

Policy CL7 (beginning)

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Overarching policy objective was about basements being well designed and constructed

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The policy is really about addressing two main difficulties

1. Council dealing with/being seen to deal with the concerns of local residents about construction impact



While understandable as an aim it is difficult to justify using planning legislation / policy, which is intended to control the use of land once developed



In order to achieve this difficult justification various pretences / tactics have been used:

- Multiple mixed justifications most of which appear reasonable but which are based on / can be:
 - Flawed / misconstrued evidence base (carbon; character of gardens)
 - Flawed logic (e.g. 'clear' policy ok even if unsound)
 - Dealt with by design or planning condition (e.g. Character of gardens & trees; sustainable drainage)
- Arbitrary limitations on size that do not directly relate to any objective - not even directly to the volume of excavation or number of vehicle movements
- Limitations presented as balanced / fair even though balance and fairness are not tests of soundness
- Deciding that a proposed reasonable alternative was not reasonable in order to avoid consideration as part of the SA / SEA process
- Criteria that on their own appear sound but when combined make a development impractical (e.g. lightwell restriction & 50% garden & BREEAM to whole property)



The result is a policy that will lead to refusals of planning permission – even for sustainable development

2. Council being unable to cope with the work (number & complexity) involved with basement applications:



This explains the Council's desire:

- For 'clear' (i.e. arbitrary percentage / number of floor) rules even if these limit sound sustainable development
- Not to consider, as part of the SA/SEA process, a proposed policy alternative based on each development being assessed on a case by case approach despite this approach only allowing sustainable development
- To avoid a policy that relies on expert input for technical matters



The result is a policy that will lead to refusals of planning permission – even for sustainable development



A policy that is shown to result in refusals of planning permission for sustainable development is unsound