

**Royal Borough of Kensington and Chelsea
Basements Publication Planning Policy
Partial Review of the Core Strategy**

**Representations on behalf of the Trustees of the Phillimore Estate
15 August 2013**

Policy CL7

This policy is considered to be unsound on the basis that it is not justified or consistent with national policy for the reasons set out below:

1) Basement development should not exceed a maximum of 50% of each garden

The first draft of the basement policy published in December 2012 referred to a restriction of 75% coverage of the garden. There is no clear justification for the change in approach and no new evidence has been published by RBKC to support this change. Furthermore our representations in January 2013 argued that the report by Alan Baxter Associates did not adequately justify why 85% was considered to be an insufficient restriction and no evidence has been produced to demonstrate where this has caused a negative impact.

The current SPD requires the submission of a number of documents including a Construction Method Statement to ensure there will be no unacceptable structural or other impacts, including impacts on the water table.

Paragraph 9.1.3 of the report by Alan Baxter Associates acknowledges that:

'problems generally do not arise when the design and construction are thoroughly and fully considered and the interaction between design and construction is properly explored and taken into account'.

This therefore emphasises the importance of assessing subterranean development on a case by case basis. The requirement to submit supporting documents to assess the impacts of the development provides safeguards to ensure that inappropriate excavation is not permitted.

Paragraphs 8.5 and 8.6 of the Alan Baxter Associates Report identify that there are a number of factors that determine how complex basement proposals are, these are set out at 8.6 and include geology and building type. This therefore supports the view that a blanket approach to basements is not appropriate but they should be assessed on an individual basis.

Section 9.8 of the Alan Baxter Associates Report looks specifically at what basement coverage is considered appropriate dependent on the geology. The findings set out do not justify a blanket approach to basement coverage but supports the need for a site by site approach. Paragraph 9.8.3 concludes in relation to where the near surface subsoil is gravel that new basement should not occupy more than 75% of the area of the garden. There is no technical evidence within the report to justify the 75% figure, but this notwithstanding on this basis the 50% restriction is not justified in this circumstance and the blanket limitation is therefore unjustified.

2) Basement development should not comprise more than one storey

There is no justification for the precautionary approach taken in Policy CL7 (b) to limit basements to a single storey. It is clear from the report by Alan Baxter Associates that there are a number of factors which need to be taken into account when assessing basements and which determine how complex excavation will be. It is therefore not justified to impose a blanket restriction limiting basements to a single storey. As set out above subterranean development should be assessed on a case by case basis.

There is not sufficient justification for restricting basements to one storey. See also comments above. The policy is therefore contrary to the NPPF and is unsound.

3) Basement development should not involve excavation underneath the garden of a listed building

The first draft of the policy on basements allowed basements beneath the gardens of listed buildings. There has been no further evidence prepared since this time to justify the change in policy to prevent basements beneath the gardens of listed buildings.

There is no evidence to justify the shift in policy to prevent basements beneath gardens of listed buildings. This part of the policy is therefore not justified.

4) Summary

There have been no legislative changes in relation to basements. Furthermore, the Government's recently published National Planning Policy Framework March 2012 (NPPF) does not make any statements about or place any limits on subterranean developments.

Paragraph 182 of the NPPF states that '*a local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:*

- *Positively prepared*
- *Justified*
- *Effective*
- *Consistent with national policy'*

On the basis of the comments made above the proposed policy and supporting text are not justified or consistent with national policy and the revised Core Strategy is therefore unsound.

There is therefore no justification for the revised approach to basements in RBKC and the existing policy framework is considered sufficient, and works effectively to control subterranean development.