



Mr Chris Banks
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Your ref
Our ref JF/RBKC/BAS01

By email – bankssolutionsuk@gmail.com

11 November 2014

Dear Mr Banks,

**RBKC Basement Policy – CL7
Main Modifications (BAS 01) (ID/23)**

We write to provide our representations to the above Main Modifications produced by RBKC at the recent Examination.

Since the Examination, the Council has decided to defer decisions on all basement applications pending receipt of your Report and it is also offering its interpretation of some of the terms in the emerging policy, notably on large sites.

Our representations are as follows:

Paragraph 34.3.47 – we object to the use of ‘requirements’ and suggest ‘principles’. The use of the word requirements means that they must be adhered to but principles offers a degree of flexibility as well as a level of compliance. There may not be a need in every case to ‘require’ all of the design approaches to be followed strictly.

Paragraph 34.3.57 – we welcomed the discussion on Large Sites at the Examination but I have had it quoted at me since that ‘residential’ sites do not fall within this category. The wording therefore needs to change in a more fundamental way. The use of ‘They should’ is also be interpreted as ‘they must’ – the Council’s Officers are clawing to every word or phrase to limit basement development of more than one storey. We suggest replacing ‘Generally, they should (recognising that this is not always possible) be large enough.....’

Given the Council’s treatment of ‘residential’ sites under this category, we urge you to consider how these should be more explicit in the policy so as not to render them non-compliant.

Policy 34.3.58 – we are not sure what this paragraph is meant to achieve and it could be worded better and made more positive. At the Examination, the Council accepted that a new basement



would not be restricted under an existing house that had a basement. It could say something like ‘The basement policy is designed to restrict development below period houses which have already had the benefit of a recent basement addition. Where this is not the case, then the restriction on further basement development would not apply.

Paragraph 34.3.59 – we support the removal of the ‘tunnelling’ restriction. This has often been quoted to us as a further restriction with no evidence being produced by the Council. We have technical evidence that supports this concept depending on the tree species.

Paragraph 34.3.66 – we welcome this change as the Council has been draconian in its approach to lightwells requiring them to be near to the building. The Modification in this case at least gives some degree of flexibility. Often the Council allows little or no light in order to deter schemes going ahead or leading to basements that can offer no light to certain basement rooms. There is no case that character can be affected in some cases when on the other hand, homeowners are free to change their gardens without recourse to the planning system.

Paragraph 34.6.68 – we welcome the Council’s Modification in this respect. It will be evident that this was part of the Council’s stance in deterring basement development.

Paragraph 34.3.70 – we welcome the Council’s Modification in this respect but we suggest that a sentence is added that ‘Only in limited cases is the planning system (listed building) concerned with these aspects as they are controlled through other mechanisms....Building Regulation etc...’ as suggested by the Council below

Paragraph 34.3.73 (new) – this sets out what will be contained in a Basement SPD, including the information necessary to support applications, and that it will be adopted by the Council. Under bullet one the brackets should be extended to say ‘(but not part of the planning consideration)’....

Policy CL7 (beginning) – no comment

CL7 (e) – change ‘national policy’ to the ‘NPPF’

CL7 (f) – no comment

CL7 (g) – no comment

CL7 (h) – no comment

CL7 (i) – no comment

CL7 (j) – no comment

CL7 (k) – no comment

CL7 (l) – no comment

CL7 (n) – no comment



CL7 (o) – no comment

We trust that the above points will be taken into account by the Inspector and we look forward to reviewing his report in due course.

Yours sincerely

Jeff Field
Planning Director
JLL