

Hearing Statement - 5/representor number

Savills Client Consortium

Matter 5: One storey restriction

Issue 5.1: Whether CL7(b) and (c) justified by the evidence, consistent with national policy, and effective

Response by Savills Planning

Question 23: What are key reasons for criterion CL7 b. and c. which restrict basement development to one storey?

No comment

Question 24: Is each of the reasons for the criteria justified by the evidence?

We do not consider that criterion CL7 (b) is sufficiently justified by evidence. Our reasoning for this conclusion is summarised below:

- The Council seek to limit the size of basements in order to limit the extent and duration of construction, and hence the construction impact. There is no good planning reason to impose such a blanket policy restriction based on construction impact, please refer to paragraphs 1.17-1.21 of our representation submitted September 2013.
- The current Subterranean Development SPD (2009) requires that basement applications are accompanied by a Construction Method Statement and Construction Traffic Management Plan, which provides sufficient control over construction impact (noise, dust etc), as set out within paragraph 1.18-1.21 of our representation submitted in September 2013. Moreover, the draft policy ignores the potential for the imposition of conditions where necessary to control operations. As such, there is no justification for limiting the size of basements based on construction impact.
- The Council have provided no evidence of existing basements extending below one storey with any issues in terms of structural stability.
- ABA's report simply states that the deeper the basement, the greater the care required in terms of design and construction. Please refer to paragraphs 1.23-1.24 of our representation submitted in September 2013. The existing policy requires the submission of a Construction Method Statement which must be prepared by a chartered engineer and reviewed by the Council; the Council already have sufficient control over the design and construction of basements so as to ensure that multiple storey basements are structurally stable.
- RBKC also cite carbon emissions as a reason for restriction the number of storeys of a basement. As set out within our answer to Question 19, restricting development based on carbon emissions is not in accordance with the thrust of the NPPF, which seeks a presumption in favour of sustainable development. Clearly, the NPPF seeks to encourage development, which is adequately mitigated in terms of carbon emissions, rather than restricting the extent of development altogether. As such, we consider that the carbon

footprint/emissions resulting from basement development can be adequately controlled by ensuring that planning applications are supported by suitable sustainability assessments (i.e. BREEAM assessments).

Question 25: Is the restriction too limiting?

Yes, the restriction is too limiting.

The restriction proposes a blanket ban on all basements below one storey in depth, which does not take into account the individual context of different sites, structural methods which can be employed, or the existing regulatory controls for the submission of a CMS and CTMP.

Such a blanket ban is not in accordance with the NPPF's presumption in favour of sustainable development, nor is it 'positively prepared'.

Further, the restriction does not take into account the benefits which subterranean development can offer. Basement developments are beneficial in economic, social and environmental terms. Basements allow accommodation below ground which otherwise may have manifested themselves through above-ground extensions. Basements allow for the accommodation of plant machinery within the envelope of a building, rather than outside where it may cause disturbance. They accommodated facilities such as media rooms, gyms and swimming pools which are in high demand for our clients, which require open uncluttered spaces which are not readily available in much of the historic housing stock in RBKC. Basements allow for the provision of off-street parking, which is in short supply in the Borough.

Question 26: Is the restriction too lax?

The restriction is not "too lax", although there is no justification for any such policy restriction at all.

Question 27: Could the aims/reasons be achieved or satisfied in another way? If so, please suggest an alternative wording for the criteria.

We consider that the aims of CL7 (b) are already achieved through Core Strategy policy CL2g (ii) which seeks to ensure that the stability of the existing building or neighbouring buildings is safeguarded.

Question 28: Should the criteria contain an exception clause to cater for differing circumstances?

Even with an exception clause, we consider that the restriction on basement size to one storey is too limiting. For reasons set out above, we consider that criterion CL7 (b) is not justified, positively prepared, or in accordance with national policy, and is therefore unsound.

As such, the criterion should be removed altogether. Please refer to our answer to Question 65 for our full proposed wording of the policy.