

ExD	HDC	HSS	HPD	HOE	Policy	Other	
DC		Received RBKC Planning				Reg	PIO
Ent		27 MAR 2014				LLC	Appeals
Other		N&N	Obj	Supp	No Obj	Rev	Other

## Response Form Publication Consultation (12 Feb – 26 Mar 2014)

### Partial Review of the Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington

#### Development Plan Document policies

#### Basements Publication Planning Policy

#### Conservation and Design Publication Planning Policies

The Council undertook a 'soundness' consultation on the Basements Publication Planning Policy and Conservation and Design Publication Planning Policies in July/ September 2013. The Council has now produced additional evidence on the Basements Publication Planning Policy and made some amendments to the policy and its reasoned justification. The proposed Conservation and Design policies have also been amended.

The publication policy that is the subject of this consultation is intended to be submitted to the Secretary of State. **Therefore please make representations on this publication policy even though you may have submitted representations previously. Any previous representations will not be carried forward unless it is indicated so in response to Q1 or Q2 as relevant.**

All representations **must** express a view regarding the soundness or legal compliance of a planning policy. If the representation does not comment on soundness or legal compliance, or deal with how a policy can be altered to make it sound the representation will **not** be valid. The consultation period runs from **12 February 2014 – 26 March 2014**. Completed response forms **must be received by the Council by midnight on 26 March 2014**. The Council may not be able to consider representations received after this date.

Name:

NICOLAS ROUYEYRE

Address:

Company/Organisation:

Representing:

Email:

1. **If you made representations to the July/ September 2013 Basements Publication Planning Policy would you like the Council to carry those representations forward?**

Please tick the box that applies or leave blank if you did not make a representation previously. (If no response is provided the previous representation will not be taken forward)

Yes (with no further changes)

☐

Yes (but with the additional changes as set out in this response form)

☐

No (I am submitting a new response)

☒

2. **If you made representations to the July/ September 2013 Conservation and Design Publication Planning Policies would you like the Council to carry those representations forward?**

Please tick the box that applies or leave blank if you did not make a representation previously. (If no response is provided the previous representation will not be taken forward)

Yes (with no further changes)

☐

Yes (but with the additional changes as set out in this response form)

☐

No (I am submitting a new response)

☒

3. **State planning policy or paragraph number to which you are referring**

Yes

No

4. **Do you consider the planning policy to be sound?**

☒☐

Please tick box as appropriate

5. If you have selected YES and you wish to support the soundness of the planning policy, please give your reasons below. Please be as precise as possible. Please make it clear which paragraph number or Policy box number you are commenting on.

*please see attachment*

please attach additional pages as required

6. If you have selected NO to the planning policy being sound do you consider the planning policy to be unsound because it is not:

Positively prepared

☐

Justified

☐

Effective

☐

Consistent with national policy

☐



- A clearer definition of what constitutes a "basement" (34.3.46)
- Need for clarification of the likely impact on "nearby" buildings (34.3.50)
- The appropriate floor to ceiling height of a basement needs greater clarity, particularly where a swimming pool is proposed. (34.3.52)
- Greater clarity is needed about the proximity of garden basements close to listed buildings (34.3.62)
- Need for greater clarity the construction traffic management plans need to be an integral part of the application (34.3.69)

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#### Policy CL7:

Overall I strongly supports the direction of travel of this policy set which it considers sound, even though we have proposals for improving the policy still further. The Core Strategy policy CL2(g) and CE1, have proved to be unfit for purpose. We strongly support the proposal to limit the scale of basements and to reduce their impact on amenity, neighbours and on sustainability.

#### Policy CL7:

1. I consider this to be **sound** for properties which are not listed, but considers that listed buildings should not have basements in gardens, see (f) below. However, the Society does not consider that exceptions should be made for large sites.
2. I consider that limit of one storey is **sound**, but does not consider that exceptions should be made for large sites.
3. I consider that there is a need for a clearer definition of what constitutes a basement (see above)
4. I strongly support and consider this policy – to protect trees – to be **sound**.
5. I consider this **sound**, but considers that the term "heritage assets" is unfamiliar to most readers – whether developers or residents – and footnote 14 is not much help as it omits to mention both listed building and conservation areas. Para 34.3.60 and this policy needs to make this clear by specifically giving as examples both listed buildings and conservation areas, although the latter part of footnote 14 does do this. It is not very **accessible**. It should be notes that the Borough has more than 4,000 listed buildings and structures and about 75% of its area is covered by conservation areas.
6. I strongly support the policy of no excavation under listed buildings and, as far as it goes, the policy is **sound**. However, because of the risks to the main building, outbuildings (such as vaults in the front garden or under pavements which are attached to the building and to studios in the gardens) and to boundary walls which all form part of the listed structures within the curtilage, I consider that allowing basements under the garden could put these elements of the structure at risk. In addition, whilst the reference to pavement vaults is welcome, it should be clear that the policy also applies to vaults within the curtilage.
7. I agree with this provision, but that if this proposal for (f) above is successful it would be unnecessary. If not, I would support the soundness of this policy.
8. I consider that this policy is **sound as far as it goes**, however, it should be extended to cover the rear of properties facing communal gardens. This has been an issue which is in part covered by the policy about garden squares (CR5(c)) but which needs to be covered specifically in this policy.
9. I consider this policy to be sound.
10. I strongly support the need to provide sustainable urban drainage schemes, but consider that the effect should be to contain rainwater runoff within the site, not just attenuate run-off to the sewer system.
11. I strongly support the requirement to increase the sustainability of buildings where basements are excavated, constructed with large amounts of concrete and require major energy consumption for cooling and ventilation. This approach is sound and is in accord with the London Plan, which is an integral part of the development plan for Kensington and Chelsea. The reasoned justification para

3.4.3.69 should refer to the relevant London Plan policies for sustainability and basements – it is far more than footnote 20 suggests.

12. I strongly support the use of traffic congestion and parking criteria for assessing both basements and major construction projects generally. This is sound, but the reasoned justification should make specific reference to the need for construction traffic management plans which minimise the scale and duration of parking suspensions and work on the basis of a presumption of keeping skips, materials and equipment off the highway wherever possible. I consider that there is need for a lead policy in the Plan to require construction traffic management plans – not just for basements.
13. I strongly support the need for keeping nuisances – noise, vibration and dust to acceptable levels. This policy is sound.
14. I strongly support this policy and consider it sound.
15. I consider this policy sound, although it should also cover the impact of basements on flooding of neighbouring premises.

## Detailed Comments:

To improve the soundness of the basement policy CL7, I propose the following changes to the reasoned justification – paragraphs 34.3.46 to 34.3.72 and to detailed wording of Policy CL7.

This section needs expansion (adding my points) and editing:

34.3.46 There is no definition of what 'below prevailing ground level of a site' means. Does it mean just the floor or the complete structure? If it is not defined a previously-consented scheme, which is say almost completely underground but not completely, it might be argued not to be a basement and therefore a further level could be permitted. [I think that 'prevailing ground level' is acceptable since to try and define it more accurately is likely not to be practicable.]

34.3.50 Line 5 refers to 'adjacent' property. Paragraph 34.3.48 line 5 refers to 'nearby' buildings. Why is there a difference? Adjacent is often defined as having a common boundary or being contiguous. I think that nearby is more appropriate since we have seen problems with buildings which are near but not necessarily contiguous.

Line 8 refers to long term harm. What is the definition of long term in planning? I would suggest that it is at least many years and that the effects of even multiple excavations might not fall within that definition. I can understand that it may not be possible to deal with daily issues but at least medium term should be included on the basis that something lasting a year is taken into account.

34.3.52 The possible additional allowance for a swimming pool should be directly related to the swimming pool and not a general allowance just because part of the basement has a pool.

34.3.62 Line 6 The Council have been refusing garden basements which are too close to the historic asset on the basis that the new structure will adversely affect the building. Should this line be modified to include the historic asset as well as adjoining houses? This might just mean a movement joint but at least it is separation.

34.3.69 It needs to be clear that this is required as part of the application otherwise consents can

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be granted which can only be implemented by unacceptable traffic schemes.

34.3.70 The Party Wall Act only deals with the immediate adjoining properties. This should be made clear and as stated at the lecture last month only relates to the Party Wall and may not apply to other structures.

The importance of identifying buildings of importance in the new Conservation Area Appraisals is confirmed in footnote of the Basement policies as it refers to buildings formally identified by the LPA.




7. Please give details of why you consider the planning policy to be unsound and / or suggest changes as to how it could be made sound. Please make it clear which paragraph number or Policy box number you are commenting on.

Please attach additional pages as required

Yes

No

8. Do you consider the Planning Policy Document to be legally compliant?



9. Please give the reasons for your choice below and be as precise as possible. Please make it clear which paragraph number or Policy box number you are commenting on.

please attach additional pages as required

10. Do you wish to appear at the Examination on any of these matters?

Yes

No

Please specify on what matter