

Examination of the Partial Review of the Kensington and Chelsea Core Strategy: Basements Planning Policy

Agenda for 10.00 Tuesday 23 September 2014

DAY 4 - Matters 9, 10 & 11

Small Hall, Kensington and Chelsea Town Hall, Horton Street W8 7NX

Discussions will focus on whether the Basements Planning Policy is sound (positively prepared, justified, effective, and consistent with national policy) and, if not, how it should be modified to make it sound

Opening Announcements

- Health and safety, people present, and attendance list
- Purpose of the hearing sessions
- Conduct of the hearing session
- Inspector's report

Consideration of any site visits

- Any suggestions? List/map of sites, times, and transport arrangements.

Council's Responses to Inspector's Preliminary Questions

- Any queries?

Matter 9: Energy, waste and water conservation

9.1 *Is CL7 k. justified by the evidence, consistent with national policy, and effective?*

- Key reasons for criterion CL7 k.? – Council and then others
- Are each of the reasons justified?
- Is the restriction too limiting? In particular, should it apply to existing buildings bearing in mind the 6 tests in paragraph 206 of the Framework and the PPG's policy that a condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development (ID 21a-004)?
- Are the BREEAM targets the right ones? Basement Force and then others
- Can the aims/reasons be achieved or satisfied in another way?
- Should the criterion contain an exception clause to cater for differing circumstances?

Matter 10: Structural stability

10.1 *Is CL7 n. justified by the evidence, consistent with national policy, and effective?*

- Key reasons for criterion CL7 n.? – Council and then others
- Are each of the reasons justified?
- Whilst the structural stability of a building is not a planning matter, its impact on the stability of land, buildings and property around it is a planning matter

(Framework para 121 and PPG ID: 45-001). Is that agreed? So should "*of the application building*" be deleted or amended (to "*existing building*"?)?

- o Given adopted CS policy CL2 g. ii. what has changed that I should now find this criterion to be unsound?
- o Can the aims be achieved or satisfied in another way?

Matter 11: Other CL7 criteria and alternative policy wording

11.1 *Are the remaining criteria in CL7 justified by the evidence, consistent with national policy, and effective?*

- o In criterion i. of CL7, should the need to limit light pollution be mentioned, not just in the RJ at 34.3.66 ? (paragraph 125 of the Framework) Should the Policy mention a light sensor operated blinds condition? – Savills and then others.
- o Are criteria d. (trees), l. (highway safety – modification?), m. (construction impact), and o. (sewer flooding) in policy CL7 justified by the evidence, consistent with national policy, and effective? [Note: CL7 g. (LBs) and i. (appearance) were otherwise dealt with at the hearings on 18 September under Matters 6 and 7].
- o Could the aims/reasons be achieved or satisfied in another way?

11.2 *Does the Policy and its policy CL7 set out an approach that is consistent with the presumption in favour of sustainable development?*

- o Goes the Policy reflect the presumption in favour of sustainable development set out in the Framework? Any additional points from previous hearing sessions?
- o What does the Council's think of representors' final suggested wording for an impact assessment led policy (case by case)?

Any Other Matters

- Any other points representors wish to make

Suggested Modifications

- Sustainability Appraisal – BAS21/01 Correcting Addition (+ further alterations)
- Consideration of Council's suggested modifications from previous and above Matters
- Modifications – public consultation and Sustainability Appraisal arrangements

Closing Remarks

- Any outstanding documents or information to be submitted?
- Publication of Inspector's report - date
- Inspector's thanks and close