

## **ID/23: Main Modifications to Basements Submission Planning Policy (BAS 01) Comments by the Kensington Society**

34.3.58 The Society **welcomes** this clarification of the circumstances where a basement will be considered and where it will be resisted.

However, it is not clear what happens where a building with no below ground storey is demolished and a new building is proposed that only one below-ground level storey would be allowed under the new policy.

The Society proposes:

“Where a building is demolished which has not previously had a basement, a proposal for a building with a basement will be treated the same as building under an existing building or building under previously undeveloped land.”

34.3.66 The Society **welcomes** this clarification with regard to the siting of light wells.

34.3.68 The Society **objects** to any proposal to delete the need to retrofit houses where basements are developed, as the carbon emissions of basements **are** considerable and are highly unsustainable. Retrofitting is a relatively modest mitigation measure and in most cases will be both proportionate and convenient to undertake as a great deal of other work is usually done to properties at the same time as very few people continue to live in the house during the basement construction process. The Society referred to the energy-intensive phases of demolition, piling, excavation and concrete pouring, and, contrary to what the contractors said, also during operation, especially when these spaces are used for swimming pools, saunas, etc, when heating, cooling and mechanical ventilation are needed.

The Society is very concerned that we were debarred from contributing to this debate as the evidence presented by the contractors remained untested. The purpose of the EiP should be to test the evidence on both sides, to assist the Inspector in making his recommendation – our evidence should have been subject to the same scrutiny and the Society should have been able the comment on the evidence presented.

34.3.70 If any of these “requirements” are to be policy they should be in the plan. The requirements to provide evidence on hydrological conditions and how the construction work of excavating under and supporting buildings are part of the validation requirements for basement projects. These should be in the plan, rather than left to the SPD. This is policy not guidance. See New paragraph 34.3.73 below.

New 34.3.73 This “describes” a “requirement” of the validation process. This is a policy matter. Although this “policy” is on the face of the plan by including it here, it refers to these matters – CMS, CTMP, etc – as a requirement of the proposed SPD. This is confused and confusing. The SPD is the “how to do it” document, whereas the plan is policy document indicating the policy requirements. This needs rethinking.

Please note that the Society **strongly supports** these requirements, but this paragraph should set out the requirements, whilst the SPD should be solely guidance on how to do it.

New 34.3.74 The Society **strongly supports** the proposals to monitor the policy.

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## Policy CL7

Beginning Agreed

- CL7(e) Agreed
- CL7(f) Agree deletion of “pavement”
- CL7(g) Agree deletion
- CL7(h) Agreed
- CL7(j) The Society **agrees** with separating the issue of SUDS from the one metre of soil above a basement under the garden, however, this does not deal with the problems of run-off if the one metre of soil is then covered by an impermeable surface.
- Proposal:** Amend CL7(j) (ii): by adding “, which should not be covered by an impermeable surface”;
- CL7(k) The Society **strongly supports the retention of this policy** (see comments on paragraph 34.3.68 above)
- CL7(l) The Society considers that this policy is trying to cover two very different impacts within one policy and should be split into two parts – traffic matters and nuisance.

The Society **strongly objects** to the concept of not causing “**unacceptable harm** to .... road safety”. The aim of the Government and the Council is to **improve** road safety. Unlike congestion, where a significant degree of congestion is accepted, the approach to road safety is essentially a precautionary one – to avoid or mitigate the risk of casualties.

The idea of allowing “harm” until it becomes “unacceptable” - i.e. for conditions to get worse - as long as it is not “unacceptable” - seems to be a contradiction.

With regard to the second part of the policy needs to expressly cover nuisance – which is the subject conditions which seek to highlight working hours, noise, vibration, dust, etc.

The Society therefore proposes a two-part policy – I(i) and I(ii) as follows:

“(i) ensure that traffic and construction activity **avoids an increase in the risk to** pedestrian, cyclist and vehicular road safety **and avoids** significantly increasing traffic congestion;

(ii) **ensure that construction activity does not** place unreasonable **nuisance or** inconvenience on the day-to-day life of those, working or visiting nearby.”

CL7(n)      Agreed

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#### **ID/24 Policy CL7 Basements: Monitoring Indicators**

The Society is content with these proposals.