commonly understood in the English language.
Policy CL7 (e)	Robert Martell & Partners (Robert Martell)	<p>Regarding the proposed policy, we are questioning the validity of its criteria, in particular Policy CL7(e).</p> <p>Within the National Planning Policy Framework (NPPF), in particular paragraphs 128, 129 and 131 to 135, there is an established policy and assessment process which is to be followed by Local Planning Authorities when assessing applications affecting designated heritage assets (including listed buildings). This confirms that such applications should be considered on their own merits, considering a balanced assessment of effects and benefits.</p> <p>This proposed policy criteria as written suggests that all excavations below listed buildings should be refused as a point of policy principle. Therefore, this would not appear to be consistent or compliant with the principles as laid down in the NPPF, rendering the proposed policy criteria to be unsound.</p>	<p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p> <p>The Council has a duty under Planning (Listed Buildings and Conservation Areas) Act 1990 to <i>"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"</i>. A basement underneath a listed building will alter the plan-form and therefore harm the special architectural or historic interest of the building. Text will be amended to reflect this.</p> <p>The Council's existing policy precludes basements underneath listed buildings. This has been upheld on appeal. Core Strategy policy Policy CL2 (g) (i) should be referred to.</p>
Policy CL7 (e)	Marianne Harris	Do you support CL7 (e)? YES	Noted.
Policy CL7 (e)	Anthony Temple	Do you support CL7 (e)? Yes	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
		Yes No Not applicable	
Policy CL7 (e)	Nellen (Gideon Nellen)	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Nellen (Gideon Nellen)	Basements beneath gardens of listed buildings should not be permitted.	Noted. The policy states this along with the exception.
Policy CL7 (e)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (e)? YES	Noted.
Policy CL7 (e)	Norland Conservation Society (Libby Kinmonth)	Absolutely right	Noted.
Policy CL7 (e)	Michael Stevens	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Michael Stevens	The version of CL 7 that I have printed today from the RBKC website does not include this clause. Listing rules already provide plenty of opportunity to control work to such buildings and further rules are not necessary. The insertion of late changes which are not apparent to the public totally undermines the Council's credibility by highlighting its lack of care; similar behaviour in the application of policy may render planning decisions invalid.	Noted. It is not clear why this clause was missing from the version downloaded by the respondent. There was only one version of the second draft basements policy document. This has not been reported by any other respondent/ consultee. These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings. The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.
Policy CL7 (e)	Tony Holt	Do you support CL7(e)? YES	Noted.
Policy CL7 (e)	Tony Holt	Agreed	Noted.
Policy CL7 (e)	Paula McPherson	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Paula McPherson	Listed Buildings are already protected by existing regulation/Listed Building Consent. I cannot see why this needs to be mentioned again here. Central government is trying to reduce the amount of regulation and duplication. This policy goes against Central government's intention.	These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.

Document Part Name	Respondent Name	Comment	Council's Response
			The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.
Policy CL7 (e)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Panorama Property Services Ltd (James Agace)	<p>I disagree with this policy.</p> <p>Each proposal should be considered separately as is the case with any other Listed Building proposal.</p> <p>The proposed policy presumes against development which runs counter to the NPPF.</p> <p>"on larger sites" Again the size of the site is irrelevant. The policy needs to state something that should be complied with. If the policy intends to restrict development that the council thinks would cause damage to a listed building then it should say this rather than talk about the size of a site.</p>	<p>Noted. Policy forms the basis for considering each case. Core Strategy chapter 'Renewing the Legacy' has detailed policies on conservation and design.</p> <p>The Council's existing policy precludes basements underneath listed buildings. This has been upheld on appeal. Core Strategy policy Policy CL2 (g) (i) should be referred to.</p> <p>The policy explains that size is linked to the fact that basements should not result in extensive modifications to the foundations of listed buildings. This can harm both the historic and architectural significance of the listed building and pose a risk to the structure of the building itself.</p>
Policy CL7 (e)	Scott Morgan	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Sonata Persson	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Sonata Persson	<p>Listed buildings are already well protected. Why is more regulation needed? Isn't the existing legislation sufficient?</p> <p>Why is the council adding to the burden of regulation?</p>	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (e)	Sue Whittle	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Sue Whittle	<p>Again, listed buildings are already protected.</p> <p>Existing protection / regulation should be sufficient and the council should focus on enforcing those rather than adding another layer of rules.</p>	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7	Thomas		Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(e)	O'Donohoe	Do you support CL7 (e)? NO	
Policy CL7 (e)	Thomas O'Donohoe	Listed Buildings are already fully and correctly protected by existing regulation and requirements to obtain Listed Building Consent. Why does the council need to add additional layers of regulation and red tape when Central Government is trying to reduce this.	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (e)	K Howell	Listed buildings are already protected. This does not seem to be a necessary addition. The existing protection / regulation should be sufficient.	
Policy CL7 (e)	Steven Aldridge	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Steven Aldridge	Listed Buildings are already fully and correctly protected by existing regulation and requirements to obtain Listed Building Consent. Why does the council need to add additional layers of regulation and red tape when Central Government is trying to reduce this.	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (e)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	KPMG (Patrick Parke)	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	KPMG (Patrick Parke)	This point needs changing completely. Provided the new basement doesn't damage the existing listed building, there is no reason to restrict it.	Noted. The policy has an exception. The policy explains that the exception for sites with a large garden is linked to the fact that basements should not result in extensive modifications to the foundations of listed buildings. This can harm both the historic and architectural significance of the listed building and pose a risk to the structure of the building itself.
Policy CL7 (e)	David Innes	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	David Innes	Heritage assets are already well protected. This will go further than existing regulations. I do not believe this is necessary.	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7	William H	Do you support CL7 (e)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(e)	Buckley		
Policy CL7 (e)	Sally Duckworth	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Sally Duckworth	Listed Buildings are already protected by extensive regulation and the need to gain Listed Building Consent for changes to Listed Buildings. There is no need to duplicate these existing regulations.	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (e)	Gabrielle Teare	Do you support CL7 (e)? YES	Noted.
Policy CL7 (e)	Richard Grantley	1. We approve of the proposal not to allow basements beneath the gardens of listed buildings (as well as under the buildings themselves). The "larger sites" where these may be allowed should be stated to be highly exceptional.	Noted. Exceptions would apply as stated.
Policy CL7 (e)	Geostructural Solutions Limited (Tim Jolley)	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Geostructural Solutions Limited (Tim Jolley)	See our comments under 34.3.65, CL7(d) and the ASUC audit system under 34.3.62.	Noted.
Policy CL7 (e)	James Dawson	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	James Dawson	This point needs changing completely. Provided the new basement doesn't damage the existing listed building, there is no reason to restrict it.	Noted. The policy has an exception. The policy explains that the exception for sites with a large garden is linked to the fact that basements should not result in extensive modifications to the foundations of listed buildings. This can harm both the historic and architectural significance of the listed building and pose a risk to the structure of the building itself.
Policy CL7 (e)	Yasmin Ayoub	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Yasmin Ayoub	Listed Buildings are already be protected so an unnecessary addition.	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirement in the National Planning Policy Framework.</p>
Policy CL7 (e)	Philip Muelder	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Philip Muelder	Listed Buildings are subject to a raft of extensive and tried and tested regulation. This seems to work rather well so I do not see that the Council needs to duplicate or in some instances go further than that existing regulation.	These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the

Document Part Name	Respondent Name	Comment	Council's Response
			requirements in relation to listed buildings. The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements in the National Planning Policy Framework.
Policy CL7 (e)	Harcus Sinclair (Damon Parker)	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Harcus Sinclair (Damon Parker)	This point needs deleting or rewording substantially in favour of allowing basement development under listed buildings.	Noted. The Council's existing policy precludes basements underneath listed buildings. This has been upheld on appeal. Core Strategy policy Policy CL2 (g) (i) should be referred to.
Policy CL7 (e)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	The Chelsea Society (Terence Bendixson)	The Chelsea Society urges the Council to omit all the words after '.....except for gardens of very large sites where the basement.....'	Noted. The proposed change cannot be justified in relation to Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements in the National Planning Policy Framework.
Policy CL7 (e)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (e)? - No	Noted.
Policy CL7 (e)	Michael and Jacqueline Hayes	Do you support CL7 (e)? - Yes	Noted.
Policy CL7 (e)	TOLA (Lennart Perlhagen)	Do you support CL7 (e)? - Yes	Noted.
Policy CL7 (e)	Martin Dallison	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Martin Dallison	Why is the council adding to the burden of regulation?	These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings. The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements in the National Planning Policy Framework.
Policy CL7 (e)	The Markham Square Association (David Cox)	We welcome this provision in order to protect the historic legacy of the Borough.	Noted.
Policy CL7 (e)	Zai Nordmann	Do you support CL7 (e)? NO	Noted.
Policy CL7	Zai Nordmann	I oppose the proposed policy.	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(e)		We do not need more and more rules on the same things.	
Policy CL7 (e)	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	Do you support CL7 (e)? - No	Noted.
Policy CL7 (e)	Geostructural Solutions Ltd (Sean Bennett)	A blanket ban on excavation underneath a listed building is too restrictive - each site should be considered on its merits once the significance of the property is understood.	Noted. The Council's existing policy precludes basements underneath listed buildings. This has been upheld on appeal. Core Strategy policy Policy CL2 (g) (i) should be referred to.
Policy CL7 (e)	Scott Morgan	<p>The council already protects Listed building with Listed Building Consent. No further protection should be needed.</p> <p>If the problem is that existing regulations are not being enforced correctly that should be addressed rather than introducing further layers of regulation.</p> <p>This policy should be deleted and the existing listed building regulations should be used correctly.</p> <p>The development of all listed buildings is meant to be considered on a case by case basis via Listed Building Consent. The policy aims to impose a blanket ban on development which runs against listed building rules/guidance in PPS5.</p>	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements in the National Planning Policy Framework.</p>
Policy CL7 (e)	Jack Bowles	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Jack Bowles	<p>Basements should be allowed under listed buildings provide they do not cause damage and that they are successful in obtaining Listed Building Consent.</p> <p>This is the rule for listed buildings in general I think- provided the permissions that would normally be needed have been obtained then all should be ok .</p>	Noted. The Council's existing policy precludes basements underneath listed buildings. This has been upheld on appeal. Core Strategy policy Policy CL2 (g) (i) should be referred to.
Policy CL7 (e)	Jones Lang LaSalle (Kathryn Williams)	Limitations on gardens of listed buildings - this is not justified (that should be rectified).	Noted. The policy has an exception. The policy explains that the exception for sites with a large garden is linked to the fact that basements should not result in extensive modifications to the foundations of listed buildings. This can harm both the historic and architectural significance of the listed building and pose a risk to the structure of the building itself.
Policy CL7 (e)	Basement Force (Simon Haslam)	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Basement Force (Simon)	This criterion is unnecessary because criterion d protects the special interest of a listed building.	Noted. The Council's existing policy precludes basements underneath listed buildings. This has been upheld on appeal. Core Strategy policy

Document Part Name	Respondent Name	Comment	Council's Response
	Haslam)	Since the text itself recognises that there are some cases where development will not affect the hierarchy of the historic floor levels, the criterion is not justified by the text.	<p>Policy CL2 (g) (i) should be referred to.</p> <p>The policy explains that the exception for sites with a large garden is linked to the fact that basements should not result in extensive modifications to the foundations of listed buildings. This can harm both the historic and architectural significance of the listed building and pose a risk to the structure of the building itself.</p> <p>Text will be amended as addition of a new floor underneath a listed building will alter the plan-form and harm the historic and architectural significance of the building.</p>
Policy CL7 (e)	Neil Collins	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Robert Ward-Booth	Object - Please see covering letter dated 1st may 2013.	Noted.
Policy CL7 (e)	Robert Ward-Booth	Do you support CL7 (e)? - No	Noted.
Policy CL7 (e)	Nicola Floyd	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Nicola Floyd	Listed Buildings are already protected in many ways by different pieces of legislation. No need to duplicate or add to these.	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.</p> <p>The policy is formulated within the duties of the Council under Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements in the National Planning Policy Framework.</p>
Policy CL7 (e)	Thames Water Utilities Ltd (Mark Mathews)	No comment	Noted.
Policy CL7 (e)	Mark and Sophie Fitzgerald	Do you support CL7 (e)? - No	Noted.
Policy CL7 (e)	Mrs Riviere	Do you support CL7 (e)? - No	Noted.
Policy CL7 (e)	Mrs Riviere	Listed Buildings are already protected and are hence not required to be further governed under basements ruling.	<p>These are not additional rules. Basements can have specific impacts on heritage assets and it is important that these are considered and the policy along with the reasoned justification is clear on the requirements in relation to listed buildings.</p> <p>The policy is formulated within the duties of the Council under</p>

Document Part Name	Respondent Name	Comment	Council's Response
			Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements in the National Planning Policy Framework.
Policy CL7 (e)	Alison Durden	Do you support CL7 (e)? YES	Noted.
Policy CL7 (e)	Atoussa Parsa-Davis	Do you support CL7 (e)? - No	Noted.
Policy CL7 (e)	Trustees of the Phillimore Estate	Do you support CL7 (e)? - No	Noted.
Policy CL7 (e)	Trustees of the Phillimore Estate	There is no evidence to justify the shift in policy to prevent basements beneath gardens of listed buildings. This part of the policy is therefore not justified.	The justification is provided in the supporting text. The policy explains that the exception for sites with a large garden is linked to the fact that basements should not result in extensive modifications to the foundations of listed buildings. This can harm both the historic and architectural significance of the listed building and pose a risk to the structure of the building itself.
Policy CL7 (e)	Cadogan Estates (Cadogan)	<p>e) Not cause harm to heritage assets unless there are other benefits provided that would outweigh this harm"</p> <p>With regard to the current draft Criterion e), this automatically presumes that all basement works underneath a listed building or a garden are unacceptable irrespective of any consideration of the buildings significance, its level of statutory protection or wider public benefits that might result from the proposal. This is not consistent with a positive flexible planning approach and cannot be correct for every circumstance.</p> <p>Given the nature of Central London, basement works are now a useful way of achieving more efficient use of a site and there is now a substantial amount of examples where this has happened successfully in respect of listed buildings and agreed by English Heritage. Examples that Gerald Eve have been involved in include:</p> <p>6 Belgrave Square</p> <p>3 - 10 Grosvenor Crescent</p> <p>11 - 15 Grosvenor Crescent</p> <p>Grosvenor Gardens House</p> <p>Given the amendments we are proposing to Criterion d), we consider that the current draft Criterion e) is not relevant or necessary. We consider our revised wording provides the Council with sufficient control to take a balanced decision taking into account all of the relevant considerations.</p> <p>We trust that these representations will be received in the positive spirit that they are intended in order to bring about the sensible policy framework within which both developers and the planning authority have clear and flexible guidance. We would however welcome the opportunity to discuss this with you directly in order to try to reach an agreed position and avoid the need for the Estate to be represented at any forthcoming examination in public.</p>	The Council's existing policy precludes basements underneath listed buildings. This has been upheld on appeal. Core Strategy policy Policy CL2 (g) (i) should be referred to. No change.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (e)	Cadogan Estates (Cadogan)	Do you support CL7 (e)? - No	Noted.
Policy CL7 (e)	Cadogan Estates (Cadogan)	See enclosed letter.	Noted.
Policy CL7 (e)	Christian Leigh	Do you support CL7 (e)? NO	Noted.
Policy CL7 (e)	Cranbrook Basements (Kevin O'Connor)	There is no reason in policy justification based upon "potential" damage to Listed Buildings to impose a blanket ban on basements constructed within the gardens of Listed Buildings.	The justification is provided in the supporting text. The policy explains that the exception for sites with a large garden is linked to the fact that basements should not result in extensive modifications to the foundations of listed buildings. This can harm both the historic and architectural significance of the listed building and pose a risk to the structure of the building itself.
Policy CL7 (e)	Bell Cornwall (Simon Avery)	(e) See 34.3.65 and 34.3.66 comments above. There is no evidential justification and this criterion is in conflict with national policy.	Noted.
Policy CL7 (e)	Friends of Portobello (Robina Rose)	Do you support CL7(e)? YES	Noted.
Policy CL7 (e)	Friends of Portobello (Robina Rose)	Do you support CL7(e)? YES	Noted.
Policy CL7 (e)	Friends of Portobello (Robina Rose)	But should be extended to include all heritage assets.	The Council's duties with regards to listed buildings are different from other heritage assets. This clause reflects that. It would be unreasonable to extend this to all heritage assets. No change.
Policy CL7 (f)	P Whitehouse-Vaux	Do you support CL7(f)? No	Noted.
Policy CL7 (f)	Chris Shirley	My interpretation of CL7(f) is that no front light wells, however discrete, can be built if there are no others in the vicinity. If applied strictly this policy would effectively stop many basements in large areas of RBKC. Most houses in RBKC are in terraces and the only way to introduce light and air into a basement are from front or rear light wells - preferably both as typical RBKC houses have deep floor plans. Front light wells should be allowed.	Noted. The policy will not stop basements. As noted in the response, the addition of a new light well in a terrace where there are no existing ones will impact on the character of the terrace hence the policy.
Policy CL7 (f)	Marianne Harris	Do you support CL7 (f)? YES	Noted.
Policy CL7 (f)	Anthony Temple	Do you support CL7 (f)? Yes Yes No Not applicable	Noted.
Policy CL7 (f)	Nellen (Gideon Nellen)	Do you support CL7 (f)? YES	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (f)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (f)? YES	Noted.
Policy CL7 (f)	Norland Conservation Society (Libby Kinmonth)	Agree	Noted.
Policy CL7 (f)	Michael Stevens	Do you support CL7 (f)? YES	Noted.
Policy CL7 (f)	Michael Stevens	Assumed to be e on my version	Noted.
Policy CL7 (f)	Tony Holt	Do you support CL7(f)? YES	Noted.
Policy CL7 (f)	Tony Holt	Agreed	Noted.
Policy CL7 (f)	Paula McPherson	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Paula McPherson	Visible elements of basement development should comply with the same planning rules that apply for any above ground building. What are the planning rules for other above ground building? There is no need for a duplicate planning rule - just apply the existing above ground rules. Central government is trying to reduce the amount of regulation and duplication. This policy goes against Central government's intention.	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements.
Policy CL7 (f)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Panorama Property Services Ltd (James Agace)	I disagree with this policy. The policy presumes against development which is counter to the NPPF. The policy should say something like "Allow light wells and railings to the front or side of the property unless they would detract from the existing local streetscape."	Noted. They would detract from the local streetscape if they are new additions hence the policy.
Policy CL7 (f)	Sonata Persson	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Sonata Persson	Provided the additions/changes are well designed they should be allowed. Surely the current planning policy provides protection for these issues for above ground development that goes on borough wide. If there is a planning rule for above ground building then that should be good enough for basement development	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.
Policy CL7 (f)	Sue Whittle	Do you support CL7 (f)? NO	Noted.
Policy CL7	Sue Whittle	The policy appears to have been drafted in order to presume against development.	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(f)		<p>Surely if a lightwell or railing cannot be seen from the road, for example at the bottom of an existing front lightwell that should be allowed? How can that be a problem?</p> <p>What is wrong with well designed and built railings and lightwells? If this part of the policy is meant to ban all new development that can be seen at the front of any property then say so and that that should be a planning rule across all types of building, not just limiting basement extensions. Policy should be consistent across all types of development / building / construction.</p>	<p>The planning test is character or appearance and in streets where there are no existing light wells, introduction of a new light well will harm the character.</p> <p>If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements.</p> <p>The planning policies to manage ground development are in part responsible for</p>
Policy CL7 (f)	Thomas O'Donohoe	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Thomas O'Donohoe	Are the rules for above and below ground development different? If not this is another duplication of regulation. If they are then they should be the same. Why are basement developments being treated differently?	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.
Policy CL7 (f)	K Howell	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	K Howell	<p>The policy is trying to stop development. Shouldn't the policy be trying to encourage and support development in line with the Government's overall policy of supporting extensions and building aimed at getting the economy going (as well as increasing the value of property in the borough)?</p> <p>Two situations to consider in clarifying the policy:</p> <ol style="list-style-type: none"> 1. Lightwell at the front of a property which cannot be seen from the road(for example at the bottom of an existing front lightwell): These seem fine to me. If a neighbour has to hang out of their window in order to see the new lightwell and decide that they are angry about seeing it then that really should not be a reason for not giving planning permission. 2. New lightwell at the front of the property that can be seen from the roadbut which is well designed and fits in with the existing property: there is really nothing wrong with this. If you are saying that there should be no new development that can be seen at the front of any property then that should be a planning rule across all types of buildings. 	<p>The policy is not trying to stop development rather the objective is to support sustainable development. The Government policy promoting development is not at the cost of environment and social harm. All three strands of sustainable development – social, environmental and economic need to be taken into account and development should achieve the right balance between the three.</p> <ol style="list-style-type: none"> 1. Light wells - The draft policy precludes these where they are not already an acceptable feature of the street. Applications to extend existing light wells will be considered on their merit in relation to the existing character or appearance of the street. 2. New light wells – Planning policy precludes front extensions, conservation and design policies in the Core Strategy support a consistent building line as reflected in the uniform, consistent facades in the Royal Borough. Addition of new light wells where they are not an established and positive feature of the street will impact on the character of the street, hence the draft policy. <p>If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.</p>
Policy CL7	Steven	Do you support CL7 (f)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(f)	Aldridge		
Policy CL7 (f)	Steven Aldridge	Are the rules for above and below ground development different? If not this is another duplication of regulation. If they are then they should be the same. Why are basement developments being treated differently?	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.
Policy CL7 (f)	Shrimplin Brown (Robert Shrimplin)	Conservation Areas exist in order to preserve the special character of areas. Elsewhere the control of development is deliberately more relaxed, allowing various forms of small scale additions to houses. There is no reason why lightwells and railings should not be treated similarly as other forms of small scale development. The proposed text is also unclear. Light wells and railings might exist to the front and side of properties, but this does not mean that they are considered acceptable.	70% of the Borough is designated conservation areas. Elsewhere development still has to respond to the context. If as stated the character is inconsistent it is possible that a light well may be acceptable. Even when small scale, additions to the front/ side facade can have negative visual impacts. The text does not say that just because they exist they are acceptable. Text will be amended to improve clarity.
Policy CL7 (f)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	KPMG (Patrick Parke)	Do you support CL7 (f)? NO (not as currently worded)	Noted.
Policy CL7 (f)	KPMG (Patrick Parke)	The language is currently too restrictive (and as it stands, I understand that it would mean that on two otherwise identical and adjacent streets, if one has one basement with a front lightwell and the other none, then everyone in the street which already has one lightwell would be able to put one in, whereas no one in the adjacent street would ever be allowed to). I would suggest something more like: Not introduce light wells or railings to the front or side of the property where they would have a detrimental impact on the local streetscape.	As described the two streets are not identical but quite different in character. The insertion of new light wells where they are not an established and acceptable feature of the street would harm the character, hence the draft policy.
Policy CL7 (f)	David Innes	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	David Innes	This does not make sense. You cannot ban all new features on the basis they are not pre-existing features.	Noted.
Policy CL7 (f)	William H Buckley	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Sally Duckworth	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Sally Duckworth	Planning rules should apply to above and below ground development in the same way. Therefore, visible elements of basement development should comply with the same planning rules that apply for any above ground building.	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.
Policy CL7 (f)	Gabrielle Teare	Do you support CL7 (f)? YES	Noted.
Policy CL7	James Dawson	Do you support CL7 (f)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(f)			
Policy CL7 (f)	James Dawson	The language is too restrictive and might mean that a single house stands as a precedent for a whole street to copy, to the detriment of a whole area. Light wells and railings that are visible from the street should be in keeping with the general architectural style.	The text refers to streetscape which is clearly not defined by a single house but the whole street/ a wider area around the application site.
Policy CL7 (f)	Yasmin Ayoub	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Yasmin Ayoub	This needs to be reworded.	Noted.
Policy CL7 (f)	Philip Muelder	Do ou support CL7 (f)? NO	Noted.
Policy CL7 (f)	Philip Muelder	This is not a well thought out clause and should be removed.	Noted.
Policy CL7 (f)	Harcus Sinclair (Damon Parker)	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Harcus Sinclair (Damon Parker)	The language is overly prescriptive. To suggest that unless a feature is already existing in the vicinity it cannot be added is illogical and would prevent much above street development if applied across the board to all developments. Surely it is the visual or physical damage of detriment to the streetscape that is important. This should be reworded to reflect that.	Addition of new light wells where they are not an established and positive feature of the street will impact on the character of the street, hence the draft policy.
Policy CL7 (f)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (f)? YES	Noted.
Policy CL7 (f)	The Chelsea Society (Terence Bendixson)	Accept	Noted.
Policy CL7 (f)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (f)? - No	Noted.
Policy CL7 (f)	Michael and Jacqueline Hayes	Do you support CL7 (f)? - Yes	Noted.
Policy CL7 (f)	TOLA (Lennart Perlhagen)	Do you support CL7 (f)? - Yes	Noted.
Policy CL7 (f)	Martin Dallison	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Martin Dallison	Provided the additions/changes are well designed they should be allowed. Surely the current planning policy provides protection for these issues for above ground development that goes on borough wide. If there is a planning rule for above ground building then that should be good enough for	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.

Document Part Name	Respondent Name	Comment	Council's Response
		basement development	
Policy CL7 (f)	The Markham Square Association (David Cox)	We note that there is a mistake in paragraph f, which has been acknowledged, that the restriction on light wells and railings should include the back of the building.	Noted. The restriction relates to fronts and sides only.
Policy CL7 (f)	Zai Nordmann	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Zai Nordmann	I am against the proposed policy. The policy tries to stop or make less people building basements under their own houses.	Noted.
Policy CL7 (f)	R G Leeper	Basement developments should not introduce light wells to the back of the property (as well as to the front or side, as stated). We understand that this was a drafting mistake.	Noted. The restriction relates to fronts and sides only. This is not a drafting mistake.
Policy CL7 (f)	Abbey Pynford (Lewis O'Connor)	Do you support CL7 (f)? - No	Noted.
Policy CL7 (f)	Scott Morgan	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Scott Morgan	What does "an acceptable feature of the local streetscape" mean? If they existing as ugly original features is it ok to add further ugly lightwells? If light wells / railings are well designed and maintain the streetscape then that should be acceptable. If they enhance the existing streetscape they should be encouraged.	If they are 'ugly' they are not acceptable although the Council is not aware of ugly original light wells. Original light wells in Victorian buildings are part of the character of the Borough and of the larger London townscape. Addition of new light wells where they are not an established and positive feature of the street will impact on the character of the street, hence the draft policy.
Policy CL7 (f)	Jack Bowles	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Jack Bowles	Light wells or railings to the front or side of the property should be allowed if they either : 1. Are not visible from the public highway- what harm can be done if they cannot be seen? 2. Improve how the building looks currently- if it makes things better it has to be good doesn't it?	The planning test relates to character or appearance. Light wells are an external manifestation of basements and where they are not present but are introduced they would harm the character if not the appearance.
Policy CL7 (f)	Basement Force (Simon Haslam)	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Basement Force (Simon Haslam)	Should be redrafted to reflect the policy comments above in relation to 37.3.70. It is quite possible the light well or railings (existing or proposed) are not visible from the street which renders this criterion meaningless. What matters is whether the proposed basement will cause any harm to the character or appearance of the area or street scene. That is a criterion I could support and which planning officers are very used to applying properly to the individual circumstances of the site and the proposal in question.	Noted. The planning test relates to character or appearance. Light wells are an external manifestation of basements and where they are not present but are introduced they would harm the character if not the appearance.
Policy CL7 (f)	Ladbroke Association	Visual impacts at the rear of buildings should also be taken into account, especially where they back onto communal gardens and the amenity of all those living on the garden may be	Noted. This is dealt with by clause (g) in the second draft basements policy document.

Document Part Name	Respondent Name	Comment	Council's Response
	(Sophia Lambert)	affected.	
Policy CL7 (f)	Neil Collins	Provided the additions/changes are well designed they should be allowed. Doesn't current planning policy and rules already provide protection for this?	Noted.
Policy CL7 (f)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Robert Ward-Booth	Do you support CL7 (f)? - No	Noted.
Policy CL7 (f)	Nicola Floyd	Do you support CL7 (f)? NO	Noted.
Policy CL7 (f)	Nicola Floyd	Why are visible elements of basements dealt with differently to any other type of building?	The same rules apply to the external manifestations of basements in relation to the existing character or appearance. In part the growing trend for basements is linked to the restrictive planning policies for above ground development.
Policy CL7 (f)	Thames Water Utilities Ltd (Mark Mathews)	No comment	Noted.
Policy CL7 (f)	Mark and Sophie Fitzgerald	Do you support CL7 (f)? - No	Noted.
Policy CL7 (f)	Mark and Sophie Fitzgerald	Why are basement developments being treated differently? Above and below ground development should obviously be treated in a consistent equal manner.	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.
Policy CL7 (f)	Mrs Riviere	Do you support CL7 (f)? - No	Noted.
Policy CL7 (f)	Mrs Riviere	Again, this would seem to be biased against basements applications unfairly	Noted.
Policy CL7 (f)	Alison Durden	Do you support CL7 (f)? YES	Noted.
Policy CL7 (f)	Atoussa Parsa-Davis	Do you support CL7 (f)? - No	Noted.
Policy CL7 (f)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (f)	Christian Leigh	Do you support CL7 (f)? YES	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (f)	Cranbrook Basements (Kevin O'Connor)	Alterations to the front of the building in the form of light-wells or railings should be judged on a case-by-case basis. There will always be occasions where the first light-well to be introduced into a street scene is totally acceptable and may in fact lead to the enhancement of the visual amenity of adjoining owners. On this basis a blanket ban without consideration of individual cases is unreasonable. It should be noted that whole swathes of RBKC have been designated as Conservation Areas including shops, offices, garages, storage yards and commercial premises. Set within the context of those areas the construction of a modest light-well, the only physical manifestation which is a small metal grille often concealed behind a garden wall, must surely be worthy of at least consideration at a planning level and not the subject of a blanket ban which appears to be unjustifiable.	Noted. The addition of a new light well is not likely to enhance the visual amenity of adjoining owners. Addition of new light wells where they are not an established and positive feature of the street will impact on the character of the street, hence the draft policy.
Policy CL7 (f)	Friends of Portobello (Robina Rose)	Do you support CL7(f)? YES	Noted.
Policy CL7 (g)	P Whitehouse-Vaux	Do you support CL7(g)? NO	Noted.
Policy CL7 (g)	P Whitehouse-Vaux	Insistence on discreet situation of lightwells, roof lights etc assumes that these detract from the character and appearance of the building. This isn't the general case. If the new light wells/railing maintains or enhance the streetscape then that should be encouraged and an insistence on a discreet location makes no sense.	The external manifestations of basements when located at a distance from the building do detract from the character and appearance.
Policy CL7 (g)	Marianne Harris	Do you support CL7 (g)? YES	Noted.
Policy CL7 (g)	Anthony Temple	Do you support CL7 (g)? Yes Yes No Not applicable	Noted.
Policy CL7 (g)	Nellen (Gideon Nellen)	Do you support CL7 (g)? YES	Noted.
Policy CL7 (g)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (g)? YES	Noted.
Policy CL7 (g)	Norland Conservation Society (Libby Kinmonth)	Agree 100%	Noted.
Policy CL7 (g)	Michael Stevens	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Michael Stevens	Basement development needs to introduce light wells and railings if the internal space created is to be as useful as possible.	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
		The policy at f above covers this perfectly well and their sensitive design will provide for the proper evolution of the London street scene.	
Policy CL7 (g)	Tony Holt	Do you support CL7(g)? YES	Noted.
Policy CL7 (g)	Tony Holt	Agreed	Noted.
Policy CL7 (g)	Paula McPherson	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Panorama Property Services Ltd (James Agace)	I disagree with this policy. The proposed policy presumes against development. The wording should be along the lines of "should not detract from the character and appearance of the building, garden or wider area, with external elements such as light wells, roof light, plant and means of escape not detracting from the overall design."	The policy does not presume against development. It sets out guidelines for acceptable development.
Policy CL7 (g)	Paula McPherson	Visible elements of basement development should comply with the same planning rules that apply for any above ground building. What are the planning rules for other above ground building? There is no need for a duplicate planning rule - just apply the existing above ground rules. Central government is trying to reduce the amount of regulation and duplication. This policy goes against Central government's intention.	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.
Policy CL7 (g)	Scott Morgan	Why should they be discreetly sited? If the new light wells/railing enhance the streetscape then that should be encouraged.	These are not considered to be features that should become the focal point and should be discreetly sited.
Policy CL7 (g)	Thomas O'Donohoe	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Thomas O'Donohoe	Visible elements of basement development should comply with existing regulation that controls above ground building. Otherwise you are once again duplicating regulation unnecessarily. External elements of a basement should comply with the same planning policy as other above ground development. Any other policy than this demonstrates that the council has some ulterior motive with the proposed basement policy.	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.
Policy CL7 (g)	Steven Aldridge	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Steven Aldridge	Visible elements of basement development should comply with existing regulation that controls above ground building. Otherwise you are once again duplicating regulation unnecessarily.	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the

Document Part Name	Respondent Name	Comment	Council's Response
		External elements of a basement should comply with the same planning policy as other above ground development. Any other policy than this demonstrates that the council has some ulterior motive with the proposed basement policy.	existing character or appearance.
Policy CL7 (g)	Shrimplin Brown (Robert Shrimplin)	Other than in Conservation Areas there is no requirement for development to maintain or improve the character of a building or the wider area. The policy is therefore seeking to introduce an additional criterion that is not in accordance with planning law. This approach does not apply to extensions to houses and is clearly designed to frustrate basement development.	All development is considered in relation to the surrounding context. 70% of the Borough is designated conservation areas. The Council has robust policies that apply to all developments. Please refer to Core Strategy policy CL1: Context and Character and Chapter 34: Renewing the Legacy. In part the growing trend for basements is linked to the restrictive planning policies for above ground development.
Policy CL7 (g)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	KPMG (Patrick Parke)	Do you support CL7 (g)? YES	Noted.
Policy CL7 (g)	William H Buckley	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Sally Duckworth	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Sally Duckworth	Planning rules should apply to above and below ground development in the same way. Therefore, visible elements of basement development should comply with the same planning rules that apply for any above ground building.	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.
Policy CL7 (g)	Gabrielle Teare	Do you support CL7 (g)? YES	Noted.
Policy CL7 (g)	James Dawson	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Yasmin Ayoub	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Philip Muelder	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (g)? YES	Noted.
Policy CL7 (g)	The Chelsea Society (Terence Bendixson)	Accept	Noted.
Policy CL7 (g)	Assoc of Specialist	Do you support CL7 (g)? - No	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
	Underpinning Contractors Ltd (Robert Withers)		
Policy CL7 (g)	Michael and Jacqueline Hayes	Do you support CL7 (g)? - Yes	Noted.
Policy CL7 (g)	TOLA (Lennart Perlhagen)	Do you support CL7 (g)? - Yes	Noted.
Policy CL7 (g)	Zai Nordmann	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Zai Nordmann	I am against the proposed policy. New parts on the outside can make the building look better. If they make the building look better, then it should not matter where the new parts are sited.	Noted. The policy is concerned with a wider townscape not just an individual building.
Policy CL7 (g)	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	Do you support CL7 (g)? - Yes	Noted.
Policy CL7 (g)	Geostructural Solutions Ltd (Sean Bennett)	The property owners are spending significant sums of money because they are proud of their property. They want to individualise their property and they want to improve the character and appearance of the building. A dilapidated property would not be in keeping with the street scene and would detract from the character.	Noted. Dilapidated properties are not an issue in this Borough. However planning policy works on the basis that development should be in accordance with the development plan unless material considerations indicate otherwise. If for example a development would enable restoration of a dilapidated building it may be a material consideration.
Policy CL7 (g)	Scott Morgan	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Jack Bowles	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Jack Bowles	Light wells, roof lights, plant and means of escape should be allowed to be placed anywhere if they improve the appearance of the building, garden or wider area- how can this not be allowed?	The policy is not putting a stop to these but setting out how these would be acceptable.
Policy CL7 (g)	Basement Force (Simon Haslam)	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Basement Force (Simon Haslam)	This criterion requires an improvement in one of the many considerations which need to be weighed in judging whether to grant planning permission. That is not consistent with the presumption in favour of sustainable development. It interferes in and presumes to judge what is an improvement in an individual's private garden or building - matters which go beyond the public interest in which the planning authority is entitled to judge. It is far too intrusive and onerous. It also duplicates what would be a legitimate policy criterion (as recommended in relation to	Noted. These are valid planning matters and consistent with the general approach to development in this Borough. Please refer to Core Strategy chapter Renewing the Legacy for the policies on design and conservation which apply to all development.

Document Part Name	Respondent Name	Comment	Council's Response
		f), the protection of the local area and street scene from harm to its character and appearance.	
Policy CL7 (g)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Robert Ward-Booth	Do you support CL7 (g)? - Yes	Noted.
Policy CL7 (g)	Robert Ward-Booth	Support	Noted.
Policy CL7 (g)	Nicola Floyd	Do you support CL7 (g)? NO	Noted.
Policy CL7 (g)	Thames Water Utilities Ltd (Mark Mathews)	No comment	Noted.
Policy CL7 (g)	Mark and Sophie Fitzgerald	Do you support CL7 (g)? - No	Noted.
Policy CL7 (g)	Mark and Sophie Fitzgerald	External elements of a basement should obviously comply with the same planning policy as other above ground development. Any other policy than this demonstrates that the council has a hidden agenda with the proposed basement policy.	If the same rules were applied, basements would not be allowed. It is in part the restrictive planning policies for above ground development that has led to the growing trend for basements. The same rules apply to the external manifestations of basements in relation to the existing character or appearance.
Policy CL7 (g)	Mrs Riviere	Do you support CL7 (g)? - No	Noted.
Policy CL7 (g)	Mrs Riviere	Again, this would seem to be biased against basements applications unfairly	Noted. The Council has a range of policies that apply to all developments. Please refer to the Core Strategy and particularly chapter 34 Renewing the Legacy for detailed policies on conservation and design.
Policy CL7 (g)	Alison Durden	Do you support CL7 (g)? YES	Noted.
Policy CL7 (g)	Atoussa Parsa-Davis	Do you support CL7 (g)? - No	Noted.
Policy CL7 (g)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (g)	Christian Leigh	Do you support CL7 (g)? YES	Noted.
Policy CL7 (g)	Cranbrook Basements (Kevin O'Connor)	Why must the basement be required to improve the character of the existing building?	This is the general approach to all development in this Borough. Please refer to conservation and design policies in the Core Strategy Chapter 34: Renewing the Legacy.
Policy CL7 (g)	Friends of Portobello	Do you support CL7(g)? YES	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
	(Robina Rose)		
Policy CL7 (h)	Kensington Society (Michael Bach)	h. After "drainage scheme" add "(SUDS). Add at end: "to ensure that all run-off from the garden goes to the SUDS."	Noted. Text will be amended to improve clarity as appropriate.
Policy CL7 (h)	Haines Phillips Architects (Charles Dorin)	A front garden is not suitable for the planting of 'large' trees and a 1 metre depth of soil is not justifiable. Change to 500mm (which would be adequate for fruit trees etc.) for front gardens.	Noted. Front gardens can have different character. Some front gardens can be very large for example in Holland Park. Where the character of the garden is hard paved courtyard the policy allows use of other forms of SUDs.
Policy CL7 (h)	Marianne Harris	Do you support CL7 (h)? YES	Noted.
Policy CL7 (h)	Marianne Harris	Given heavy rainfall increasing, is only one metre sufficient for the coming decades?	As set out in the reasoned justification – 'other measures of SUDs may also be required'. The Council has developed a SUDs tool which will measure the increased run-off and the aim is to reduce the existing speed and volume of run-off. Additional measures may be required to meet this objective if necessary.
Policy CL7 (h)	Anthony Temple	Do you support CL7 (h)? Yes Yes No Not applicable	Noted.
Policy CL7 (h)	Nellen (Gideon Nellen)	Do you support CL7 (h)? YES	Noted.
Policy CL7 (h)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (h)? YES	Noted.
Policy CL7 (h)	Michael Stevens	Do you support CL7 (h)? YES	Noted.
Policy CL7 (h)	Michael Stevens	Well explained and normally necessary. It may be that some areas of garden (eg lawn) might need less than 1m and this could be provided for.	Noted. 1m is required as SUDs as well as to allow for a range of planting. In the long-term 1m will have the flexibility to support more than just a lawn if required.
Policy CL7 (h)	Tony Holt	Do you support CL7(h)? YES	Noted.
Policy CL7 (h)	Tony Holt	My comments above refers to 37.3.72 - emissions	Noted.
Policy CL7 (h)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	Panorama Property Services Ltd (James Agace)	I disagree with this policy. Yes, say that you want SUDS. But then leave it to the designer to ensure that SUDS is achieved which may or may not include one metre of soil.	Noted. The 1m of soil is to serve a dual purpose for planting and SUDs. This is stated in the reasoned justification in the second draft basements document (para 34.3.71).

Document Part Name	Respondent Name	Comment	Council's Response
		If you want one metre of soil to allow flexibility in future mature tree planting that is fine, but state that in a proposed policy for flexibility in future mature tree planting and not in a section about SUDS where you have ended up telling someone how you want them to achieve SUDS.	
Policy CL7 (h)	Shrimplin Brown (Robert Shrimplin)	The introduction of SUDS is not a policy requirement on other forms of development. The justification for 1m spoil depth above basements advanced in the Alan Baxter Report is that it would "allow for the cultivation of normal gardens above them" (paragraph 9.7.5). However, there is no evidence presented as to why this is an appropriate depth. Trees and plants in actual fact live in the active "topsoil" within the first 50cm where there is enough air and water for organisms to operate. Providing more depth than this does not deliver additional benefits to plants.	SUDs is a requirement in other forms of development. Please refer to Policy CE2 (e) of the Core Strategy. The 1m of soil is to serve a dual purpose for planting and SUDs.
Policy CL7 (h)	Shrimplin Brown (Robert Shrimplin)	It is entirely inappropriate to seek revisions to the performance of other parts of a building which are entirely unrelated to the basement. This approach does not apply to extensions to houses and is clearly designed to frustrate basement development. Moreover, in the case of many older buildings this is not practical or viable to achieve these improvements. The policy is imprecise as it does not specify what the "high level" of performance it is seeking to achieve.	Basements have a higher carbon embodiment than above ground development, hence the requirement. The targets are set at a level so as not to cause harm to listed buildings. The reasoned justification specifies what the targets are. The policy does not include this as these targets can become out of date if they are revised nationally.
Policy CL7 (h)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	David Innes	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	David Innes	Need to ensure drainage but I do not believe that 1m of soil as a blanket rule is the right wording.	Noted.
Policy CL7 (h)	KPMG (Patrick Parke)	Do you support CL7 (h)? YES (but needs some rewording)	Noted.
Policy CL7 (h)	KPMG (Patrick Parke)	Should require 1m of soil beneath any part of a garden that currently has soil, but beneath any part that is currently paved then this should not be a requirement.	Noted. Paving and basements below ground are not comparable. Paving rests lightly on ground and can be easily removed to provide for natural drainage and/or planting in the future. The same cannot be said of a basement.
Policy CL7 (h)	Sally Duckworth	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	Sally Duckworth	Clearly drainage needs to be managed but does that mean it is always 1m of soil? Could it be less? Should it be more? What if existing garden is paved? Adding soil doesn't make sense in this case and many gardens are paved. This needs rewording.	Noted. 1m is considered an adequate depth to provide a dual function of planting and SUDs. Paving and basements below ground are not comparable. Paving rests lightly on ground and can be easily removed to provide for natural drainage and/or planting in the future. The same cannot be said of a basement.

Document Part Name	Respondent Name	Comment	Council's Response
			However, the reasoned justification states that SUDs can be provided in other ways if the character of gardens within an urban block is small paved courtyards.
Policy CL7 (h)	Gabrielle Teare	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	Geostructural Solutions Limited (Tim Jolley)	Do you support CL7 (h)? YES	Noted.
Policy CL7 (h)	Geostructural Solutions Limited (Tim Jolley)	See our comments under 34.3.59 and CL7(a)	Noted.
Policy CL7 (h)	James Dawson	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	James Dawson	Should not require soil beneath areas that don't have soil already.	<p>Paving and basements below ground are not comparable. Paving rests lightly on ground and can be easily removed to provide for natural drainage and/or planting in the future. The same cannot be said of a basement.</p> <p>However, the reasoned justification states that SUDs can be provided in other ways if the character of gardens within an urban block is small paved courtyards.</p>
Policy CL7 (h)	Yasmin Ayoub	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	Harcus Sinclair (Damon Parker)	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	Harcus Sinclair (Damon Parker)	Needs rewording to reflect the need for SUDs but inclusion of requirement for 1m soil is confusing and overly prescriptive.	Noted. The 1m of soil is to serve a dual purpose for planting and SUDs. This is stated in the reasoned justification in the second draft basements document (para 34.3.71).
Policy CL7 (h)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	The Chelsea Society (Terence Bendixson)	Omit all after the first comma.	Noted.
Policy CL7 (h)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (h)? - No	Noted.
Policy CL7 (h)	Michael and Jacqueline	Do you support CL7 (h)? - Yes	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
	Hayes		
Policy CL7 (h)	TOLA (Lennart Perlhagen)	Do you support CL7 (h)? - Yes	Noted.
Policy CL7 (h)	Zai Nordmann	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	Zai Nordmann	I oppose this policy. Propose SUDs but allow the engineer to design a system to make sure SUDS is achieved. This does not need to have one metre of soil in every property. If the need for one metre of soil is to do with trees then move this to the tree section.	Noted. The 1m of soil is to serve a dual purpose for planting and SUDs. This is stated in the reasoned justification in the second draft basements document (para 34.3.71).
Policy CL7 (h)	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	Do you support CL7 (h)? - Yes	Noted.
Policy CL7 (h)	The Boltons Association (Calvin Jackson)	We also believe that covering subterranean development with one metre of topsoil is insufficient for 'real' gardens and attendant drainage.	Noted.
Policy CL7 (h)	Basement Force (Simon Haslam)	Do you support CL7 (h)? NO	Noted.
Policy CL7 (h)	Basement Force (Simon Haslam)	See above comments on the text.	Noted.
Policy CL7 (h)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (h)? YES	Noted.
Policy CL7 (h)	Robert Ward-Booth	Do you support CL7 (h)? - Yes	Noted.
Policy CL7 (h)	Robert Ward-Booth	Support	Noted.
Policy CL7 (h)	Thames Water Utilities Ltd (Mark Mathews)	Do you support CL7 (h)? YES	Noted.
Policy CL7 (h)	Mrs Riviere	Do you support CL7 (h)? - No	Noted.
Policy CL7 (h)	Alison Durden	Do you support CL7 (h)? YES	Noted.
Policy CL7 (h)	Atoussa Parsa-Davis	Do you support CL7 (h)? - No	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (h)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (h)	Christian Leigh	Do you support CL7 (h)? YES	Noted.
Policy CL7 (h)	Bell Cornwall (Simon Avery)	(h) See 34.3.71 comments above. There is. no evidential justification.	Noted.
Policy CL7 (h)	Friends of Portobello (Robina Rose)	Do you support CL7(h)? YES	Noted.
Policy CL7 (h)	Friends of Portobello (Robina Rose)	Still short term and braking the integrity of groundwater movement through clay. No really large trees possible - planted in front gardens, as was the original victorian design of many terraces.	The requirement for SUDs is to deal with surface water issues and the one metre of soil will provide SUDs as well as be used for planting. It is not clear how this will impact on groundwater movement. Large trees are normally planted on the street and the Council protects street trees. No change.
Policy CL7 (i)	Guy Mayers	Do you support CL7 (i) No I don't think 34.3.73 is strong enough.	Noted.
Policy CL7 (i)	P Whitehouse-Vaux	Do you support CL7(i)? NO	Noted.
Policy CL7 (i)	P Whitehouse-Vaux	As I understand the current proposal you are banning basements under listed buildings but will consider at some distance from the building within the grounds. You then want the distant building retrofitted to meet higher environmental standards. This does not seem to make sense. Surely just the basement should meet these environmental standards?	Basements have a much higher carbon embodiment compared to above ground development. This requirement is to offset the additional carbon generated in constructing the basement by upgrading the existing building to BREEAM domestic refurbishment 'very good' standard. The standard is set at a level so that the fabric of listed buildings is not harmed to achieve it.
Policy CL7 (i)	Marianne Harris	Do you support CL7 (i)? YES	Noted.
Policy CL7 (i)	Anthony Temple	Do you support CL7 (i)? Yes Yes No Not applicable	Noted.
Policy CL7 (i)	Nellen (Gideon Nellen)	Do you support CL7 (i)? YES	Noted.
Policy CL7 (i)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (i)? YES	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (i)	Norland Conservation Society (Libby Kinmonth)	Agree. See above	Noted.
Policy CL7 (i)	Michael Stevens	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Michael Stevens	Existing policy requires an ecohomes assessment and improved performance. More requirements are unnecessary and could be inappropriately restrictive.	These are not additional requirements. These replace the existing ecohomes requirements as these are now out of date.
Policy CL7 (i)	Tony Holt	Do you support CL7(i)? YES	Noted.
Policy CL7 (i)	Tony Holt	Agreed. Any temporary construction adjacent to the building on pavement and/or roadway should be limited in time with heavily increasing charges as time goes on.	Noted.
Policy CL7 (i)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Panorama Property Services Ltd (James Agace)	I disagree with this policy as the reasoned justification is unsound.	Noted.
Policy CL7 (i)	Paula McPherson	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Paula McPherson	As previously stated due to basements being Brownfield development that will drive a net reduction in additional Greenfield development they should not be subject to requirements for environmental regulation. Indeed they should be encouraged given their overall positive impact. Overall every square foot of brownfield basement developed should reduce the amount of Greenfield site developed by the same amount. This is a significant positive environmental impact. There should therefore be no additional environmental requirements and this justification and policy should be deleted.	Basements in private gardens are not brownfield development. The National Planning Policy Framework categorically removed private gardens from the definition of previously developed land.
Policy CL7 (i)	Scott Morgan	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Sonata Persson	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Sonata Persson	This policy seems unfair and ill thought out if it is the case that a whole property has to be changed just because a basement level is being added. Has anyone done a proper whole life look at carbon for construction, energy usage etc or is this an off the cuff policy based on an off the cuff justification?	Noted. An assessment has been done and will be published in due course. It shows that basements have a much higher carbon embodiment than an equivalent above ground development.
Policy CL7 (i)	Sue Whittle	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Sue Whittle	Does this rule intend that the whole property has to be upgraded even if only a cellar is being renovated? This does not seem sensible, fair or presumably consistent with the	Basements have a much higher carbon embodiment compared to above ground development. This requirement is to offset the

Document Part Name	Respondent Name	Comment	Council's Response
		<p>council's intention that planning be within the financial reach of all its residents, not just those with deep pockets.</p> <p>The new part that is being built should have to meet high green standards but not the rest of the house. This also conflicts directly with the limits the council is seeking to put on 'heritage' assets. If the environment is so important then let listed buildings owners put in double glazing!</p> <p>If this is so important then this rule should be introduced for all building works that need planning permission - so any new extension or loft conversion should require the whole house to meet these environmental performance levels. Again, a lack of consistent policy aimed solely at limiting basement conversions.</p>	<p>additional carbon generated in constructing the basement by upgrading the existing building to BREEAM domestic refurbishment 'very good' standard.</p> <p>The standard is set at a level so that the fabric of listed buildings is not harmed to achieve it.</p> <p>The same requirements do not apply to small above ground extensions or loft conversions as they have lower carbon embodiment. However please refer to Core Strategy policy CE1: Climate Change which has targets for all new development and also for large extensions.</p>
Policy CL7 (i)	Thomas O'Donohoe	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	K Howell	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	K Howell	<p>The rule implies that the whole property has to be upgraded even if only a tiny cellar is being renovated. This does not seem fair and balanced.</p> <p>Only the new part that is being built should have to meet high green standards.</p> <p>If this is so important then this rule should be introduced for all building works that need planning permission - so any new extension or loft conversion should require the whole house to meet these environmental performance levels. Basements should not be singled out.</p>	<p>Basements have a much higher carbon embodiment compared to above ground development. This requirement is to offset the additional carbon generated in constructing the basement by upgrading the existing building to BREEAM domestic refurbishment 'very good' standard.</p> <p>The standard is set at a level so that the fabric of listed buildings is not harmed to achieve it.</p> <p>The same requirements do not apply to small above ground extensions or loft conversions as they have lower carbon embodiment. However please refer to Core Strategy policy CE1: Climate Change which has targets for all new development and also for large extensions.</p>
Policy CL7 (i)	Howard Green	<p>The requirement to retrofit buildings is ultra vires. All my comments set out in relation to Policy CL7 (j) apply here.</p> <p>Whilst Policy 5.4 of the 2001 London Plan states that "...retrofitting of buildings can make a significant contribution to climate change", when one looks justification paragraph 5.30 you will that reference is made only to large estate refurbishments.</p> <p>On the other hand, on the basis of your response to my Representations you should be requiring retrofitting in every case where a residential extension is proposed no matter whether at basement level or not. Indeed, on your interpretation of London Plan Policy 5.4 every single residential extension in London would be subject of the retrofitting requirement. That cannot be and is not correct.</p>	<p>Noted. Para 5.30 states "Policy 5.4 applies the principles in Policy 5.3 to existing building stock where retrofit opportunities arise (for example, large estate refurbishments)". Large estates are given as an example and the requirement can clearly apply 'where opportunities arise'.</p> <p>Para 5.29 states London's existing domestic buildings contribute 36 per cent of the region's carbon dioxide emissions alone. Along with other non-domestic buildings, retrofitting the existing building stock presents a significant opportunity to help meet the strategic carbon dioxide reduction target of 60 per cent by 2025.</p> <p>Basements have a much higher carbon embodiment than an</p>

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			<p>equivalent above ground development. It is reasonable to expect the additional carbon generated from basement construction to be offset.</p> <p>The same requirements do not apply to small above ground extensions or loft conversions as they have lower carbon embodiment. However please refer to Core Strategy policy CE1: Climate Change which has targets for all new development and also for large extensions.</p>
Policy CL7 (i)	Steven Aldridge	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Steven Aldridge	See above (37.3.72)	Noted.
Policy CL7 (i)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	David Innes	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	KPMG (Patrick Parke)	Do you support CL7 (i)? YES	Noted.
Policy CL7 (i)	William H Buckley	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Sally Duckworth	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Sally Duckworth	<p>Retrofitting a whole building if a basement is being dug seems an onerous and very expensive requirement. Seems to be designed to put off all but the very wealthy from digging a basement?</p> <p>As long as the new build element complies with the environmental restrictions that are applied to new above ground development that should be all that is required.</p> <p>If householders apply for a loft extension do they have to retrofit the whole house? Lack of consistency in policy here. Seems to be aimed at preventing basements by any means.</p>	<p>Basements have a much higher carbon embodiment compared to above ground development. This requirement is to offset the additional carbon generated in constructing the basement by upgrading the existing building to BREEAM domestic refurbishment 'very good' standard.</p> <p>The same requirements do not apply to small above ground extensions or loft conversions as they have lower carbon embodiment. However please refer to Core Strategy policy CE1: Climate Change which has targets for all new development and also for large extensions.</p>
Policy CL7 (i)	James Dawson	Do you support CL7 (i)? YES	Noted.
Policy CL7 (i)	Yasmin Ayoub	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Harcus Sinclair (Damon Parker)	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Harcus Sinclair (Damon Parker)	Needs rewording/rethinking.	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (i)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (i)? YES	Noted.
Policy CL7 (i)	The Chelsea Society (Terence Bendixson)	Accept	Noted.
Policy CL7 (i)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (i)? - No	Noted.
Policy CL7 (i)	Michael and Jacqueline Hayes	Do you support CL7 (i)? - Yes	Noted.
Policy CL7 (i)	TOLA (Lennart Perlhagen)	Do you support CL7 (i)? - Yes	Noted.
Policy CL7 (i)	Martin Dallison	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Martin Dallison	<p>This policy seems unfair and ill thought out if it is the case that a whole property has to be changed just because a basement level is being added.</p> <p>Has anyone done a proper whole life look at carbon for construction, energy usage etc or is this an off the cuff policy based on an off the cuff justification?</p>	<p>Basements have a much higher carbon embodiment compared to above ground development. This requirement is to offset the additional carbon generated in constructing the basement by upgrading the existing building to BREEAM domestic refurbishment 'very good' standard.</p> <p>An assessment has been done and will be published in due course.</p>
Policy CL7 (i)	Zai Nordmann	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Geostructural Solutions Ltd (Sean Bennett)	This is best practice and is not exclusive to basements.	Noted.
Policy CL7 (i)	Basement Force (Simon Haslam)	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Basement Force (Simon Haslam)	<p>There is no objection to the requirement that any new building associated with new basement development is constructed to a high level of performance in respect of energy, waste and water and no objection to the verification requirement proposed - although this is a matter properly dealt with by condition and referred to elsewhere within the Core Strategy. Here, as elsewhere therefore there is a degree of duplication.</p> <p>Given the long term sustainability benefits of basement development there is no reasonable basis for requiring extraneous benefits in the environmental performance of a building where the project involves the construction of a basement only. This would also be onerous from a practical point of view, and could increase significantly the impact of the works on the surrounding area.</p>	<p>Basements have a much higher carbon embodiment compared to above ground development. This requirement is to offset the additional carbon generated in constructing the basement by upgrading the existing building to BREEAM domestic refurbishment 'very good' standard.</p> <p>Basements in particular have high embodied carbon therefore it makes more sense to have this requirement as part of the basement policy.</p> <p>Core Strategy policy CE1: Climate Change has targets for all new</p>

Document Part Name	Respondent Name	Comment	Council's Response
			development and also for large extensions.
Policy CL7 (i)	Neil Collins	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Neil Collins	It does not seem fair that a whole property has to be changed just because a basement level is being added.	Noted. Basements have a much higher carbon embodiment compared to above ground development. It is reasonable to expect the additional carbon to be offset.
Policy CL7 (i)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (i)? NO	Noted.
Policy CL7 (i)	Robert Ward-Booth	Do you support CL7 (i)? - Yes	Noted.
Policy CL7 (i)	Robert Ward-Booth	Support	Noted.
Policy CL7 (i)	Mark and Sophie Fitzgerald	Do you support CL7 (i)? - No	Noted.
Policy CL7 (i)	Mrs Riviere	Do you support CL7 (i)? - No	Noted.
Policy CL7 (i)	Mrs Riviere	Rules against basements unfairly. Unless this rule is applied when other applications are considered eg rear and side extensions, it should not uniquely be applied to basements. This does not seem fair and certainly isn't logical.	Basements have a much higher carbon embodiment compared to above ground development. This requirement is to offset the additional carbon generated in constructing the basement by upgrading the existing building to BREEAM domestic refurbishment 'very good' standard. The same requirements do not apply to small above ground extensions or loft conversions as they have lower carbon embodiment. However please refer to Core Strategy policy CE1: Climate Change which has targets for all new development and also for large extensions.
Policy CL7 (i)	Alison Durden	Do you support CL7 (i)? YES	Noted.
Policy CL7 (i)	Atoussa Parsa-Davis	Do you support CL7 (i)? - No	Noted.
Policy CL7 (i)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (i)	Bell Cornwall (Simon Avery)	(i) See 34.3.72 comments above. The wording lacks clarity. There is no justification and this criterion is in conflict with national policy.	Basements have a much higher carbon embodiment compared to above ground development. This requirement is to offset the additional carbon generated in constructing the basement by upgrading the existing building to BREEAM domestic refurbishment 'very good' standard. This is in-line with national policy seeking to reduce greenhouse gas emissions (see para 93, 95, 97 and 98 of the NPPF).

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (i)	Friends of Portobello (Robina Rose)	Do you support CL7(i)? YES	Noted.
Policy CL7 (j)	Kensington Society (Michael Bach)	j. After "traffic" add ", parking" After: Change "significantly increases" to ", causes congestion" "Unreasonable inconvenience" does not quite get across the impact these projects have on neighbours.	Noted. Text will be amended to improve clarity as appropriate.
Policy CL7 (j)	P Whitehouse-Vaux	Do you support CL7(j)? NO	Noted.
Policy CL7 (j)	P Whitehouse-Vaux	I understand that the policy needs to include reference to the cumulative effects of construction impact but I am not sure that the policy as currently written is going to be effective. Individual sites should be managed by existing legislation and powers available to Building Control if enforced correctly. If the concern is stopping a whole street building basements at the same time the policy currently does not prevent that just by limiting basements to single storeys and so on. Surely a better way would be through the impact on traffic and the highways which would most sensibly be centrally managed by the Highways authority? This policy is a very blunt tool which will not achieve what it purports to do. How is the council limiting the cumulative effects of above ground construction? Surely the planning policy needs to be consistent across all forms of construction?	Noted. Construction traffic impacts are dealt with by Highways and Transport not Building Control. The Council is not intending to stop more than one basement development in a street on-going at the same time. However, it recognises that where there are a number of developments happening simultaneously the impacts need to be considered cumulatively. The same considerations apply to above ground development.
Policy CL7 (j)	Sarah Curtis	On the construction process, we particularly endorse items j and k. In our area (Phillimore Gardens and Argyll Road) we have suffered greatly from traffic congestion, blockages of roads forcing motorists to go down one-way streets, and dangerous parking on corners. The works in our area have often lasted for years rather than weeks, with constant noise and dirt affecting not only the houses adjoining the excavation but others for a considerable distance. All excavations will cause disturbance but the proposed limitations should reduce the time involved as well as the dangers.	Noted.
Policy CL7 (j)	Marianne Harris	Do you support CL7 (j)? YES	Noted.
Policy CL7 (j)	Marianne Harris	Strict controls on what time of day construction traffic can access the site and stopping large vehicles using certain streets in the borough (for example Camden Hill Road is a cut through for every lorry and they should go via the "main" road Kensington church street).	Noted.
Policy CL7 (j)	Anthony Temple	Do you support CL7 (j)? Yes Yes No Not applicable	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (j)	Nellen (Gideon Nellen)	Do you support CL7 (j)? YES	Noted.
Policy CL7 (j)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (j)? YES	Noted.
Policy CL7 (j)	Norland Conservation Society (Libby Kinmonth)	Agree How can unreasonable impact be dealt with. Should there be a time constraint built into a basement build and compensation to neighbourhood if it goes over? How to determine? AND ensure it is adhered to? Penalties?	Noted. The Council cannot impose timescale or be involved in compensation.
Policy CL7 (j)	Michael Stevens	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Michael Stevens	Based on my experience this is already required so no further regulations are necessary.	Noted.
Policy CL7 (j)	Tony Holt	Do you support CL7(j)? YES	Noted.
Policy CL7 (j)	Tony Holt	There should be clearly defined 'rest' periods during the working day when noise and vibration is not allowed.	Noted.
Policy CL7 (j)	Geostructural Solutions Ltd (Sean Bennett)	Health and safety of site operatives, visitors and the public is paramount. Reputable Basement Specialists always make every effort to minimise the impact of their works on those living and working nearby.	Noted.
Policy CL7 (j)	Paul Lever	It might be implied from wording of this sub-para that measures can always be found to mitigate adequately the traffic mangemnet problems which basement construction poses. But this is not always so. In cases where delivery and skip removal involve the complete blocking of a street it may not be possible to ensure acceptable levels of access for other residents, at any rate if more than one construction project is under way simultaneously. The policy needs specifically to recongise that there may be instances where traffic management concerns may lead to the refusal of planning permission or to the limitation to no more than one development at a time.	Noted. Planning permissions are valid for a period of three years. It is not possible to stipulate when development should take place in that three year period. The policy requires a construction and traffic management plan and if these issues are not dealt with satisfactorily in the planning application, permission can be refused.
Policy CL7 (j)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Panorama Property Services Ltd (James Agace)	I disagree with this policy. Construction traffic is dealt with by highways and other regulation. Seeking to control construction traffic by planning policy is therefore ultra vires. If construction traffic is not ultra vires then the construction and traffic management plan should be dealt with by planning condition closer to the time that the work is to take place. The proposed policy presumes against development and allows multiple spurious objections to a planning application will be valid. The presumption should be that the Highways Department should decide what is a correct traffic management plan rather than the planning department or local residents.	Noted. Construction traffic management plans are required at present through condition. Given the scale of construction impact caused by basement development it is considered reasonable to expect these issues to be considered as an integral part of the planning application. It is the Council's Highways and Transport department which approves CTMPs but the process is led by planning as it is linked to development.

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		If the CTMP is to be considered as part of the planning application, which it should not, then the proposed policy wording should be something like "traffic and construction traffic should meet the rules and laws that control construction and other traffic."	
Policy CL7 (j)	Paula McPherson	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Paula McPherson	Construction impact and traffic are controlled by Environmental legislation and regulation. They should not be subject to additional planning rules and control. Therefore this policy should be deleted.	Noted. At present the construction and traffic management plan is dealt with by planning condition. However, this approach does not allow local views and knowledge to be taken into account. Requiring construction and traffic management plans with the planning application will allow these to be consulted on. It is the Council's Highways and Transport department which approves CTMPs but the process is led by planning as it is linked to development.
Policy CL7 (j)	Scott Morgan	There needs to be something about construction impact but I am not sure that the policy as currently written is going to be effective. Construction impact is obviously allowed or else no one would be able to build in London. So who is going to decide what is unreasonable inconvenience?	Noted. This will be based on the construction and traffic management plan submitted by the applicant and will be approved by the Council's Highways and Transport department.
Policy CL7 (j)	Sue Whittle	"Unreasonable inconvenience". What is the measure of this? Who will decide? Again, shouldn't the relevant Highways / Traffic department be deciding what happens with traffic rather than planning (or actually your neighbours?) Surely membership of the Considerate Builders Scheme and a traffic management plan acceptable to the Highways department is a more sensible way of managing this process? These could even be necessary steps that need to be in place before construction is allowed to start but after planning has been given.	Noted. This will be based on the construction and traffic management plan submitted by the applicant and will be approved by the Council's Highways and Transport department.
Policy CL7 (j)	Thomas O'Donohoe	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Thomas O'Donohoe	* Construction impact and traffic are already managed and controlled by existing legislation. This policy is duplication.	Noted. This is not duplication rather a change in process. At present the construction and traffic management plan is dealt with by planning condition. However, this approach does not allow local views and knowledge to be taken into account. Requiring construction and traffic management plans with the planning application will allow these to be consulted on.
Policy CL7 (j)	K Howell	This policy could end up with neighbours arguing and objecting about what is unreasonable and an inconvenience. Shouldn't the Highways / Traffic department be deciding what happens with traffic rather than either planning policy or neighbours? The policy would be better written as "A traffic plan acceptable to the Highways/ Traffic	Noted. This will be based on the construction and traffic management plan submitted by the applicant and will be approved by the Council's Highways and Transport department.

Document Part Name	Respondent Name	Comment	Council's Response
		Department should be provided before work starts."	
Policy CL7 (j)	Howard Green	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Steven Aldridge	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Steven Aldridge	Construction impact and traffic are already managed and controlled by existing legislation. This policy is duplication.	Noted. This is not duplication rather a change in process. At present the construction and traffic management plan is dealt with by planning condition. However, this approach does not allow local views and knowledge to be taken into account. Requiring construction and traffic management plans with the planning application will allow these to be consulted on.
Policy CL7 (j)	Shrimplin Brown (Robert Shrimplin)	The lack of clarity in the proposed policy, referring for example to not placing "unreasonable inconvenience" upon those living and working nearby, also risks creating argument and uncertainty for both applicants and neighbours.	Noted. This will be based on the construction and traffic management plan submitted by the applicant and will be approved by the Council's Highways and Transport department.
Policy CL7 (j)	Shrimplin Brown (Robert Shrimplin)	There is no definition of what might constitute "unreasonable inconvenience". Any building project will inevitably cause some disruption but this risks imposing an unreasonable burden on development.	Noted. This will be based on the construction and traffic management plan submitted by the applicant and will be approved by the Council's Highways and Transport department.
Policy CL7 (j)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	David Innes	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	KPMG (Patrick Parke)	Do you support CL7 (j)? YES	Noted.
Policy CL7 (j)	William H Buckley	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Sally Duckworth	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Sally Duckworth	Construction impact and traffic are already controlled by Environmental legislation and regulation. This is duplication.	Noted. This is not duplication rather a change in process. At present the construction and traffic management plan is dealt with by planning condition. However, this approach does not allow local views and knowledge to be taken into account. Requiring construction and traffic management plans with the planning application will allow these to be consulted on.
Policy CL7 (j)	Gabrielle Teare	Do you support CL7 (j)? YES	Noted.
Policy CL7 (j)	Richard Grantley	1. Basement developments should not introduce light wells to the back of the property (as well as to the front or side, as stated). We understand that this was a drafting mistake.	Noted. This is not a drafting mistake. Part f. Is specifically about light wells to fronts and sides as these relate to the streetscape, light wells in rear gardens do not relate to the streetscape.
Policy CL7 (j)	James Dawson	Do you support CL7 (j)? YES	Noted.
Policy CL7	Yasmin Ayoub	Do you support CL7 (j)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(j)			
Policy CL7 (j)	Yasmin Ayoub	Should already be enforced through existing legislation.	Noted.
Policy CL7 (j)	Philip Muelder	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Philip Muelder	Not clear as to how this will be measured, monitored or adjudicated upon. Highways Agency is supposed to already do this surely?	Noted. This will be based on the construction and traffic management plan submitted by the applicant and will be approved by the Council's Highways and Transport department.
Policy CL7 (j)	Harcus Sinclair (Damon Parker)	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	The Chelsea Society (Terence Bendixson)	Suggested redrafting: 'ensure that traffic and construction activity.....congestion, nor impose measurable harm on the day to day lives of those living and working nearby;'	Noted. Text will be amended to improve clarity as appropriate.
Policy CL7 (j)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (j)? - Yes	Noted.
Policy CL7 (j)	Michael and Jacqueline Hayes	Do you support CL7 (j)? - Yes	Noted.
Policy CL7 (j)	Michael and Jacqueline Hayes	How do you define "reasonable level"? This should be much more specific.	Noted. This will be based on the construction and traffic management plan submitted by the applicant and will be approved by the Council's Highways and Transport department.
Policy CL7 (j)	TOLA (Lennart Perlhagen)	Do you support CL7 (j)? - Yes	Noted.
Policy CL7 (j)	Zai Nordmann	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Zai Nordmann	I am against this policy. Construction traffic is already covered by highways and other regulation. The plan for traffic should be decided on near the time that the work is to take place. The proposed policy is trying to stop building and as such allows for lots of objections to a planning application which will be probably and wrongly be considered valid. It should be the Highways Department that approves the traffic plan rather than the	Noted. At present the construction and traffic management plan is dealt with by planning condition. However, this approach does not allow local views and knowledge to be taken into account. Requiring construction and traffic management plans with the planning application will allow these to be consulted on. While objections can be raised, the Council has to act within the relevant acts and legislation.

Document Part Name	Respondent Name	Comment	Council's Response
		<p>planning department or local residents.</p> <p>The traffic plan should not be part of the planning application.</p> <p>The traffic plan should meet the rules and laws that already control construction and other traffic.</p>	It is the Council's Highways and Transport department which approves CTMPs but the process is led by planning as it is linked to development.
Policy CL7 (j)	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	Do you support CL7 (j)? - Yes	Noted.
Policy CL7 (j)	Sam Gordon Clark	Nuisance: It is essential that any plans you have for controlling noise, dirt, evacuation of spoil and general nuisance are practical and enforceable. It is also important that any plans for construction traffic form part of the planning application and are visible to the public in advance of the application being considered.	Noted. The change being proposed is to require construction and traffic management plans and demolition and construction management plans with the planning application to allow consideration of these issues from the outset including consultation.
Policy CL7 (j)	The Boltons Association (Calvin Jackson)	<p>As mentioned already, we understand that at present a CTMP must be agreed before building works actually commence, but that the Council is currently contemplating whether a CTMP might instead be required when an application is submitted. We would support CTMP agreement being required at the approval stage, but believe strongly that such CTMP should also be mandatorily revisited and then agreed with the Council prior to works actually starting.</p> <p>Our reasoning is that at the latter stage the picture at that point in time of ongoing/and already approved works in the immediate vicinity can be considered, so that appropriate plans can be agreed for skip siting/lorry access etc. Our experience is that every street is different: some are broad, others narrow - so what may seem workable on paper in a particular case may transpire to be impractical in practice. A narrow street with multiple simultaneous 'dig-outs' can bring traffic in a neighbourhood to a halt many times a day.</p> <p>Depending on a particular picture of ongoing developments it may be that the Council should simply refuse to agree any more CTMPs in that street/area until the situation regularises again. We know of a particular ongoing development in our area where the developer has said that 20 lorries a day need to visit the site to collect soil. Even where only one such development is in progress it can cause havoc, yet alone where there are several.</p> <p>We make no bones about the fact that ongoing subterranean developments are causing real problems right now - building contractors are in effect competing with each other to make specific deliveries at particular times. This causes traffic to come to a standstill, particularly where banksmen are not placed 'fore and aft' to warn traffic at the top and bottom of a particular road that it should seek an alternative route whilst deliveries are ongoing. This would save traffic being 'trapped' in a road for significant periods. In essence, we believe CTMPs should be highly prescriptive, sensitive to other ongoing developments and subject to ad hoc monitoring to ensure that traffic is not being obstructed/ builders are adhering to reasonable hours etc (such as, say, 8.30am - 4.30pm on weekdays and 8.30am - 1pm Saturdays).</p>	<p>Noted. The applicant will have to contact the Council's Highways and Transport department before they commence the implementation. If the CTMP is no longer workable they will have to submit a new one.</p> <p>The new process will allow consultation with the local residents so any local known issues will be understood. The CTMP is required to consider other permissions into account.</p> <p>The Council can enforce if CTMPs are not being followed.</p>

Document Part Name	Respondent Name	Comment	Council's Response
		In summary, we consider the current situation of ongoing subterranean developments shows up the flaws in the CTMP system. It needs radical reconsideration.	
Policy CL7 (j)	Abbey Pynford (Lewis O'Connor)	Do you support CL7 (j)? - No	Noted.
Policy CL7 (j)	Scott Morgan	So who is going to decide what is a reasonable level and how is this going to be controlled?	Noted. This will be based on the construction and traffic management plan submitted by the applicant and will be approved by the Council's Highways and Transport department.
Policy CL7 (j)	Basement Force (Simon Haslam)	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Basement Force (Simon Haslam)	<p>Please see comments on the text above.</p> <p>The formulation of the policy criterion is also confusing and unhelpful: the criterion is applied when assessing the suitability of proposals for development at application stage. It should be drafted with that in mind, as follows</p> <p>Permission will be granted where....</p> <p>j. the impact of traffic and construction activity on road safety, and the amenity of those living and working nearby, is acceptable having regard to any proposals for traffic management and other conditions which may be imposed</p>	Noted. Text will be amended to improve clarity where appropriate.
Policy CL7 (j)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (j)? YES	Noted.
Policy CL7 (j)	Robert Ward-Booth	Do you support CL7 (j)? - Yes	Noted.
Policy CL7 (j)	Robert Ward-Booth	Support - See covering letter dated the 1st May 2013	Noted.
Policy CL7 (j)	Nicola Floyd	Do you support CL7 (j)? NO	Noted.
Policy CL7 (j)	Nicola Floyd	<p>I oppose this policy as currently drafted.</p> <p>I understand that construction of any kind can be hugely disruptive to neighbours and local residents but I don't think it is practical or reasonable to force applicants to bring all affected parties into the design and application process. Surely it is the job of planning to set rules, applicants design with these in mind and the planning approves or rejects on the basis of clearly identifiable and quantifiable objectives?</p> <p>I am concerned that the policy presumes against basement development and will make it</p>	<p>Noted. The draft policy is not formulated to stop basement development.</p> <p>At present the construction and traffic management plan is dealt with by planning condition. However, this approach does not allow local views and knowledge to be taken into account. Requiring construction and traffic management plans with the planning application will allow these to be consulted on.</p>

Document Part Name	Respondent Name	Comment	Council's Response
		very difficult for even standard basement developments to take place. As the policy (briefly) acknowledges they are a very useful way of increasing living accommodation in an already crowded city.	While objections can be raised, the Council has to act within the relevant acts and legislation. It is the Council's Highways and Transport department which approves CTMPs but the process is led by planning as it is linked to development.
Policy CL7 (j)	Mark and Sophie Fitzgerald	Do you support CL7 (j)? - No	Noted.
Policy CL7 (j)	Mark and Sophie Fitzgerald	Again, this is duplication of existing legislation.	Noted. This is not duplication rather a change in process. At present the construction and traffic management plan is dealt with by planning condition. However, this approach does not allow local views and knowledge to be taken into account. Requiring construction and traffic management plans with the planning application will allow these to be consulted on.
Policy CL7 (j)	Mrs Riviere	Do you support CL7 (j)? - No	Noted.
Policy CL7 (j)	Mrs Riviere	There are extensive regulations in place to protect residents. Comments in the first draft policy suggest various council agencies are not responding to residents' complaints or enforcing the rules properly. Perhaps the council could address this first ?	Noted. The Council does enforce where legitimate complaints are made. The change being proposed is to require construction and traffic management plans and demolition and construction management plans with the planning application to allow consideration of these issues from the outset including consultation.
Policy CL7 (j)	Alison Durden	Do you support CL7 (j)? YES	Noted.
Policy CL7 (j)	Atoussa Parsa-Davis	Do you support CL7 (j)? - No	Noted.
Policy CL7 (j)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (j)	Cranbrook Basements (Kevin O'Connor)	Road traffic safety should be addressed through the Highways Act. Increases in traffic congestion can occur as a result of external factors unrelated to the basement constructed. Greater London Authority already sets out standards of best practice for construction routing of vehicles. 47% of responses to RBKC survey stated that traffic associated with basement constructed caused only "minimal" disruption.	Noted. It is the Council's Highways and Transport department which approves CTMPs but the process is led by planning as it is linked to development.
Policy CL7 (j)	Greater London Authority (Mathew Carpen)	Policy CL7 could be amended to as follows: j :Include specific reference to pedestrian, cyclist and vehicular safety instead of just road safety and also mention bus operations and other transport operations (e.g. cycle hire) and requiring proposals to ensure that visitors as well as those living and working nearby are not inconvenienced.	Noted. Text will be amended to reflect this.
Policy CL7	Bell Cornwall	These impacts are controlled by other regulatory legislation and "unreasonable	Noted. This will be based on the construction and traffic management

Document Part Name	Respondent Name	Comment	Council's Response
(j)	(Simon Avery)	inconvenience" is imprecise. This is therefore unjustified and potentially ineffective.	plan submitted by the applicant and will be approved by the Council's Highways and Transport department.
Policy CL7 (j)	Friends of Portobello (Robina Rose)	Do you support CL7(j)? YES	Noted.
Policy CL7 (k)	Kensington Society (Michael Bach)	k. After "kept" change to read: "within permitted levels for the duration of the works and that the hours of work are strictly enforced." The current limits are not "reasonable", but they are the only ones enforced by the Council.	Noted. Text will be amended to improve clarity where appropriate.
Policy CL7 (k)	Tim Nodder	Please add "air quality" to the list. The pollution caused by generators and other engines on site needs to be kept under control, with adequate monitoring of fumes especially close to other residences. (It is hoped that this will be further covered in the forthcoming SPD.	Noted.
Policy CL7 (k)	P Whitehouse-Vaux	Do you support CL7(k)? NO	Noted.
Policy CL7 (k)	P Whitehouse-Vaux	This policy does not address the cumulative effects of construction impact. This needs to be reconsidered.	Noted. The cumulative impacts are mentioned in the reasoned justification.
Policy CL7 (k)	Marianne Harris	Do you support CL7 (k)? YES	Noted.
Policy CL7 (k)	Marianne Harris	It is very difficult to establish a "reasonable" level of noise but given the many months that the disruption lasts, restricting the work to fewer hours would be very welcome. Say from 9 to 4 rather than the current 8.00 to 6:30. Month after month of construction work at 8 am six days a week is really tiring.	Noted. More detail will be provided in the revised basements SPD.
Policy CL7 (k)	Anthony Temple	Do you support CL7 (k)? Yes Yes No Not applicable	Noted.
Policy CL7 (k)	Nellen (Gideon Nellen)	Do you support CL7 (k)? YES	Noted.
Policy CL7 (k)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (k)? YES	Noted.
Policy CL7 (k)	Norland Conservation Society (Libby Kinmonth)	Agree with (k) too	Noted.
Policy CL7 (k)	Michael Stevens	Do you support CL7 (k)? NO	Noted.
Policy CL7	Michael	Already required so not necessary	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(k)	Stevens		
Policy CL7 (k)	Tony Holt	Do you support CL7(k)? YES	Noted.
Policy CL7 (k)	Tony Holt	The caveat at the end of this paragraph (37.3.74) is not excusable. If primary legislation cannot be changed, then there should be local legislation to protect neighbours, either in the form of new by-laws, or London-wide legislation on the style of the London Garden Squares Act of 1931	Noted. It is not feasible for the Council to make local legislation as proposed.
Policy CL7 (k)	Paul Lever	The stipulation that impacts such as noise, vibration and dust should be kept to a "reasonable level" is too vague. The policy should provide for the imposition, if neighbours request it, of specific and quantified levels of such disturbance, measured either by the volume of noise and vibration or by the hours in the day during which disturbance can take place. Experience shows that relying on the goodwill of construction companies will not work.	Noted. Text will be amended to refer to relevant guidance and acts.
Policy CL7 (k)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Panorama Property Services Ltd (James Agace)	This policy is ultra vires. Noise, vibration and dust are controlled under the Environmental Health Act and therefore planning rules should not be introduced to add a duplicate layer of regulation. If not ultra vires then the policy wording should presume in favour of development and should therefore be changed to something like "construction impacts such as noise, vibration and dust should not be at unreasonable levels during the works in line with other existing laws and regulations."	Noted. These issues are linked to development and are dealt with through the planning process through planning conditions. The change being made is to the process so these issues will need to be considered right from the outset. They are approved by the Environmental Health department but are part of the planning decision. Text will be amended to refer to the relevant acts and guidance.
Policy CL7 (k)	Paula McPherson	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Paula McPherson	Construction impacts such as noise, vibration and dust are controlled by Environmental legislation and regulation. They should not be subject to additional planning rules and control. Therefore this policy should be deleted.	Noted. These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset. They are approved by the Environmental Health department but are part of the planning decision. The levels should be kept with 'permitted' level. Text will be amended to improve clarity.
Policy CL7 (k)	Sue Whittle	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Sue Whittle	Surely these issues are already controlled by Building Regulations and Building Control? Let this department do their job and decide what is acceptable and, most importantly, enforce this. If, as seems to be the impression from the comments to the 1st draft policy and the inclusion of this point in the draft policy, Building Control are not controlling noise, vibration and dust then the right action is for Building Control to improve and not for planning to introduce new rules over the top of those that already exist.	Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health. These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.

Document Part Name	Respondent Name	Comment	Council's Response
		This policy should be removed and the focus should be put on Building Control to be more effective	Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.
Policy CL7 (k)	Thomas O'Donohoe	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Thomas O'Donohoe	<p>Construction impacts such as noise, vibration and dust are already controlled by existing rules and regulation. If the concern is that these existing rules are not being enforced then perhaps that should be the focus rather than additional rules.</p> <p>They should not be subject to additional planning rules and control. Therefore this policy should be deleted.</p>	<p>Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health.</p> <p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p>
Policy CL7 (k)	K Howell	Building Control should do its job properly and control noise, vibration and dust. This policy is really not required.	<p>Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health.</p> <p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p>
Policy CL7 (k)	Steven Aldridge	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Steven Aldridge	<p>Construction impacts such as noise, vibration and dust are already controlled by existing rules and regulation. If the concern is that these existing rules are not being enforced then perhaps that should be the focus rather than additional rules.</p> <p>They should not be subject to additional planning rules and control. Therefore this policy should be deleted.</p>	<p>Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health.</p> <p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p>
Policy CL7 (k)	Shrimplin Brown (Robert Shrimplin)	The construction of a basement does not affect the principle of development. There is no suggestion that requiring this information via condition, as is currently the case, has caused any problems. The Council also concede that it is not relevant to the principle of development and do not explain why this approach has changed.	Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.
Policy CL7	Faireholme	Do you support CL7 (k)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(k)	International Limited (Stephen Fairholme)		
Policy CL7 (k)	David Innes	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	KPMG (Patrick Parke)	Do you support CL7 (k)? YES	Noted.
Policy CL7 (k)	David Innes	This is already monitored by other agencies. No need to duplicate in planning.	<p>Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health.</p> <p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p>
Policy CL7 (k)	William H Buckley	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Sally Duckworth	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Gabrielle Teare	Do you support CL7 (k)? YES	Noted.
Policy CL7 (k)	Sally Duckworth	Construction impact and traffic are already controlled by Environmental legislation and regulation. This is duplication.	<p>Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health.</p> <p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p>
Policy CL7 (k)	Richard Grantley	1. The applicant must be able to demonstrate that these impacts can be and are kept to acceptable levels.	Noted.
Policy CL7 (k)	James Dawson	Do you support CL7 (k)? YES	Noted.
Policy CL7 (k)	Yasmin Ayoub	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Yasmin Ayoub	Building Control should enforce the existing rules to greater effect.	Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health.

Document Part Name	Respondent Name	Comment	Council's Response
			<p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p>
Policy CL7 (k)	Philip Muelder	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Philip Muelder	Building Control should enforce the existing rules properly.	<p>Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health.</p> <p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p>
Policy CL7 (k)	Harcus Sinclair (Damon Parker)	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	The Chelsea Society (Terence Bendixson)	<p>The Chelsea Society urges the Council to rephrase this clause as follows:</p> <p>'ensure that construction impacts such as noise, vibration and dust are kept at levels consistent with the continued occupation of adjacent or adjoining houses and flats;'</p>	Noted. They should be kept within 'permitted' development. Text will be amended to improve clarity.
Policy CL7 (k)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (k)? - Yes	Noted.
Policy CL7 (k)	Michael and Jacqueline Hayes	Do you support CL7 (k)? - Yes	Noted.
Policy CL7 (k)	Michael and Jacqueline Hayes	Same comments as for CL7 (j)	Noted.
Policy CL7 (k)	TOLA (Lennart Perlhagen)	Do you support CL7 (k)? - Yes	Noted.
Policy CL7	Zai Nordmann	Do you support CL7 (k)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(k)			
Policy CL7 (k)	Zai Nordmann	I think that Environmental Health Law cover noise, vibration and dust. We do not need more and more rules that are on things that are already covered by other rules.	<p>Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health.</p> <p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p>
Policy CL7 (k)	Property Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)	Do you support CL7 (k)? - Yes	Noted.
Policy CL7 (k)	R G Leeper	The applicant must be able to demonstrate that these impacts can be and are kept to acceptable levels.	Noted.
Policy CL7 (k)	Scott Morgan	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Basement Force (Simon Haslam)	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Basement Force (Simon Haslam)	<p>If a criterion is necessary at all (reference in the text to the use of conditions should suffice) there should be a single criterion covering the issues addressed by j and k.</p> <p>If there are to be two criteria then, as for criterion j, its formulation is currently confusing and unhelpful: the criterion is applied when assessing the suitability of proposals for development at application stage. It should be drafted with that in mind, as follows</p> <p>Permission will be granted where....</p> <p>j. the impact of construction activity (in terms of noise, vibration and dust) on the amenity of those living and working nearby, is acceptable having regard to any conditions which may be imposed.</p>	<p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset rather than deal with them through conditions.</p> <p>Text will be amended to improve clarity where necessary.</p>
Policy CL7 (k)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (k)? YES	Noted.
Policy CL7 (k)	Underpin & Makegood (Contracting) Ltd (David	As this is already regulated by Environmental Health we do not believe it should form part of this document.	Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health.

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	Gakhar)		<p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p>
Policy CL7 (k)	Robert Ward-Booth	Do you support CL7 (k)? - Yes	Noted.
Policy CL7 (k)	Robert Ward-Booth	Support - See covering letter dated the 1st May 2013	Noted.
Policy CL7 (k)	Nicola Floyd	Do you support CL7 (k)? NO	Noted.
Policy CL7 (k)	Nicola Floyd	Residents are already protected in many ways by different pieces of legislation. No need to duplicate or add to these. Should already be enforced through existing legislation.	<p>Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by Environmental Health.</p> <p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p>
Policy CL7 (k)	Mark and Sophie Fitzgerald	Do you support CL7 (k)? - No	Noted.
Policy CL7 (k)	Mrs Riviere	Do you support CL7 (k)? - No	Noted.
Policy CL7 (k)	Mrs Riviere	There are extensive regulations in place to protect residents. Comments in the first draft policy suggest various council agencies are not responding to residents complaints or enforcing the rules properly. Perhaps the council could address this first?	Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.
Policy CL7 (k)	Alison Durden	Do you support CL7 (k)? YES	Noted.
Policy CL7 (k)	Atoussa Parsa-Davis	Do you support CL7 (k)? - No	Noted.
Policy CL7 (k)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (k)	Cranbrook Basements (Kevin O'Connor)	Please refer to previous comments we have made regarding the size of basement construction not relating directly to duration, guidance issued by the Greater London Authority and London Councils together with research issued by the Building Research Establishment.	Noted.
Policy CL7 (k)	Bell Cornwall (Simon Avery)	These impacts are controlled by other regulatory legislation and a "reasonable level" is imprecise. This criterion is therefore unjustified and potentially ineffective.	Construction and traffic impacts are dealt with by Highways and Transport department. Noise, vibration and dust are dealt with by

Document Part Name	Respondent Name	Comment	Council's Response
			<p>Environmental Health.</p> <p>These issues are linked to development and are dealt with through the planning process through planning conditions at the moment. The change being made is to the process so these issues will need to be considered right from the outset.</p> <p>Given the scale of impacts as a result of basement construction, in the densely built up residential areas of the Borough it is reasonable and necessary to consider these issues from the outset.</p> <p>They should be kept to 'permitted' levels. Text will be amended to improve clarity.</p>
Policy CL7 (k)	Friends of Portobello (Robina Rose)	Do you support CL7(k)? YES	Noted.
Policy CL7 (k)	Friends of Portobello (Robina Rose)	What is "reasonable"? how to "Ensure"?	'Reasonable' should be what has been permitted. The Council can enforce if levels are not kept within permitted levels. Change reasonable to permitted.
Policy CL7 (l)	Richard Grantley	1. Remove the words "be designed to". The requirement to safeguard structural stability must cover construction as well as design.	Noted. Construction of basements is better dealt with by building control.
Policy CL7 (l)	P Whitehouse-Vaux	Do you support CL7(L)? NO	Noted.
Policy CL7 (l)	P Whitehouse-Vaux	<p>Surely Building Regulations and Building Control are responsible for structural stability for all buildings.</p> <p>Instead of doubling up regulation (against the current government aim of reducing regulation) why not give Building Control greater oversight and control regarding the design of projects and adherence to those designs.</p> <p>Building Control visits (or should be visiting) sites during the works. If this department is not doing its job properly then focus on that rather than adding new regulation.</p>	<p>The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p> <p>Building control ensures that construction takes place in accordance with building regulations. Building control is not limited to a planning department in the Council, private assessors can provide this service.</p>
Policy CL7 (l)	Marianne Harris	Do you support CL7 (l)? YES	Noted.
Policy CL7 (l)	Anthony Temple	<p>Do you support CL7 (l)?</p> <p>Yes</p> <p>Yes</p>	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
		No Not applicable	
Policy CL7 (l)	Nellen (Gideon Nellen)	Do you support CL7 (L)? YES	Noted.
Policy CL7 (l)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (l)? YES	Noted.
Policy CL7 (l)	Norland Conservation Society (Libby Kinmonth)	Very definitely agree	Noted.
Policy CL7 (l)	Michael Stevens	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Michael Stevens	I think this is already provided for. Not necessary	Noted.
Policy CL7 (l)	Tony Holt	Do you support CL7(L)? YES	Noted.
Policy CL7 (l)	Tony Holt	This needs to be strengthened, as does the legal protection (see CL7(a) above).	Noted.
Policy CL7 (l)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Panorama Property Services Ltd (James Agace)	This policy should be deleted. Structural stability is dealt with by other legislation and rules, namely Building Regulation and the Party Wall Act, it is therefore ultra vires for the council to introduce additional planning policy and rules to control structural stability. This is supported by the planning appeal decision for 44 Phillimore Gardens, London W8 (APP/K5600/A/07/2050877) which is quoted in the Council's Subterranean Development SPD May 2009. In that decision the Inspector stated "I understand concerns about the implications for neighbours of the process of excavation, demolition and construction..... However, these are matters controlled under other legislation".	The National Planning Policy Framework (NPPF) para 109 states "The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)". Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process. The Council currently requires construction method statements to be submitted as part of the planning application. Building control ensures that construction takes place in accordance with building regulations. Building control is not limited to a planning department in the Council, private assessors can provide this service.
Policy CL7 (l)	Paula McPherson	Do you support CL7 (l)? NO	Noted.
Policy CL7	Paula	Structural stability is controlled by Part A of Building Regulations. Part A requires buildings	The National Planning Policy Framework (NPPF) para 109 states

Document Part Name	Respondent Name	Comment	Council's Response
(l)	McPherson	<p>to be designed, constructed and altered so as to be structurally safe and robust, and also so as not to impair the structural stability of other buildings.</p> <p>They should not therefore be subject to additional planning rules and control and this policy should be deleted.</p>	<p><i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p> <p>Building control ensures that construction takes place in accordance with building regulations</p>
Policy CL7 (l)	Sue Whittle	<p>Structural stability is surely already controlled by Building Regulations and the requirement for engineering drawings and calculations to be approved by Building Control? If so then they should continue to be the department that decides what is acceptable and enforce this. If things need to be improved / tightened up then this is the department that should do it.</p> <p>If the problem is with Building Control failing to control structural stability then surely the right thing to do is to improve the performance of the Building Control department rather than for planning to try to manage this</p> <p>If this is the case this policy should be removed.</p>	<p>The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p> <p>Building control ensures that construction takes place in accordance with building regulations. Building control is not limited to a planning department in the Council; private assessors can provide this service.</p>
Policy CL7 (l)	Thomas O'Donohoe	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Thomas O'Donohoe	<p>As above. Structural stability is already controlled.</p> <p>This should not therefore be subject to additional planning rules and control and this policy should be deleted.</p>	<p>The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p>

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			Building control ensures that construction takes place in accordance with building regulations.
Policy CL7 (l)	K Howell	Building Control should do its job properly. This policy is not required.	<p>The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p> <p>Building control ensures that construction takes place in accordance with building regulations. Building control is not limited to a planning department in the Council; private assessors can provide this service.</p>
Policy CL7 (l)	Howard Green	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Steven Aldridge	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Steven Aldridge	<p>As above. Structural stability is already controlled.</p> <p>This should not therefore be subject to additional planning rules and control and this policy should be deleted.</p>	<p>The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p> <p>Building control ensures that construction takes place in accordance with building regulations. Building control is not limited to a planning department in the Council; private assessors can provide this service.</p>
Policy CL7 (l)	Shrimplin Brown (Robert Shrimplin)	As the supporting text acknowledges, this requirement is already covered by the Building Regulations and the Party Wall Act and is a requirement of the existing SPD (proposed text, paragraph 34.3.74).	The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i> . Basements can cause land instability and when built under existing building have

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			<p>a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p> <p>Building control ensures that construction takes place in accordance with building regulations. Building control is not limited to a planning department in the Council; private assessors can provide this service.</p>
Policy CL7 (l)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	KPMG (Patrick Parke)	Do you support CL7 (l)? YES	Noted.
Policy CL7 (l)	William H Buckley	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Gabrielle Teare	Do you support CL7 (l)? YES	Noted.
Policy CL7 (l)	Sally Duckworth	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Sally Duckworth	<p>Structural stability is controlled by existing regulation. Part A of Building Regulations requires "buildings to be designed, constructed and altered so as to be structurally safe and robust, and also so as not to impair the structural stability of other buildings."</p> <p>This is a duplication of legislation and should be removed.</p>	<p>The National Planning Policy Framework (NPPF) para 109 states "<i>The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)</i>". Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p> <p>Building control ensures that construction takes place in accordance with building regulations.</p>
Policy CL7 (l)	James Dawson	Do you support CL7 (l)? YES	Noted.
Policy CL7 (l)	Yasmin Ayoub	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Philip Muelder	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Harcus Sinclair (Damon	Do you support CL7 (l)? NO	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
	Parker)		
Policy CL7 (l)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (l)? YES	Noted.
Policy CL7 (l)	The Chelsea Society (Terence Bendixson)	omit: 'be designed to safeguard.....' insert: 'ensure.....'	Noted.
Policy CL7 (l)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (l)? - No	Noted.
Policy CL7 (l)	Michael and Jacqueline Hayes	Do you support CL7 (l)? - Yes	Noted.
Policy CL7 (l)	Michael and Jacqueline Hayes	This should be further tightened. Not merely should the construction "be designed" to safeguard structural stability, there should be a legally binding undertaking by the applicant that the construction will safeguard the structural stability of the building and of neighbouring buildings, with appropriate sanctions for breach of this undertaking.	Noted. This is a requirement under Building Regulations.
Policy CL7 (l)	TOLA (Lennart Perlhagen)	Do you support CL7 (l)? - Yes	Noted.
Policy CL7 (l)	The Markham Square Associaiton (David Cox)	In paragraph l, the words "be designed to" should be omitted. It has already been stated at the beginning of draft policy CL7 that all aspects of basement development must be designed, constructed and completed to the highest standard and quality. The formula of design, construction and completion should be retained in order to avoid the possibility that a development is designed to the highest standard but then poorly constructed.	Noted. Construction is better dealt with by building control.
Policy CL7 (l)	Zai Nordmann	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Zai Nordmann	I think that structural stability is covered by the Building Control Inspector and the building regulations. We do not need more and more rules that are on things that are already covered by other rules.	The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i> . Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process. The Council currently requires construction method statements to be submitted as part of the planning application. Building control ensures that construction takes place in accordance with building regulations.
Policy CL7	Property	Do you support CL7 (l)? - Yes	Noted.

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(l)	Investment (Chelsea) Limited c/o Chancery St James Plc (Not Known)		
Policy CL7 (l)	Geostructural Solutions Ltd (Sean Bennett)	<p>Basement Specialists and the professional team have a duty of care to safe guard the structural stability of the application and nearby buildings.</p> <p>The risks should be minimised, as stated above, by undertaking detailed investigations, selection of an appropriate form of temporary works, such as Top Down Construction and installation of piled walls.</p> <p>The appointment of a suitably qualified professional team and the use of a Basement Specialist, all with relevant experience is critical.</p>	Noted.
Policy CL7 (l)	R G Leeper	Remove the words "be designed to". The requirements to safeguard structural stability must cover construction as well as design.	Noted. Construction is better dealt with by building control.
Policy CL7 (l)	The Boltons Association (Calvin Jackson)	* j), (k) and (1): Our starting point is that one cannot assume the inconvenience, dirt, noise, vibration, displacing of the rodent population , potential subsidence and damage to neighbouring properties can simply be dealt with by Party Wall Agreements. This is why TBA has it current policy against subterranean development.	Noted.
Policy CL7 (l)	Scott Morgan	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Scott Morgan	<p>Building Regulations and Building Control are responsible for structural stability for all buildings. This looks like doubling up of regulation.</p> <p>Maybe a better path is to ensure that Building Control has more oversight and control of what is designed and what is going on during the works. Building Control should be visiting sites during work. If this is not happening then how Building Control is running should be looked at rather than doubling up of regulation.</p>	<p>The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p> <p>Building control ensures that construction takes place in accordance with building regulations. Building control is not limited to a planning department in the Council; private assessors can provide this service.</p>
Policy CL7 (l)	Basement Force (Simon Haslam)	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Basement Force (Simon Haslam)	Please see comments on the text above. The good sense of the statement is obvious but it does not belong in planning policy.	Noted.
Policy CL7	Ladbroke	We welcome, therefore, the requirement that basements should be designed to safeguard	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
(l)	Association (Sophia Lambert)	<p>the structural stability of "neighbouring buildings". But we are concerned that the new text does not take account of the need to minimise the more minor damage that does not endanger the structural stability but causes a lot of grief and even unrecoverable expense to neighbours. We strongly urge, therefore, that words such as "and minimise damage to neighbouring structures" be added to sub-paragraph I inBox2.</p> <p>We also suggest that inBox2I the words "and constructed" be added after "designed". This will provide a peg on which to hang detailed provisions on such matters as adequate supervision in the revised SPD.</p>	Reference to limiting damage will be added to the text. Construction is better dealt with by Building Control.
Policy CL7 (l)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (l)? NO	Noted.
Policy CL7 (l)	Robert Ward-Booth	Do you support CL7 (l)? - Yes	Noted.
Policy CL7 (l)	Robert Ward-Booth	Support - See covering letter dated the 1st May 2013	Noted.
Policy CL7 (l)	Mark and Sophie Fitzgerald	Do you support CL7 (l)? - No	Noted.
Policy CL7 (l)	Mark and Sophie Fitzgerald	<p>As above. Structural stability is already controlled.</p> <p>This should not therefore be subject to additional planning rules and control and this policy should be deleted.</p>	<p>The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i>. Basements can cause land instability and when built under existing building have a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p> <p>Building control ensures that construction takes place in accordance with building regulations.</p>
Policy CL7 (l)	Mrs Riviere	Do you support CL7 (l)? - No	Noted.
Policy CL7 (l)	Mrs Riviere	Already subject to adequate regulation through Building Control Rules and Regulations. Simply not needed here.	The National Planning Policy Framework (NPPF) para 109 states <i>"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; (fifth bullet)"</i> . Basements can cause land instability and when built under existing building have

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			<p>a risk to cause structural damage to the built environment. The Council is requiring structural consideration to be demonstrated as part of the planning application process.</p> <p>The Council currently requires construction method statements to be submitted as part of the planning application.</p> <p>Building control ensures that construction takes place in accordance with building regulations. Building control is not limited to a planning department in the Council; private assessors can provide this service.</p>
Policy CL7 (l)	Alison Durden	Do you support CL7 (l)? YES	Noted.
Policy CL7 (l)	Atoussa Parsa-Davis	Do you support CL7 (l)? - No	Noted.
Policy CL7 (l)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (l)	Christian Leigh	Do you support CL7 (l)? YES	Noted.
Policy CL7 (l)	Greater London Authority (Mathew Carpen)	include at the end of the last sentence 'and other infrastructure including transport infrastructure s!Jch a;; .London Underground tunnelsor the TLRN'.	Noted. Text will be amended to reflect this.
Policy CL7 (l)	Friends of Portobello (Robina Rose)	Do you support CL7(L)? YES	Noted.
Policy CL7 (l)	Friends of Portobello (Robina Rose)	<p>Agian - How?</p> <p>Long term implications have still not been monitored across the borough of structural damage. What is distinction between structural damage and structural stability?? Does a house have to fall down before it is seen as compormised? (As has happened more than one)</p>	Text will be amended to also specify that basement development should be designed to minimise damage. Damage should be limited to Category 1 (very slight – typically up to 1mm) of the Burland categories.
Policy CL7 (m)	Marianne Harris	Do you support CL7 (m)? YES	Noted.
Policy CL7 (m)	Anthony Temple	<p>Do you support CL7 (m)?</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Not applicable</p>	Noted.
Policy CL7 (m)	Nellen (Gideon Nellen)	Do you support CL7 (m)? YES	Noted.
Policy CL7	Rose	I am very opposed to basements being dug out beneath houses. I think it can only have	Noted. The requirement is included to protect basements from

Document Part Name	Respondent Name	Comment	Council's Response
(m)	Anderson	negative effects, not only for noise, disruption and endless dirt for those in the vicinity but of even more importance, for the sound structure of the ground and taking away invaluable earth to absorb rain water. I live in Holland Road and know the extent to which properties in the neighbourhood have been damaged by not only water coming up from the drains but sewage, and many people having to move out of their homes as a result. I think councils have a responsibility to safeguard buildings in these situations, however attractive those wishing to undertake these extensions may make it.	flooding from the sewers.
Policy CL7 (m)	Norland Conservation Society (Libby Kinmonth)	Do you support CL7 (m)? YES	Noted.
Policy CL7 (m)	Norland Conservation Society (Libby Kinmonth)	Agree - if this is the current best practice advice/technology	Noted.
Policy CL7 (m)	Michael Stevens	Not included in the text of CL 7 I downloaded today.	Noted. Noted. It is not clear why this clause was missing from the version downloaded by the respondent. There was only one version of the second draft basements policy document. This has not been reported by any other respondent/ consultee.
Policy CL7 (m)	Tony Holt	Do you support CL7(m)? YES	Noted.
Policy CL7 (m)	Panorama Property Services Ltd (James Agace)	Do you support CL7 (m)? NO	Noted.
Policy CL7 (m)	Panorama Property Services Ltd (James Agace)	This policy should be deleted. Protection of property from sewer flooding is controlled by Building Regulations. It is therefore ultra vires for planning to introduce duplicate regulation.	Noted.
Policy CL7 (m)	Sue Whittle	Do you support CL7 (m)? NO	Noted.
Policy CL7 (m)	K Howell	Do you support CL7 (m)? NO	Noted.
Policy CL7 (m)	K Howell	The wording "positively pumped device" is not clear. There must be a pump in any basement where the drainage is below the existing sewer level otherwise nothing would get out of the basement. I assume that is what you mean, but there needs to be better wording.	Noted. This is in response to Thames Water's comments on the last consultation. Thames Water has been fitting these devices in existing properties with known problems in the Counters Creek area http://www.thameswater.co.uk/about-us/15234.htm .
Policy CL7 (m)	Faireholme International Limited (Stephen Fairholme)	Do you support CL7 (m)? NO	Noted.
Policy CL7 (m)	KPMG (Patrick Parke)	Do you support CL7 (m)? YES	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (m)	Sally Duckworth	Do you support CL7 (m)? NO	Noted.
Policy CL7 (m)	Sally Duckworth	Why be so prescriptive? Surely the engineer/architect or specialist basement company designing the development is better placed to ensure proper flood prevention controls are in place. Won't this requirement date as technology moves on and improves? Surely you should be insisting instead that planning is subject to the proper installation of flood control measures and then Building Control need to check they are installed.	Noted. This is in response to Thames Water's comments on the last consultation. The objective is clearly to protect basements from flooding from sewers. The reasoned justification states these can be substituted for other devices reflecting technological advances (para 34.3.75 of the second draft basements policy document).
Policy CL7 (m)	Richard Grantley	1. Although pumped devices may desirable to protect against flooding, the proposed construction must nevertheless be demonstrated to be "fail safe" so that flooding does not occur, even if the pumped device fails for any reason (e.g. a power cut). Although such failures may be rare, any risk of flooding is entirely unacceptable, even if the event is rare. Also, pumping devices must not be audible, either outside or in adjoining properties.	Noted. These devices have a built-in non return valve to protect from flooding in case of a power failure etc.
Policy CL7 (m)	Geostructural Solutions Limited (Tim Jolley)	Do you support CL7 (m)? YES	Noted.
Policy CL7 (m)	James Dawson	Do you support CL7 (m)? YES	Noted.
Policy CL7 (m)	Yasmin Ayoub	Do you support CL7 (m)? NO	Noted.
Policy CL7 (m)	Philip Muelder	Do you support CL7 (m)?	Noted.
Policy CL7 (m)	Philip Muelder	Makes sense but not the remit of planning	Noted.
Policy CL7 (m)	The Chelsea Society (Terence Bendixson)	Do you support CL7 (m)? YES	Noted.
Policy CL7 (m)	The Chelsea Society (Terence Bendixson)	Accept	Noted.
Policy CL7 (m)	Assoc of Specialist Underpinning Contractors Ltd (Robert Withers)	Do you support CL7 (m)? - No	Noted.
Policy CL7 (m)	Michael and Jacqueline Hayes	Do you support CL7 (m)? - Yes	Noted.
Policy CL7 (m)	Michael and Jacqueline Hayes	The protection from sewer flooding should extend to neighbouring buildings.	Noted. It can only be linked to the site being developed.
Policy CL7 (m)	TOLA (Lennart Perlhagen)	Do you support CL7 (m)? - Yes	Noted.

Document Part Name	Respondent Name	Comment	Council's Response
Policy CL7 (m)	Zai Nordmann	Do you support CL7 (m)? NO	Noted.
Policy CL7 (m)	Basement Force (Simon Haslam)	Do you support CL7 (m)? NO	Noted.
Policy CL7 (m)	Basement Force (Simon Haslam)	It is a statement of the obvious that all basement development should be protected from sewer flooding. The criterion a) Is unnecessary and b) should not prescribe how the protection should be provided	Noted. This issue was raised by Thames Water in the representation to the last consultation. The intention is to ensure that basements are designed so that they are protected from sewer flooding. Thames Water's regulator Ofwat agrees this is the most suitable technology. As noted in the text, other devices (in-line with technical advances) can be used.
Policy CL7 (m)	Underpin & Makegood (Contracting) Ltd (David Gakhar)	Do you support CL7 (m)? NO	Noted.
Policy CL7 (m)	Robert Ward-Booth	Support - See covering letter dated the 1st May 2013	Noted.
Policy CL7 (m)	Robert Ward-Booth	Do you support CL7 (m)? - Yes	Noted.
Policy CL7 (m)	Thames Water Utilities Ltd (Mark Mathews)	Do you support CL7 (m)? YES	Noted.
Policy CL7 (m)	Alison Durden	Do you support CL7 (m)? YES	Noted.
Policy CL7 (m)	Atoussa Parsa-Davis	Do you support CL7 (m)? - No	Noted.
Policy CL7 (m)	Cadogan Estates (Cadogan)	No comment.	Noted.
Policy CL7 (m)	Christian Leigh	Do you support CL7 (m)? YES	Noted.
Policy CL7 (m)	Friends of Portobello (Robina Rose)	Incremental effect of values in street will increase flood risk for those without developments. Gravity always preferable to pump which will eventually fail.	This is about flooding from the sewers. Those without development will not have a basement at risk of flooding. However, Thames Water has been fitting FLIP devices in properties in the Counters Creek area which have a previous history of sewer flooding. The Council is not aware of this being a wide spread issue elsewhere. The pumps have a non-return valve which continues to protect properties if there is no power or the pump fails for some reason. No change.
ABA Report	Hurst Peirce & Malcolm	1.7 This paragraph is still incorrect - the reference to Section 10 in the Party Wall etc Act should be to Section 6 which "deals with neighbouring construction close to work in the	The reference to section 10 in para 1.7 of the report is to section 10 of the Alan Baxter and Associates report itself titled 'The Party Wall Etc

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	(Lawrance Hurst)	<p>ground".</p> <p>10.6 is I suggest misleading. The consent to Special Foundations is vested in the adjoining owner and cannot be delegated to their appointed party wall surveyor. [Section 7(4) of the Act]</p>	<p><i>Act 1996, in relation to Basement Design and Construction'</i> not to section 10 of the Party Wall Act.</p> <p>The adjoining owner will make the decision but the decision will be based on information and advice provided by the Party Wall Surveyor and the appointed Engineer. Also in practically every case, the Party Wall Surveyor will convey the decision.</p> <p>The report is not intended to provide detailed advice regarding the finer points of the Party Wall Act but this section of the report provides general advice to those involved in basement construction.</p>
Sustainability Appraisal	The Markham Square Association (David Cox)	<p>Sustainability Appraisal/Strategic Environmental Assessment</p> <p>Partial Review of the Core Strategy</p> <p>Royal Borough of Kensington and Chelsea</p> <p>This is the submission on behalf of The Markham Square Association to the RBKC Second Draft Policy for Public Consultation dated March 2013. We are pleased to see that some of the points made in our submission dated 31 January 2013 in response to the December 2012 Draft Basements Policy have been included within this document, rather than or in addition to the Draft Basements Policy.</p> <p>Non- technical summary</p> <p>We are grateful that the Council acknowledges that ensuring the amenity of local people, or protecting the character of the area, "should outweigh any marginal negative implications associated with a reduction in the scale of basements permitted."</p> <p>We are grateful that the Council here restates the purpose of the proposed policy: "that all aspects of basement development must be designed, constructed and completed to the highest standard and quality".</p> <p>We note that the SEA/SA has highlighted the potential conflict between the current requirement for retrofitting to high standards and the need to conserve the cultural heritage of RBKC - which the Council promises elsewhere to fiercely protect. This Draft also notes that the appearance of non-listed buildings (such as those in Markham Square) "may also be compromised in the desire to reach challenging environmental standards, for example through the replacement of original wooden windows with UPVC units". However, while the Council intends to introduce flexibility in the retrofitting of listed buildings, why should it not do so in respect of other non-designated heritage assets?</p> <p>We believe that there are many buildings and groups of buildings in the Borough which, though not listed, are also of architectural, historic, artistic or other significance and may therefore be worthy of special protection.</p> <p>We remain unconvinced that compliance with the BREEAM Regulations is an adequate</p>	<p>Noted.</p> <p>Non-technical summary</p> <p>The BREEAM Domestic Refurbishment standards are set at a level that will not require changes to the fabric of buildings. The planning tests for listed buildings and conservation areas are different and buildings in conservation areas have permitted development rights that do not extend to listed building, so the same rules cannot apply. However replacing wood framed windows with uPVC windows will need planning permission in conservation areas, and such an approach is not supported by the Council. Text in the SEA/SA will be amended to reflect this.</p> <p>BREEAM Domestic Refurbishment includes 33 different areas and is an accepted tool to assess the environmental footprint of developments. The extent of requirements set out in BREEAM guidance should be referred to. The Council is requiring the entire building to which the basement relates to be upgraded to meet BREEAM domestic refurbishment standards. The extent of basements themselves will be restricted as a result of the proposed policy. It would not be reasonable or proportionate to impose further requirements as it would not accord with the thrust of the NPPF.</p> <p>3.2: Noted.</p> <p>3.3: Noted. The restrictions on size are being imposed in part to minimise construction impact. Procedures are being changed to require consideration of these issues right from the outset and enable these to be subject to public consultation. The Council is proposing measures that are reasonable and proportionate. It cannot impose more onerous measures.</p> <p>Structural stability – while the other legislation may not be adequate, planning legislation is even more so.</p>

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		<p>proxy or remedy for the serious environmental harm caused by many subterranean developments, eg the extensive excavation, demolition and rebuilding many of them entail.</p> <p>Compliance with the BREEAM regulations may in some circumstances add insult to injury by causing even greater harm to non-listed buildings/ non-designated heritage assets, of which there are many in the Borough. This is also noted at paragraph 4.46 which, unfortunately, offers no satisfactory solution to the problem.</p> <p>3.2</p> <p>We completely endorse the Council's proposal to limit basements to a single storey on the basis that, the larger the basement, the greater the construction impact and the greater the structural risks and complexities. Construction impact is extremely important in the typical narrow terraces and streets of Chelsea, like our own square, though it is difficult to imagine anywhere in the Borough where this would not also be the case. The structural risks and complexities are also very much greater in densely-developed terraces of narrow Victorian houses with no rear access than they might be in detached buildings standing in their own grounds.</p> <p>3.3</p> <p>We completely endorse the proposal to give more weight to construction impact issues by placing issues relating to construction traffic, construction methods and safeguarding of the structural stability of neighbouring buildings, in the Core Strategy rather than in the SPD. Basement excavations are not the only form of construction to give rise to such problems, but it is clear to us from current proposed schemes in our square that basement excavations are extraordinary operations that give rise to particular problems, particularly when they are coupled with major works above ground.</p> <p>However, we remain to be convinced that these proposals will, by whatever means, and through whichever agency of the Council, indeed provide much better protection than that now afforded in each of these respects- which has in our experience proved wholly inadequate.</p> <p>With regard to safeguarding the structural stability of neighbouring buildings, we do not accept that the Council can resile from the assurances made in Policy CL2(g)(b), or policy CD32 recited in the current SPD, without replacing them with similar or better protection. It should be accepted that the party walls legislation may not give adequate protection or redress to neighbours whose homes are damaged and in some cases gives none at all. The Building Regulations are not designed to provide protection for neighbouring buildings. It is unreasonable and inequitable to expect neighbours to seek redress through the Courts.</p> <p>4.2</p> <p>One of the policy options dismissed at the time of the December 2012 SA/SAE was to resist all basement development within Conservation Areas. In our submission in response to the Basements Second Draft Policy for Public Consultation dated March 2013, we suggest that the same protection offered to listed buildings should be extended to buildings</p>	<p>4.2: The planning tests for listed buildings and conservation areas are different the same rules cannot apply.</p> <p>4.6: Noted.</p> <p>4.13: Noted. The study regarding urban creep in Thames Water's letter was for the whole of the Counter's Creek area which extends far beyond the boundaries of this Borough. The figure for urban creep in this Borough is not accurate in the letter. The study was carried out over a 40 year period; basements are a more recent phenomenon. The study was also based on a comparison of aerial photographs. Since the Council requires 1m of soil on top of basements, it is likely that basements would not have been noticeable in the study. Therefore the link between basements and increased pressure on the sewage network could not be established, it is not reasonable to progress with any further restriction on this basis.</p> <p>Thames Water has submitted a representation on the second draft consultation (included in this report) and support the extent of basements into the garden.</p> <p>The policy is seeking to reduce the existing flow and volume of surface water through the provision of sustainable urban drainage system.</p> <p>The link between basements and water logging is unsubstantiated by any technical study.</p> <p>4.51 and 4.52: Noted.</p> <p>4.53: These are being put as a safeguard. In areas with known problems of sewage flooding, Thames Water has been fitting these devices so existing properties are protected http://www.thameswater.co.uk/about-us/15234.htm. The Council is not aware if fitting a positive pumped device in a property has increased the risk elsewhere where none existed before. The devices have a non-return valve which protect properties in case of a power failure or the pump not working for any reason.</p> <p>4.59: Noted</p> <p>4.60: Noted.</p>

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		<p>within Conservation Areas: no new basements should be permitted within Conservation Areas.</p> <p>We would ask you please to reconsider this option. As you noted in paragraph 2.54 of the December 2012 SA/SAE, this would satisfy SA objective 16 (Cultural Heritage) and a number of other objectives. It would also surely assist in reducing flood risk.</p> <p>4.6</p> <p>We support the Council's judgment that other ambitions outweigh Objective 9a (the encouragement of development on previously developed land). We believe the same reasoning applies to paragraphs 4.7 (Objective 3, fostering economic growth) and 4.8 (Objective 13, housing needs). For the same reason we support paragraphs 4.19, 4.31, 4.32 and 4.37.</p> <p>4.13</p> <p>The Markham Square Association no longer believes that basements should be permitted beneath up to 50% of a garden or a maximum of three metres from the rear wall. Because of the real and serious risk of flooding identified by Thames Water in its letter to the Council dated 31 January 2013, we believe that the Council should not permit basement excavation outside the footprint of buildings and wonder if it should apply a total moratorium on all basement excavation.</p> <p>We are also aware that some residents in the Borough have already experienced flooding and waterlogging problems that they believe to be the consequence of multiple basement developments nearby.</p> <p>We do not believe that Council policies should increase the risk of flooding, or risk increasing it, particularly as the Council is obliged under EC and UK legislation to consider ways of reducing such risk. While some 70% of the Borough may fall within a Conservation Area, any policy which gave greater protection against flooding only to buildings within Conservation Areas, or only to listed buildings, would not be right.</p> <p>For each of the reasons mentioned in paragraphs 4.13, 4.14, 4.15 and 4.16, reducing the extent of a basement under a garden (as well as its depth) is a benefit. You note that the impact upon flooding could be significant.</p> <p>4.51 and 4.52</p> <p>For reasons we have explained, we find these paragraphs unsatisfactory.</p> <p>4.53</p> <p>While the provision of "a suitable pumped device" may protect a newly built basement from sewer flooding, it does nothing to protect neighbouring buildings and may indeed increase the risk to them. Is a pumped device really a sustainable intervention? What happens if/when it fails?</p>	

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		<p>4.59</p> <p>We completely endorse the stated purpose of the policies.</p> <p>4.60</p> <p>We could not agree more. The major excavation and engineering operations we see in the streets around us will have permanent, irreversible and cumulative effects. Some terraces already have wall-to-wall underground concrete boxes. Excavating additional space underground may have fewer visible effects than extending above ground, but cause far, far more damage to the environment, the local geology and hydrology, underground services, neighbouring buildings, neighbours and not least to the workers who engage in this particularly unpleasant and potentially dangerous construction work.</p> <p>The Council must ensure that all basement proposals that proceed are rigorously controlled.</p>	