

# Response Form Publication Consultation (12 Feb – 26 Mar 2014)

## Partial Review of the Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington

### Development Plan Document policies

### Basements Publication Planning Policy Conservation and Design Publication Planning Policies

The Council undertook a 'soundness' consultation on the Basements Publication Planning Policy and Conservation and Design Publication Planning Policies in July/ September 2013. The Council has now produced additional evidence on the Basements Publication Planning Policy and made some amendments to the policy and its reasoned justification. The proposed Conservation and Design policies have also been amended.

The publication policy that is the subject of this consultation is intended to be submitted to the Secretary of State. **Therefore please make representations on this publication policy even though you may have submitted representations previously. Any previous representations will not be carried forward unless it is indicated so in response to Q1 or Q2 as relevant.**

All representations **must** express a view regarding the soundness or legal compliance of a planning policy. If the representation does not comment on soundness or legal compliance, or deal with how a policy can be altered to make it sound the representation will **not** be valid. The consultation period runs from **12 February 2014 – 26 March 2014**. Completed response forms **must be received by the Council by midnight on 26 March 2014**. The Council may not be able to consider representations received after this date.

**Name:**

Simon Haslam

**Address:**

Unit 5, Rainbow Industrial Park  
Approach Road,  
Raynes Park  
London  
SW20 0JY

**Company/Organisation:**

Basement Force (Force Foundations Ltd)

**Representing:**

Basement Force (Force Foundations Ltd)

**Email:**

simon@basementforce.co.uk

Please complete the form and email it or send it to:

The Executive Director of Planning and Borough Development  
f.a.o The Policy Team  
The Royal Borough of Kensington and Chelsea  
The Town Hall,  
Hornton Street,  
London W8 7NX

**Email address:** [planningpolicy@rbkc.gov.uk](mailto:planningpolicy@rbkc.gov.uk)

### Publication Stage Representation Form

To be **“sound”** the contents of a local plan should be POSITIVELY PREPARED, JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

**“Positively prepared”** means that the planning policy needs to:

- be prepared based on a strategy which seeks to objectively assess development and infrastructure requirements, including those of neighbouring authorities where it is reasonable to do so.
- It must also be consistent with achieving sustainable development.

**“Justified”** means that the planning policy must be:

- founded on a proportional evidence base
- the most appropriate strategy has been selected when considered against the reasonable alternatives.

**“Effective”** means that the planning policy must be:

- deliverable over its period
- based on effective joint working on cross – boundary strategic priorities.

**“Consistent with National Policy”** means that the planning policy should enable the delivery of sustainable development in accordance with the guidance contained within the National Planning Policy Framework (NPPF).

It must also be **legally compliant** which means that the planning policies have been prepared in accordance with legal and procedural requirements.

**1. If you made representations to the July/ September 2013 Basements Publication Planning Policy would you like the Council to carry those representations forward?**

Please tick the box that applies or leave blank if you did not make a representation previously. (If no response is provided the previous representation will not be taken forward)

Yes (with no further changes)

Yes (but with the additional changes as set out in this response form)

No (I am submitting a new response)

**2. If you made representations to the July/ September 2013 Conservation and Design Publication Planning Policies would you like the Council to carry those representations forward?**

Please tick the box that applies or leave blank if you did not make a representation previously. (If no response is provided the previous representation will not be taken forward)

Yes (with no further changes)

Yes (but with the additional changes as set out in this response form)

No (I am submitting a new response)

**3. State planning policy or paragraph number to which you are referring**

Basements Publication Planning Policy

Yes

No

**4. Do you consider the planning policy to be sound?**

Please tick box as appropriate

5. If you have selected YES and you wish to support the soundness of the planning policy, please give your reasons below. Please be as precise as possible. Please make it clear which paragraph number or Policy box number you are commenting on.

please attach additional pages as required

6. If you have selected NO to the planning policy being sound do you consider the planning policy to be unsound because it is not:

<b>Positively prepared</b>	<b>Justified</b>	<b>Effective</b>	<b>Consistent with national policy</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**7. Please give details of why you consider the planning policy to be unsound and / or suggest changes as to how it could be made sound. Please make it clear which paragraph number or Policy box number you are commenting on.**

Although we do not consider it necessary for RBKC to have a specific policy within the Core Strategy governing proposals for development underground, we do not object to the existence of an appropriate policy. However, the proposed policy is profoundly flawed for a number of interrelating reasons.

The criteria are, in the main,

- i. demonstrably arbitrary, conflicting with good evidence provided to the Council at earlier stages of consultation; and/or
- ii. unsupported by the Council's own evidence; and/or
- iii. imposed in defiance of logic; and/or
- iv. impose greater burdens on developers of basements than would be imposed on developers above ground without good reason.

Our arguments are set out in the enclosed representation which makes clear which policy criterion and paragraph is being referred to and makes reference to the following evidence:-

1. Information provided to RBKC Basement Working Group on trees and planting
2. Review of RBKC Basements Visual Evidence March 2014
3. Soils in RBKC - example boreholes - March 2014
4. Above ground extension and subterranean development - life cycle carbon review and analysis - August 2013 - Ashmount Consulting Engineers
5. Operational carbon report - March 2014 - Ashmount Consulting Engineers
6. Examples of the extent of glazing allowed in above ground extensions.
7. Underpinning under listed buildings - examples of foundation repairs to listed buildings by underpinning
8. Example of contractor not following existing traffic management plan.
9. Council e mail to Ashmount Consulting regarding source of construction carbon factor.
10. Review of RBKC Planning Policy CE1 Climate Change
11. Letter from Abba Energy relating to classification and treatment of excavated inert ground under BREEAM.
12. RBKC Arboricultural Observations, 29 Brompton Square SW3, App No. PP/07/0649 & 650, dated 26/3/07; RBKC Principal Arboricultural Officer
13. Planting on garden basements - March 2014
14. RBKC publication planning policy arboricultural input - Landmark Trees - March 2014
15. Hydrologic review of second draft policy for public consultation - 29 April 2013.

Ove Arup & Partners Ltd

- 16. RBKC Arboricultural Observations, RBKC Principal Arboricult
- 17. Comments on the RBKC report "The potential of basement excavation on biodiversity" - 19 March 2014; GS Ecology Ltd.
- 18. Basement Force Freedom of Information request - 18 Feb 2014
- 19. RBKC response to BF FOI 2014-276 - 27 Feb 2014
- 20. Basement Force reply to RBKC FOI response - 18 Feb 2014
- 21. Representations submitted to the July 2013 Publication Draft Policy on behalf of Basement Force

**Please attach additional pages as required**

**Yes**

**No**

**8. Do you consider the Planning Policy Document to be legally compliant?**

**9. Please give the reasons for your choice below and be as precise as possible. Please make it clear which paragraph number or Policy box number you are commenting on.**

The planning policy document is not considered to be legally compliant as:

1. The plan does not conform generally to the London Plan.
2. The sustainability appraisal process is flawed.

Please refer to the enclosed representation that provides details on the plan not being legally compliant.

**please attach additional pages as required**

**10. Do you wish to appear at the Examination on any of these matters?**

**Yes**

**No**

**Please specify on what matter**

On the matters set out in the enclosed representation, namely that the proposed policy is not sound nor is it legally compliant