

Response by The Onslow Neighbourhood Association to the Inspectors 'Matters, Issues and Questions for Examination' concerning the Examination of the Partial Review of the Kensington and Chelsea Core Strategy. **BASEMENTS**

Questions:

1. No comment.
2. No comment.
3. Public consultation was carried out, but the comments made by the Residents and Resident Associations were mainly not accepted. There are 267 pages of comments on the Basement Policy 2nd Draft Document from Residents, Resident Associations and outside contractors and professionals (Architects and Surveyors). The latter group all having a financial interest in an unrestricted basement development policy-and the Residents all wanting protection from the damage, noise, dirt, disruption and the negative effect of the carbon emissions, and the threat to existing trees and gardens caused by these underground developments. If there are 267 pages of comments on a final draft of a document, there must be something wrong with the consultation process. To this extent public consultation requirements were not properly carried out.
4. No comment.
5. No comment.
6. CL7 is necessary for the very reason that if there was a policy in existence that gave protection to residents, there would not be the constant list of complaints from residents that their lives are worsened by underground developments.
7. No comment.
8. No comment.
9. For the benefit of both Applicant and Objector - the DCMPs and the CTMPs should be included in the CL7 Policy as they are more directly concerned with the difficulties associated with all basement developments; and it is unhelpful for Applicant and Objectors to have to search different documents e.g. an SPD on Transport and Streets, or The London Plan for conditions associated with the application for permission.
- 10.No: a) the use of the word "accommodation" is unhelpful and should be removed. An underground swimming pool or an underground car park is hardly within the meaning of the word 'accommodation' as it is generally understood. b) the word 'extension' does not add to the meaning of the sentence, it confuses the word 'construction' and should be removed. c) the phrase 'one or more' implies that one or more storeys is the general allowance, however the policy states that 'more' storeys are only allowed in special circumstances, so the phrase 'one or more' would be better stated as 'one, or exceptionally more, storeys'. The whole paragraph could usefully be rewritten as follows: "This Policy applies to all new basement development. For the purposes of this policy, basement development is the construction of one, or exceptionally more, storeys below the prevailing ground level of a site or property"
- 11.This is a bad paragraph, which is unhelpful and should be deleted -as it continues to use the word 'accommodation' implying that an underground extension which may have no windows nor natural ventilation, is living accommodation. Further, many critics of the Council's policy have emphasized the fact that underground development enlarges the living accommodation for a family: whereas the reality is that the underground rooms are used for storage, cinemas, swimming pools, fitness rooms etc.
- 12.No comment.
- 13.This paragraph could usefully be re-written as follows: For new developments located in a commercial setting or of the size of an entire or substantial part of an urban block and large enough to accommodate all the plant, equipment and vehicles associated with the development within the site: basements of more than one storey and greater than half the garden or open part of the site, may be permitted. Larger sites.....etc.
- 14.Yes.
- 15.Yes.
- 16.No comment.
- 17.No comment.

18. a) Alan Baxter and Associates' (ABA) Report dated March 2013 chapter 9 part 4 Groundwater Issues 9.8.4 states that a new basement should not occupy more than between 50% and 75% of the area for those development on clay soils. So it would be wiser to be safe at 50% than sorry at 75%. There is no reason to plunge in at 75%. If 50% proves trouble free, then it could be increased for future development in future years. But if 75% proves troublesome who is going to compensate the victims? And to what extent can the Council escape blame by allowing too large an amount of the garden to be developed underground? b) Further the same ABA Report suggested that by limiting the amount of garden given over to underground development, would allow for the planting of larger trees. c) 44 Finally the RBKC Basements Visual Evidence Feb 2014 document refers to gardens, with basements below the garden, as appearing 'sterile' with 'reduced planting' compared to the 'informal leafy character present before'..
19. Reducing the Carbon footprint/emissions by limiting the size of an underground garden extension is a very sound argument which is not likely to be found unsound. As the larger the underground structure, the greater the continual carbon emissions produced by the lighting and ventilation requirements for such operating such an underground structure.
20. No.
21. The Core Strategy CL2 g.iii clause is about the actual loss of trees, whereas CL7 a is about the loss of space (for planting trees).
22. No: by introducing exception clauses, the main thrust of the statement is weakened, and encourages applicants to use exception clauses to seek the maximum size for the development, with all the attendant disadvantages for the neighbours.
23. The NPPF in its introduction at Paragraph 1 refers to a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. In the RBKC BAS02 statement 4.10 concerning the extent of basements: it records that a number of comments have been received which support restrictions on the extent of under garden development to a maximum of 50% of the garden area and a single storey. If this is the local opinion of the residents and resident associations, why should it not be adopted for our own local plan, as recommended by the NPPF. None of the amendments submitted were an attempt to stop sustainable development, but all were an attempt to get sustainable development adapted to the particular conditions of the locality. The extra storeys produce the extra time that the development takes, the extra carbon emissions for lighting and ventilation, and the extra carbon emissions produced in the actual construction, which increases as the size increases.
24. See our answer to 23.
25. No: a) The residents who have experienced neighbour's underground development, don't think so: see Basement site complaints across the Borough para 6 of RBKC document 'Basement Works-Impact on Residents' about a quarter of the sites caused complaints of Noise and Nuisance. If a single storey underground development (as they mainly were at that time) causes complaints, it is unreasonable to presume that a larger development will cause less complaints, rather that because the larger development lasts longer and requires greater excavations, piling and internal fittings, that the level of complaints will increase. b) The extra carbon emissions needed for the maintenance (Ventilation and Lighting) of the extra storey development, and the initial construction emissions for concrete, together with the extra spoil that has to be excavated, taken away in lorries, and disposed of, for the benefit of one person/family where there is nothing given back to the community; is why the residents don't approve of this selfish behavior.
26. Yes: a) The previous edition July 2013 of Policy CL7 c. proposed that basement development should 'not be built under an existing basement'. In this Association's view this was a sensible restriction, bearing in mind the Council's own opinion that 'The policy does not allow basements deeper than a single story given.....the greater risk of harm to structural stability associated with deeper basement digs' section 'Depth of Basement' sub section 4.20 of BAS21 Sustainability Appraisal. If it is accepted that the reason for the restriction on basement development (where an existing basement does not exist) is for a single storey only ( because the lower the development goes, the greater the risk to the neighbouring properties) then the original proposal for c. Not to build under an existing basement, should logically be retained although the remainder of the new clause c. (not add further basement floors where there is an extant or implemented planning permission for a basement or one built through the exercise of permitted

- development rights) should usefully be added on. b) The storey height could be reduced to 3.0-3.5 metres (floor to ceiling height) as the rooms constructed are not living rooms, they are for other uses where the ceiling height is not a requirement for normal living.
- 27.No comment.
28. The exception is already there in Policy CL7 b.
- 29.a) A listed building is a Heritage Asset, no one would want a building underneath Stonehenge just because it has no above ground presence. Listed buildings may be in regular use but that does not mean that we should interfere with the heritage that has been passed down to us, by introducing excavations to the foundations. b) An excavation to a listed building may not cause damage today, but can anyone guarantee that today's work will not be the cause of tomorrow's damage. c) Is it reasonable to protect Listed Buildings from all sorts of above ground adulteration, and yet ignore below ground interference.
- 30.Yes.
- 31.No.
32. It is the same.
- 33.No comment.
- 34.The introduction of pavement vaults into this clause, is a result of the conversion of many pavement vaults within the curtilage of listed buildings from their original condition, into utility rooms. And Policy CL7 f. now prevents that.
- 35.No comment.
- 36.The Association thinks that if English Heritage have taken the interest to 'list' buildings, even at the lowly Grade ii level, that it would not be reasonable for RBKC to allow listed buildings to be interfered with, without dispensation from English Heritage.
- 37.No: with special reference to Mews where the traditional house has no front light well (as there is no basement) and hence no railings. Once a basement is introduced there is pressure to provide natural light with a light well and the consequential railings. All quite out of character. This clause correctly protects the traditional appearance of the Mews by prohibiting light wells and railings.
- 38.No.
- 39.No.
- 40.Yes: In the case of detached houses standing at least 20.0 metres back from the kerb of the street or road.
41. a) See ABAs report, chapter 9 part 4.6 Ground Water Issues where it says "flotation can also be an issue particularly for basements in clay soil beneath rear gardens with little load on top of them" b) A minimum of 1 metre of permeable soil over the underground roof allows for cultivation of a normal garden above the roof. c) ABA chapter 9.8.5 reports on the need for the natural ground to be able to receive, absorb and then distribute rainwater; and that 1 metre should be sufficient for the purpose of dealing with rainwater; called attenuation for the purpose of SUDS.
- 42.Yes: see our answer to 41.
- 43.No.
- 44.CL2g iii refers only to the loss of trees, and does not cover damage or threat to trees- which may well take a year or two to reveal itself. CL2g iv 'sustainable growth' is not the only factor: and in any case is too vague a description for a garden.
45. No comment.
46. No: (apart from the small and/or paved over garden/open area) there should be no exception to providing a base for garden planting and growth, in order to maintain the small amount of green space available in this Borough with such a high density of houses.
- 47.No comment.
- 48.No comment.
- 49.No comment.
- 50.34.3.68 in BAS01 should have a condition included referring to any new edition of BREEAM which may change the criteria required by RBKC. There should also be a sentence reflecting the 2 choices 'applicable to part new-build part refurbishment projects' i.e Apply the scheme to the whole building project OR Apply the scheme to the new-build element only.
- 51.No comment.
- 52.No comment
- 53.No comment.

- 54.No comment.
- 55.No comment.
- 56.No comment.
- 57.No comment.
- 58.No comment.
- 59.No comment.
- 60.Yes.
- 61.d) Yes. g) Yes. i) No comment. l) This Association considers that although this policy is justified, unfortunately, judging by the complaints of the residents, it is not effective. m) This Association considers that although this policy is justified, unfortunately, judging by the complaints of the residents, it is not effective. o) No comment.
- 62.No comment.
- 63.No: The Association considers that these basement developments are not 'sustainable developments'. The definition in the NPPF of 'sustainable' is ensuring that better lives for ourselves doesn't mean worse lives for future generations. But these basement developments: 1) use up more than their fair share of carbon emissions- when compared to above ground structures. 2) According to the evidence of neighbours of underground developments, the faults that develop come much later and are expensive to rectify with no claim against the original developer or owner. 3) Very few underground developments are then occupied by the original owner, they are sold on to a new owner. So the original owner does not have a better life after the development and his neighbours may well have a worse life. 4) Sustainable development is about change for the better, but here in this Borough it is change for the worse.
- 64.If the suggestions the Association makes to this policy are incorporated by the Inspector- then the Association will agree that the Policy CL7 allows reasonable development needs to be met in a way that is appropriate to the specific character of this Borough.
- 65.The Association does not understand this statement.