



Basements

Submission Planning Policy

Council's responses to
comments received at
publication stage

Partial Review of the Core Strategy



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

KEY STATISTICS

Comment on Soundness			Legally Compliant?		Comments received which did not comment on soundness
Consultees who expressed a view – is the policy sound?			Consultees who expressed a view – is the policy compliant?		
Yes	No	Yes and No	Yes	No	
155 (64%)	75 (31%)	13 (5%)	118 (85%)	21 (15%)	
Total 245			Total 139		Total 105

All of those who commented on whether the policy was legally compliant also commented on the soundness of the policy.

Comments were received from a total 350 of consultees. All these representations, including those which did not comment on soundness, have been submitted to the Inspector.

This document sets out the majority of comments received, with a brief response. Further documents set out some of the larger representations received.

Comments concerning definition of basement

Question: Q5. 34.3.46

Ref	Name	Comments	Council's Response	Recommended Change
	Judy de Haas	What constitutes a basement could be more closely defined	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Michael Draper	• clearer definition of what constitutes a basement (34.3.46)	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property."	No change.
	Jill Freinberg	I would like further clarification on the following: A clearer definition of what constitutes a "basement" 34.3.46	This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Rosamond Clayton	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • clearer definition of what constitutes a basement (34.3.46)	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property."	No change.
	F Page	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • clearer definition of what constitutes a basement (34.3.46)	This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Holland Park Residents' Association (Kathryn Michael)	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • clearer definition of what constitutes a basement (34.3.46)	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property."	No change.
	osra (john fitzgerald)	Also it would be better if the definition of basement development referred to in the Reasoned Justification 34.3.46 were tightened as at present it appears somewhat unclear and ambiguous	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Peter Huhne	1. CLEARER DEFINITION OF WHAT CONSTITUTES A BASEMENT.	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Pascale Rouveyre	A clearer definition of what constitutes a "basement" is required. 34.3.46 There is no definition of what 'below prevailing ground level of a site' means. Does it mean just the floor or the complete structure? If it is not defined a previously-consented scheme, which is say almost completely underground but not completely, it might be argued not to be a basement and therefore a further level could be permitted. [I think that 'prevailing ground level' is acceptable since to try and define it more accurately is likely not to be practicable.]	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Ann Hutchinson Guest	clearer definition of what constitutes a basement	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property."	No change.

ESSA (Anthony Walker)	34.3.46 For the avoidance of dispute we consider that the term basement should be defined. Basement commonly refers to the lowest level but this would clearly be a nonsense in that a building all at ground level would have the ground floor defined as a basement. Traditional basements are generally about half way into the prevailing ground level as typified by the back gardens. We suggest that this would be a suitable definition	This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
Nicolas Rouveyre	There is no definition of what 'below prevailing ground level of a site' means. Does it mean just the floor or the complete structure? If it is not defined a previously-consented scheme, which is say almost completely underground but not completely, it might be argued not to be a basement and therefore a further level could be permitted. [I think that 'prevailing ground level' is acceptable since to try and define it more accurately is likely not to be practicable.] A clearer definition of what constitutes a "basement"	The definition of 'basement development' as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.

Question 5: 34.3.47

No comments

Question 7: 34.3.46

Ref	Name	Comments	Council's Response	Recommended Change
	Onslow Neighbourhood Association (Eva Skinner)	Dealing with the individual paragraphs, but starting with the preamble: we find it hard to understand why a proper definition of 'Basement' has not been given. Further the matter of 'Underground Extensions' have been confused with 'Basements' thus making the whole issue unsatisfactory, and unsound. In our opinion the word Basement refers quite adequately to any construction under the footings of a building, the phrase 'underground extension' implies extending underground from the foot print of the building. At the moment these two descriptions are to be found in planning applications often of a very different nature. So the Policy needs to attend to this issue first.	The definition of 'basement development' as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Jill Freinberg	A clearer definition of what constitutes a "basement"	The definition of 'basement development' as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Austin Mackie	It is important that clarity is provided in respect of definitions or references within policy that could have a significant impact upon the application of policy. It is not clear what criteria would be applied to determine the prevailing level, for example, where an existing sub-ground level runs from front to rear across a sloping site. Clarification is required	The definition of 'basement development' as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.

		Such definitions should be clarified and tested through further consultation.		
	Anselm Frost	clearer definition of what constitutes a basement	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Patti White	clearer definition of what constitutes a basement	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Holland Park Residents' Association (Nancy Mitchell)	clearer definition of what constitutes a basement	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Elizabeth Erickson	clearer definition of what constitutes a basement	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Ann Hutchinson Guest	- clearer definition of what constitutes a basement	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	The Boltons Association (Calvin Jackson)	- The definition of "basements" should be made crystal clear - using simple, unambiguous typology/ taxonomy for "ground floor"/ "lower ground floor" and "basement".	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
	Marion Gettleson	Need a clearer definition of what exactly constitutes a "basement" (34.3.46);	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.

Comments concerning communication with neighbours

Question: Q5. 34.3.72

Ref	Name	Comments	Council's Response	Recommended Change
	S Ganesh	34.3.72 addresses a concern which I have also experienced first hand, which is not being informed sufficiently of the work involved due to lack of communication by the applicant, the noise and traffic involved and lack of proposed time span of completion.	Whilst the Council cannot require an applicant to discuss proposals with neighbours, it is recognised that early discussion can both alleviate fears and help construction be carried out in such a way as to mitigate potential impact.	No change.

Question: Q7. 34.3.7

Ref	Name	Comments	Council's Response	Recommended Change
	S Ganesh	Section 34.3.72 – the consultation period for residents to state any objections to basement extensions should be extended from a minimum of 3 weeks to potentially 6 weeks, to give residents enough time to give their feedback and concerns about the effect of the works on the buildings, their everyday lives and health, if applicable.	Whilst the Council welcomes early discussions with neighbours, the period for formal consultation is set within the Planning Act at three weeks. This cannot be altered without changes to national legislation, which is beyond the remit of the CS review.	No change.

Comments concerning trees

Question:Q5 RJ ref 34.3.59 Add comment

Ref	Name	Question:Q5 RJ ref 34.3.59 Add comment	Council's Response	Recommended Change
	Richard Price	Need to be more explicit about the need to retain trees.	CL7(d) is explicit in stating that a basement development must not cause harm/damage to any trees of townscape value. It is not considered reasonable to require the retention of trees which are of little value.	No change.
	Andrea Morante	Need to be more explicit about the need to retain trees.	CL7(d) is explicit in stating that a basement development must not cause harm/damage to any trees of townscape value. It is not considered reasonable to require the retention of trees which are of little value.	No change.

Question:Q5 CL7d

	Name	Question:Q5 CL7d	Council's Response	Recommended Change
	The Markham Square Association (David	It is not sufficient that there should be no cause of loss or damage; there must be no likelihood of such loss.	In assessing an application the Council will consider whether a proposal will have a detrimental impact on a tree, or likely to have detrimental impact on a	No change.

	Cox)		tree. As such reference to “likelihood” adds no value.	
	Keith Gallon	We support the following sound policies: • protection of trees	Support noted.	No change.
	Rosamond Clayton	We support the following sound policies: • protection of trees	Support noted.	No change.
	Stefan Tietz	Para d aims to safeguard trees, whose preservation is part of national policy	Support noted.	No change.
	F Page	We support the following sound policies: • protection of trees	Support noted.	No change.
	Holland Park Residents' Association (Kathryn Michael)	We support the following sound policies: • protection of trees	Support noted.	No change.
	Anselm Frost	I support the following sound policies: - protection of trees	Support noted.	No change.
	Patti White	I support the following sound policies: - protection of trees	Support noted.	No change.
	Holland Park Residents' Association (Nancy Mitchell)	I support the following sound policies: - protection of trees	Support noted.	No change.
	Elizabeth Erickson	I support the following sound policies: - protection of trees	Support noted.	No change.
	Susan Horsewood-Lee	CL7 d is sound. (Not cause loss damage or long-term threat to trees of townscape or amenity value). The presence of large mature trees is of great amenity value especially when there are many apartments in the upper floors of 4 or 5 floor terraces whose residents look out upon them.	Support noted.	No change.
	Pascale Rouveyre	I strongly support and consider this policy- to protect trees- to be sound.	Support noted.	No change.
	Ann Hutchinson Guest	- protection of trees	Support noted.	No change.
	ESSA (Anthony Walker)	d We consider this sound	Support noted.	No change.
	Nicolas Rouveyre	I strongly support and consider this policy- to protect trees- to be sound.	Support noted.	No change.
	Marion Gettleson	Support strict protection for trees;	Support noted.	No change.
	Elizabeth Erickson	Protection of trees and mature gardens	Support noted	No change.

Question:Q7 RJ ref 34.3.59

No comments on this

Question:Q7 CL7d

No comments on this

Question:Q9 RJ ref 34.3.59 Add Comment

No comments on this

Question:Q9 CL7d

	Name	Question:Q5 RJ ref 34.3.59 Add comment	Council's Response	Recommended Change
	Stefan Tietz	Para d aims to safeguard trees, whose preservation is part of national policy	Support noted.	No change.

Comments concerning the extent of basements

Question 5: 34.3.51

Ref	Name	Comments	Council's Response	Recommended Change
1	A. H. Harper	After the heavy rains all winter and high surrounding water levels it is madness to allow more deep excavations under basements. We are living in very settled climate change condition. Please consider what I believe to be most important for their levels perspective.	Noted.	No change.
2	Mimi Parsons	The size limitation is ample. New buyers have clear guidance now on what they might do on basement expansion. Any existing owner wishing to exceed the limitation should simply move to a larger property. There is no compelling justification, other than commercial exploitation, to allow the disruption, structural risk and other negative impacts (well enumerated in the planning policy) of basement expansion.	Noted.	No change.
3	Andrea Morante	I strongly support the Council's proposals to change their policy toward basements in order to: reduce the scale of basements by limiting them to one storey and no more than 50% of the garden, except for listed buildings where there is already a restriction about building under them;	Support noted.	No change.
4	Richard Price	We strongly support the Council's proposals to change their policy toward basements in order to reduce the scale of basements by limiting them to one storey and no more than 50% of the garden, except for listed buildings where there is already a restriction about building under them;	Support noted.	No change.
5	Tom Siebens	The size limitation is ample. New buyers have clear guidance now on what they might do on basement expansion. Any existing owner wishing to exceed the limitation should simply move to a larger property. There is no compelling justification, other than commercial exploitation, to allow the disruption, structural risk and other negative impacts (well enumerated in the planning policy) of basement expansion.	Noted.	No change.
6	Celia Tinker	Positively prepared, justified and effective to limit to single storey in depth and under half garden only 34.3.51	Noted.	No change.
7	Kay. M Broadbent	Restriction of basement development to 50% of garden is a sound principal, given the predominance of clay subsoil in the borough, the need for adequate groundwater drainage and the need to space for larger trees.	Noted.	No change.
8	The Chelsea Society (Terence Bendixson)	Sloane House and Sloane Lodge in Old Church Street (PP08/00746/7 & 00831/2), the site of a very large, multi-storey residential basement excavation, indicates that, when such developments are allowed in bigger gardens, the outcome is not less impact on neighbours than at smaller sites. It is more. This is because larger works necessitate all round increases in scale. Contractors use large-scale civil	Noted. The reasoned justification of the proposed policy recognises the construction impacts of basements on residents (para 34.3.49 – 34.3.51). This is part of the reason for restricting basements to a single storey and under a maximum of 50% of the garden. CL7 (a) and (b) do not make exceptions for large residential gardens. Please	No change.

Ref	Name	Comments	Council's Response	Recommended Change
		<p>engineering equipment (tower cranes and pile drivers), JCBs arrive on low-loaders that block small-scale streets, skip after skip after skip of soil is removed, very large compressors and generators are operated from 8am to 6 pm, repeated deliveries are made of steel piles, steel reinforcement and mixed concrete and, as a result of all this activity, traffic is obstructed time and again. Furthermore such large contracts last up to three years. To sum up, the bigger and deeper the excavation, the greater and more long lasting the noise, pollution, dust and traffic obstruction for neighbours.</p> <p>The history of excavation at Sloane House and Lodge, and the number of times Council enforcement staff have been called out to deal with noise, vibration and traffic offences (enforcement staff will have recorded these incidents), underline the problems that arise with digging large basements in residential neighbourhoods. They are a reminder too of the inability of enforcement staff, however willing, to deal with such problems except sporadically. Large scale civil engineering works in residential streets inevitably put a heavy cost on the lives of adjacent residents.</p> <p>It needs to be born in mind too that no other kind of domestic renovation leads to the use of such huge equipment or to such repeated traffic obstruction. Basement excavation is a new and different kind of domestic building work and its impacts on people and heritage are greater and longer-lasting than anything in the past.</p> <p>Policies CL7 a & b should be modified to reflect these new conditions by expressly excluding all exceptions that could lead to the construction of larger and deeper basements in larger residential gardens.</p> <p>Photographs of showing scale of the works at Sloane House and Lodge are (internet capacity permitting) attached.</p> <p>Rather than being seen as ripe for development, large gardens should therefore be given added protection. Allowing 50% of them to be excavated would have far greater impact on a) reducing scope for large trees, b) damaging the character and appearance of conservation areas, and c) on destroying natural landscape, than applying the same standard to small gardens.</p> <p>Limiting basement development to the footprint of buildings would achieve the objectives of CL7 d & e. Allowing 50 % or more of large gardens to be excavated would conflict with them. The Council is urged to revise the policies.</p>	<p>refer to para 34.3.57 including footnote 11 for further details of the exception.</p> <p>In a large garden there will be scope to plant large trees in the remaining 50%. The policy restricts basements to a maximum of 50% under the garden. Existing trees on-site or in adjoining properties may require that a basement is limited to less than 50%. Policy CL7 (e) requires that basement development should not cause harm to the significance of heritage assets (this includes conservation areas). CL7 (i) requires basement development to maintain and take opportunities to improve the character or appearance of the building, garden or wider area.</p> <p>The Council does not have any evidence that would support restricting basements to the footprint of buildings. The recommendations in para 13.3.5 in Residential Basement Study report, Alan Baxter and Associates, March 2013 provides further details on how basement can be restricted under the gardens based on surface water drainage depending on geology.</p>	
9	R M Swann	<p>Basements Policy, Clause 34.3.51</p> <p>The "50% of garden" limit and the "single storey" limit are justified in limiting the impact of development on neighbours. The new policy strikes a reasonable balance between the owner's right to develop and the residents' right to the quiet enjoyment of their own homes.</p>	Noted.	No change.
10	Anthony Temple	<p>In addition the recent very heavy rainfall reinforces the policy.</p> <p>34.3.51 The policy therefore restricts the extent of basement excavation to no more than under half the garden or open part of the site and limits the depth of excavation</p>	<p>Noted. The Council has identified critical drainage areas (areas prone to flooding or those that require drainage to ensure flooding is avoided). In these areas a flood risk assessment will be required to accompany planning applications. The Council also requires borehole investigations which should flag up the issues identified and would need to be addressed in the design of</p>	No change.

Ref	Name	Comments	Council's Response	Recommended Change
		to a single storey in most cases.... Our garden and neighbouring gardens are waterlogged. The flats behind us run a pump in their lift shafts to clear excess water. The subterranean watercourses in West London (which are imperfectly mapped) mean that the interposition of more and more impermeable material within gardens will increase the burden on the remaining soil.	the basement and the Construction Method Statement (CMS).	
11	Julia Swann	34.3.51 If basements are restricted to 50% of the garden, and to just one storey, this will reduce the amount of excavation. This proposal is in my opinion positively prepared, justified and effective. I support it, as it will make life a little less unbearable for people with major basement excavations happening as close to them as it has been to me.	Noted.	No change.

Question 5: 34.3.52

Ref	Name	Comments	Council's Response	Recommended Change
1	The Markham Square Association (David Cox)	We strongly agree with the restriction of one storey, but the floor to ceiling height should be specified as no more than 3 metres (which is high for a lower ground floor), not 3 to 4 metres as suggested in paragraph 34.3.52. There should be no extra allowance for proposals with a swimming pool but, if there is to be such an allowance, it should be specified.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
2	Jill Freinberg	The appropriate floor to ceiling height of a basement needs greater clarity, particularly where a swimming pool is proposed. (34.3.52)	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
3	Pascale Rouveyre	The appropriate floor to ceiling height of a basement needs clarity, particularly where a swimming pool is proposed. 34.3.52 The possible additional allowance for a swimming pool should be directly related to the swimming pool and not a general allowance just because part of the basement has a pool.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
4	Ann Hutchinson Guest	- greater clarity about the appropriate floor to ceiling height, including structural depth of a basement.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
5	ESSA (Anthony Walker)	34.3.52 We consider that 3-4 metres would be appropriate for the overall dimensions including both floor and roof slabs. If it is to apply to the internal dimensions we consider that these should be 2.5 – 3m. Any additional height for a swimming pool should be strictly related to the area of the pool and kept to the minimum necessary.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
6	Nicolas Rouveyre	The appropriate floor to ceiling height of a basement needs greater clarity, particularly where a swimming pool is proposed. The possible additional allowance for a swimming pool should be directly related to the swimming pool and not a general allowance just because part of the basement has a pool.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.

Question 5: 34.3.53

Ref	Name	Comments	Council's Response	Recommended Change
1	Annabel Meadows	<p>These are resulting in construction nightmares and in many cases cracks and damage to properties next door. The road surface and pavements are badly damaged (particularly near me at No.5 and 7 Phillimore Terrace. Very many Kensington properties- especially those with basements- are being sold to the international market with many owners non-resident. This will result in loss of business for local traders and services. The loss of amenities will gradually lead to many of Kensington's traditional families leaving the Borough. You will find many of those owners are not entitled to vote and do not pay tax.</p> <p>Perhaps limiting the scale of basements is better than nothing and we cannot hope to refuse them altogether. In many local streets it is too late already- the damage has been done.</p>	Noted. The proposed policy is partly based on minimising construction impacts (para 34.3.50 of the reasoned justification of the basements policy).	No change.
2	Anthony Temple	<p>As regards 34.3.53 Restricting the size of basements will help protect residential living conditions in the Borough by limiting the extent and duration of construction and by reducing the volume of soil to be excavated. Large basement construction in residential neighbourhoods can affect the health and well-being of residents with issues such as noise, vibration and heavy vehicles experienced for a prolonged period. A limit on the size of basements will reduce this impact.</p> <p>Like many residents we have suffered from serial, successive local excavations. These go on for years, not months. The noise dirt and traffic blight the environment and transform quiet streets for the worse. Restricting basement depth will go some way to mitigating the length and intensity of such operations.</p>	Noted.	No change.

Question 5: 34.3.57 and .58

No comments

Question 5: CL7(a)

Ref	Name	Comments	Council's Response	Recommended Change
1	The Markham Square Association (David Cox)	We believe that a reduction in the maximum permitted amount of a garden under which a basement may be constructed is sound, but we believe that there should be no basement development under gardens. This is based upon serious concerns about flooding, supported by Thames Water in its letter of 31 January 2013 to the Policy Team of RBKC, which expressed concerns as to the sheer scale of subterranean development in the Borough, and stated that the depth of some of the basements makes them highly vulnerable to many types of flooding.	Noted. The letter from Thames Water was considered by the Council. It was not accompanied by any evidence to support that basements should be restricted to the footprint of properties. Based on the letter the Council did add the requirement for positive pumped devices (CL7 (o)) to protect basements from sewer flooding.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
2	Stefan Tietz	Para a. avoids over-development and encourages the retention of garden areas Para i is important to safeguard the natural development of gardens and maintain a safe drainage system. (Comment based on 2013 policy- this is now point a)	Noted.	No change.
3	Graham Child	Basement development should not exceed 50% of the garden (CL7a) To some extent any restriction has to be a matter of judgement. The Baxter Report makes clear that, where the subsoil is clay, as it is in much of the Borough, it would be reasonable to have a 50% limit. There is no doubt also that having a basement below a garden tends to result in a different character of garden, despite the requirement for a metre of topsoil, as is demonstrated in the Council's Visual Evidence paper. Although most trees can grow in a metre of topsoil, it can affect their growth, as the roots can extend down two or even three metres if unrestricted. Much of the Borough's charms arises from its gardens and the "wild" effect in so many of them, including some substantial trees. Given all these desiderata and the need for clear guidance, we consider the Council's decision to go for a blanket 50% limit to be thoroughly sound.	Consideration of 50% maximum limit on extent under gardens as sound is noted.	No change.
4	Anselm Frost	I support the following sound policies: - limit of garden basement to 50% of garden	Support for 50% maximum limit under garden is noted.	No change.
5	Patti White	I support the following sound policies: - limit of garden basement to 50% of garden	Support for 50% maximum limit under garden is noted.	No change.
6	Holland Park Residents' Association (Nancy Mitchell)	I support the following sound policies: - limit of garden basement to 50% of garden	Support for 50% maximum limit under garden is noted.	No change.
7	Elizabeth Erickson	I support the following sound policies: - limit of garden basement to 50% of garden	Support for 50% maximum limit under garden is noted.	No change.
8	Susan Horsewood-Lee	CL7 a is sound. (basement development should not exceed a maximum of 50% of each garden or open part of the site...) It will be helpful in maintaining quality green space behind the terraces of this street. They do not have front gardens and the depth of the back gardens is generally less than the footprint of the building. The practice hitherto of allowing up to 80% of garden for basement excavation makes too great an inroad on the green corridor behind the terraces.	Consideration of 50% maximum limit on extent under gardens as sound is noted.	No change.
9	Peter Huhne	LIMIT OF GARDEN BASEMENT TO 50% OF GARDEN	Noted.	No change.
10	Pascale Rouveyre	I consider this to be sound for properties which are not listed, but consider that listed buildings should not have basements in gardens, see f below. However, the society does not consider exceptions should be made for large sites.	Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings. The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings. Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue. Exceptions for larger sites as explained in para 34.3.57 have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
			The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.	
11	Ann Hutchinson Guest	limit of garden basement to 50% of garden	Noted.	No change.
12	ESSA (Anthony Walker)	a We consider this sound but consider the reference to larger gardens to be irrelevant since the use of the basement is not related to the size of the garden.	Noted. Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, April 2014 explains where exceptions will be made for larger sites.	No change.
13	The Chelsea Society (Terence Bendixson)	Basement excavation in Kensington and Chelsea should be confined, as in the LB of Hammersmith and Fulham, to the footprint of buildings. This would give consistency across adjoining boroughs and avoid setting up conditions in which RBK&C, already a magnet for property investment, would continue to have its attractiveness augmented by planning policy. Given the Tri-Borough working that links LBH&F, RBK&C and Westminster City Council, all three should adopt the same approach to limiting basement excavation.	Noted. This Council does not have any evidence to support restricting basements to the footprint of properties. The NPPF supports sustainable development and the Council considers the Submission Basements Policy, RBKC, Apr 2014 will help achieve sustainable basement development.	No change.
14	Julia Swann	CL7 (a), (b) and (c) are positively prepared, justified, effective and consistent with National Policy. These changes are long overdue and I think it is essential that they be adopted as soon as possible to prevent further damage to the Borough's environment, heritage assets, living conditions and social cohesion. My only objection is that I think the "large sites" - for which exceptions may now be made - should be very carefully defined in order to prevent developers and their legal teams from driving coach and horses through these policies.	Noted. Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides a clear definition of larger sites.	No change.
15	Nicolas Rouveyre	I consider this to be sound for properties which are not listed, but considers that listed buildings should not have basements in gardens, see (f) below. However, the Society does not consider that exceptions should be made for large sites.	Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings. The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings. Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue. Exceptions for larger sites as explained in para 34.3.57 have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
16	Marion Gettleson	Support limit of garden basement to 50% of garden	Support for 50% maximum limit under garden is noted.	No change.

Question 5: CL7(b)

Ref	Name	Comments	Council's Response	Recommended Change
1	Jarrett Knight-Hunt	<p>I write in support of the new Policy Provision CL7-(b).</p> <p>Opponents of the new policy are trying to create a false impression that the restriction of basements to a single storey is not widely supported across the Borough.</p> <p>Nothing could be further from the truth. The real truth is that very few residents in the Borough either want or support basement multi-storey basements.</p> <p>Most of the comments the Inspectorate will get arguing for multi-storey basements will come from architects and building contractors and their hired professional advisers. The individuals behind most of these organizations DO NOT even live in the Borough and, in the spirit of "localism", the Inspectorate should not even accept these comments as valid. The only relation these people have to the Borough is that they are all trying to make money on the misery of local residents.</p> <p>Available data suggests a very limited demand for multi-storey basements. Kensington & Chelsea data show that there have been only a handful of basements greater than a single storey proposed. Our reading of maps available on line suggest that there have been less than 30 multi-storey basements, many of which were for larger and fully detached properties that would still be permitted under the new policy. This means that only a small handful of property owners have shown the greed and insensitivity to propose multi-storey basements on terraced properties (which specialist structural engineers engaged by RBKC have warned are particularly problematic). It would appear there have been less than 15 to 20 such applications.</p> <p>By contrast, there have been literally thousands of residents protesting against basements in general. I personally attended several planning hearings involving basements, with each attracting 30-40 residents per application. If you consider the hundreds of basements contested in the Borough, this implies that collectively thousands of residents have taken hours out of their busy lives to attend a meeting to protest. And that only includes those who have attended in person. The Planning Department could easily tabulate the written comments received in opposition to basements over the years (but nevertheless seems to have permitted 90% of them).</p>	<p>Noted.</p> <p>CL7 (b) does not make an exception for 'large and fully detached' properties as suggested. Please refer to para 34.3.57 including footnote 11 for further details of the exception.</p>	No change.
2	Keith Gallon	<p>We support the following sound policies:</p> <ul style="list-style-type: none"> • limit of one storey under gardens 	Noted – support for limit to one storey.	No change.
3	Rosamond Clayton	We support the following sound policies: • limit of one storey under gardens	Noted – support for limit to one storey.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
4	Stefan Tietz	Para b, c , e and f aim to avoid excavation to excessive depths, and thus the increased risk of damage to the property, its neighbours and disturbance of the water table and drainage.	Noted.	No change.
5	F Page	We support the following sound policies: • limit of one storey under gardens	Noted – support for limit to one storey.	No change.
6	Holland Park Residents' Association (Kathryn Michael)	We support the following sound policies: • limit of one storey under gardens	Noted – support for limit to one storey.	No change.
7	Graham Child	<p>Basements should not comprise more than one storey (CL7b)</p> <p>All basement development can cause horrific problems for neighbours during the construction phase and often afterwards as well. We document some of these problems in our 2009 Report. Theoretically, if a basement of however many floors is properly designed and properly built by properly qualified and supervised contractors, problems can be minimised and should not be too great. The fact is, however, that too often this does not happen. Designs are inadequate and above all contractors and in particular sub-contractors are inadequately supervised and do stupid things, with the results that we know. Even if the work is carried out in an impeccable way, and all the normal soil and other tests have been done, unexpected soil and water conditions can arise, resulting in damage to neighbouring properties.</p> <p>Unfortunately, other legislation is of limited help. The Council cannot through the planning system enforce adequate supervision. Building control applies only to the building where the works are being done, and does not monitor or control damage to neighbouring buildings (short of such massive damage as to render them dangerous). Party wall surveyors are restricted in how far they can dictate and supervise the works (and in any case what is needed is effective daily supervision). Some of the buildings that have been damaged by basements developments are moreover outside party wall distance. In other cases, cracks continue to appear after any party wall settlement has been reached.</p> <p>The above indicates a clear need to ensure that planning permission is only granted when there is a reasonable chance that problems will be minimised. Basements of more than one storey can no doubt be built safely and without causing too many problems to the neighbours. But they are inherently more risky and their construction with attendant problems inevitably lasts longer than for single basements. More spoil needs to be removed with consequent environmental problems. Piling is likely to be necessary. For all these reasons, we consider the proposed policy to be thoroughly justified.</p>	Noted – support limit of one storey and that it is considered thoroughly justified.	No change.
8	Anselm Frost	I support the following sound policies: - limit of one storey under gardens	Noted – limit of one storey is considered sound.	No change.
9	Patti White	I support the following sound policies: - limit of one storey under gardens	Noted – limit of one storey is considered sound.	No change.
10	Holland Park Residents' Association (Nancy)	I support the following sound policies: - limit of one storey under gardens	Noted – limit of one storey is considered sound.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
	Mitchell)			
11	Elizabeth Erickson	I support the following sound policies: - limit of one storey under gardens	Noted – limit of one storey is considered sound.	No change.
12	Peter Huhne	I support the following sound policies: - limit of one storey under gardens	Noted.	No change.
13	Pascale Rouveyre	I consider that limit of one storey is sound, but does not consider that exemptions should be made for larger sites.	Noted – limit of one storey is considered sound. Exceptions for larger sites as explained in para 34.3.57 have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.	No change.
14	Ann Hutchinson Guest	- limit of one storey under gardens	Noted.	No change.
15	ESSA (Anthony Walker)	b We consider this to be sound. We do not support exceptions on large sites.	Noted – limit of one storey is considered sound. Exceptions for larger sites as explained in para 34.3.57 have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.	No change.
16	Christopher Hunt	I strongly support the introduction of Policy CL7(b) and CL7(c) to restrict basements to one storey. I believe that an even stronger set of controls on basements is warranted and necessary, but I recognize that the proposed policy represents a compromise solution so will support it.	Noted – support for limit to one storey.	No change.
17	Nicolas Rouveyre	I consider that limit of one storey is sound, but does not consider that exemptions should be made for large sites.	Noted – limit of one storey is considered sound. Exceptions for larger sites as explained in para 34.3.57 have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
18	Marion Gettleson	Support an absolute limit of basements to one storey;	Noted – support for limit to one storey.	No change.
19	Nona Liang	<p>I write in support of Policy CL7(b) – restriction of basements to a single storey.</p> <p>I am the mother of four young children. I work from home and my children are home during the days as well. The massive multi-storey basement excavation that will shortly start next to my home will take away my family's right to live peacefully in our home for a very long time. Several experts have reviewed the project and agree that the depth (8-10 meters) and complexity will result in a construction period of 2 ½ to 3 years. For that entire period, I will be unable to work from home and my kids will live in great discomfort, unable to study or do all those things that children should be allowed to enjoy in their own home.</p> <p>We sought the input of property managers to see if we would be able to let our home whilst the construction was on-going. They estimated that we would have to accept about a 40% reduction in rent due to the inordinately large construction. If you extrapolate this across the approximately 8-10 property units that border this project and would face similar impacts and consider the cumulative loss over 3 years, our collective group of residents surrounding this ridiculous project will lose "market value" of well over a half million pounds.</p> <p>We can accept that planning law allows for some degree of construction impact. But planning law does not allow owners to do anything at any cost. Those who choose to live in Central London must accept reasonable limitations on the size of their property. Just as we do not allow industry to dump raw sewage into rivers, or coal plants to spew ash into the air without sufficient controls, so too must we control the impacts of basement construction. The basement industry has been allowed for far too long to build freely without considering or compensating what is a very real loss to surrounding residents. It is time for that to stop by at least limiting the size, which CL7(b) and CL7(c) see to do.</p> <p>The proposed policy achieves a reasonable balance. While I am not even in favour of single storey basements, I am willing to accept the compromise.</p> <p>Hopefully the building trade will give up on their selfish challenge and seek to work respectfully with the very community that is their lifeblood.</p>	Noted - comment on limit to one storey.	No change.

Question 5: CL7(c)

Ref	Name	Comments	Council's Response	Recommended Change
1	The Markham Square Association (David Cox)	We agree that there should not be additional basements under existing basements.	Noted.	No change.
2	Stefan Tietz	Para b, c, e and f aim to avoid excavation to excessive depths, and thus the increased risk of damage to the property, its neighbours and disturbance of the water table and drainage.	Noted.	No change.

3	Pascale Rouveyre	I consider that there is a need for a clearer definition of what constitutes a basement.	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
4	ESSA (Anthony Walker)	c We consider the policy sound and would be improved by the definition of what constitutes a basement.	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.
5	Nicolas Rouveyre	I consider that there is a need for a clearer definition of what constitutes a basement (see above)	The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property." This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.	No change.

Question 7: 34.3.51

Ref	Name	Comments	Council's Response	Recommended Change
1	Austin Mackie	There is no evidence to demonstrate that limiting basements to a single level will deliver measurable benefits.	Limiting basements to a single level will reduce construction impacts and limit carbon emissions. Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).	No change.
2	J. Dugald M. Barr	Paras. 34.3.51/52, 57: provisions for exceptions should not be made: if a truly exceptional situation exists it should be considered on its own merits.	Noted.	No change.
3	C.W.I Owens	Limiting developments to 50% of the garden area, principally to renew or conserve tree and large garden vegetation, is supported by good data. The efficacy of this policy is however dependent on garden size. 50% of a large garden will meet the intended purpose, 50% of a small garden (say 40' v20') will not. A more effective policy may be to reserve a minimum area for trees and large shrubs. For several reasons, it is likely that basement development will move to smaller properties (it is already well established in Mews), associated gardens (and there are many of them) will not be able to provide a sufficient protected area and the overall object of tree conservation will be defeated. In these situations development should not extend far beyond the foundations For the 'protected area' to be expressed as a percentage of the total garden area is unsound Serial aerial photography provides evidence of seemingly degraded gardens	50% is a maximum limit and the proposed policy protects existing trees of townscape or amenity value (CL7 d.). It is considered that leaving 50% of even a small garden along with the requirement for 1m of top soil is sufficient to ensure an area is available for planting.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
		attributed to basement development. This evidence is confounded by the installation of low-maintenance ground cover and only education would appear to be a realistic tool to counteract this unfortunate trend.		
4	Robin Purchas	Paras 34.3.51/52 – the justification is deficient and therefore unsound for the reasons set out (a) above – there should be no reference to exceptions and it should be made clear that front gardens will be treated as a separate unit for the purposes of measurement of the 50%.	<p>Exceptions for larger sites as explained in para 34.3.57 have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site.</p> <p>The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.</p>	No change.
5	Panorama Property Services Ltd (James Agace)	34.3.58. In the Second Draft Response table, you state multi-storey basements may be more complex and challenging. However, the Alan Baxter report says the risks are acceptable and there is no mention that basements should be limited to a single storey. Furthermore, regarding the council's response that construction of multi-storey basements are linked residential amenity, I have not seen evidence to support this, it is presumption, not fact.	<p>The limit is not based on structural issues although para 13.3.3 of Alan Baxter Associates Basements Report (Mar 2013) states <i>"The depth of underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible."</i></p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p>	No change.

Question 7: 34.3.52

Ref	Name	Comments	Council's Response	Recommended Change
1	Keith Gallon	<p>However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed:</p> <ul style="list-style-type: none"> • greater clarity about the appropriate floor to ceiling height, including structural depth of a basement 	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
2	Jill Freinberg	The appropriate floor to ceiling height of a basement needs greater clarity, particularly where a swimming pool is proposed.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
3	Rosamond Clayton	<p>However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed:</p> <ul style="list-style-type: none"> • greater clarity about the appropriate floor to ceiling height, including structural 	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
		depth of a basement		
4	F Page	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • greater clarity about the appropriate floor to ceiling height, including structural depth of a basement	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
5	Friends of Portobello (Robina Rose)	para 34.4.52 fails to address depth of piling required for swimming pools (next to me, 17 metres (50 feet down) far more than 3-4 metre ceiling height i.e. stopping groundwater flow. Overdevelopment- conditions to include digging out by hand - specify or soil types incremental effects (risk) long term and co-ordination between departments in implementation and moratorium on Notting Hill	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision. It would be too prescriptive for planning policy to define depth of foundations.	No change.
6	Holland Park Residents' Association (Kathryn Michael)	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • greater clarity about the appropriate floor to ceiling height, including structural depth of a basement	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
7	Anselm Frost	- greater clarity about the appropriate floor to ceiling height, including structural depth of a basement.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
8	Patti White	- greater clarity about the appropriate floor to ceiling height, including structural depth of a basement.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
9	Holland Park Residents' Association (Nancy Mitchell)	- greater clarity about the appropriate floor to ceiling height, including structural depth of a basement.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
10	Elizabeth Erickson	- greater clarity about the appropriate floor to ceiling height, including structural depth of a basement.	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.	No change.
11	Marion Gettleson	Need greater clarity on the appropriate floor-to-ceiling height, including structural depth of a basement, particularly where a swimming pool is proposed	Noted. The Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision. A small extra allowance for swimming pools is a proportion of the 3-4m and further prescription is not considered necessary.	No change.

Question 7: 34.3.53

Ref	Name	Comments	Council's Response	Recommended Change
1	James Copinger-Symes	I think limiting the size of a basement excavation under a garden is unjustified. I can't see any evidence to support these limits. It looks like the 50% under gardens and single storey limits are arbitrary and not supported by evidence. The Alan Baxter report doesn't recommend that basements should be limited to a single storey or 50% of a garden. I would suggest that the 50% maximum limit be removed as the inclusion is not	Noted. The 50% maximum limit is supported by a range of evidence. This includes – 1. Alan Baxter Associates Basements Report (Mar 2013) 2. Basements Visual Evidence, Feb 2014	No change.

Ref	Name	Comments	Council's Response	Recommended Change
		supported by evidence. Evidence to the contrary of the roof planting argument is visible within the borough.	<p>3. Basements Visual Evidence - External Manifestations, Feb 2014</p> <p>4. Trees and Basements, Feb 2014</p> <p>5. Impact of Basement Development on Biodiversity, Feb 2014</p> <p>6. London: Garden City?, 1998 - 2008, London Wildlife Trust, 2011</p>	
2	Friends of Portobello (Robina Rose)	What is called for is a general adoption of the precautionary principle. IE "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken - even if some cause and effect relationships are not fully established scientifically."wingspreadstatement 1998	Noted. The Policy Formulation Report, RBKC, Feb 2014 refers to the precautionary principle (at para 3.3, 3.4 and 4.31)	No change.
3	Austin Mackie	<p>It is suggested that by limiting the net volume of excavations, residential living conditions will be improved. The simplistic assumption upon which the Borough relies is that less volume of material and shorter construction times will reduce individual and/or cumulative impacts.</p> <p>Not sound. The approach is not justified or effective. It fails the tests of being flexible and does not afford the necessary flexibility that NPPF seeks. There are clear alternatives in other controls outside of the planning system.</p> <p>The Borough cannot use planning policy to replace other controls. It should retain an impact assessment approach to basement development allowing schemes to be considered on their merit. The evidence to support such a simplistic assumption is not robustly made. Such a stance fails to allow for individual site conditions to be tested. For example, a two storey basement on a site that is say 10m wide and 20 m deep could involve far less exaction than a single basement under a large detached house and/or 50% of a large garden.</p> <p>Equally, the policy does not allow consideration of the fact that on medium to larger sites, excavation may be undertaken with limited impact to immediate neighbours through efficient use of a sites size and capacity to mitigate impacts and manage the development process and construction impacts in an effective manner. Both examples demonstrate that the objectives of the policy are simply misguided. Attempting to limit the scope of excavation on any single site fails to allow for the consideration of the net impacts of a development as a whole. For example, allowing say a 5, 6 or 7 storey building to be demolished and redeveloped with one additional basement level may have no materially less impact over the construction programme than if two or more additional basements were constructed.</p>	<p>Noted. Comparison between a large site and small site are not considered relevant. It would be more relevant to draw comparisons on extent within the same site.</p> <p>The policy is not based just on construction impacts but also on carbon footprint. Please refer to Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27). Also refer to the Policy Formulation Report, RBKC, Feb 2014 which provides detailed explanation of the range of considerations.</p>	No change.

Question 7: 34.3.57

Ref	Name	Comments	Council's Response	Recommended Change
1	Austin Mackie	<p>The definition is considered to be so large that it is unlikely to be applied to many sites. The proposed definition denies flexibility that may be appropriate to other sites. As previously identified, the specific location, conditions or character of a site may afford the opportunity to mitigate impacts.</p> <p>This demonstrates yet a further weakness in the restrictive approach that the Borough proposes through CL7.</p> <p>Not sound – unjustified, not effective and in failing to have regard to alternatives and is not positively prepared.</p> <p>The Borough should retain an impact based approach to a site's potential permanent impacts and address other temporary impacts through other legislation.</p>	<p>The exception for larger sites as explained in para 34.3.57 is considered appropriate and have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site.</p> <p>The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.</p> <p>Small sites do not offer these public benefits.</p> <p>Also refer to the Policy Formulation Report, RBKC, Feb 2014 which provides detailed explanation of the range of considerations in formulating the policy.</p>	No change.
2	Robin Purchas	<p>Para 34.3.57 – for the reasons set out above there should be no provision for an exception; if the circumstances are truly exceptional, they should be considered on their particular merits and not by reference to some generalised bases for exception, which may or may not be appropriate in a particular case and are both unnecessary and undesirable as they will fetter the proper consideration whether an exception is justified.</p>	<p>The exception for larger sites as explained in para 34.3.57 is considered appropriate and have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site.</p> <p>The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.</p>	No change.

Question 7: 34.3.58

Ref	Name	Comments	Council's Response	Recommended Change
1	Sue Whittle	<p>50% is an arbitrary number that seems to have been chosen as a halfway house without any particular evidence to suggest this is a sensible number – somewhere it even says something like 'its an easy to understand number'. Surely a holistic approach to development in a particular area makes sense and planning permission is given by considering each case individually.</p> <p>Again, policy seems to be starting from the point of wanting to prevent any construction under back gardens and then seeking to justify this policy.</p>	<p>It is clear from the supporting evidence that basements can have a harmful impact on surface water drainage, character of gardens, living conditions of residents, carbon emissions and biodiversity. Restricting basements to 50% under the garden allows sustainable extension of homes without impacting negatively on the range of issues outlined above.</p>	No change.
2	Austin Mackie	<p>It is considered inappropriate to prevent an additional basement level where a site has already benefitted from a permitted development rights or the grant of permission.</p> <p>In such circumstances, the net additional impact of permitting a further basement level would be no worse than allowing a new single basement on a fresh site.</p> <p>Not sound - unjustified</p>	<p>The suggested approach would allow a policy loophole and encourage a phased application process. The policy considers basements within the defined limits to be sustainable development. Basements of more than one storey cause greater carbon emissions and prolonged construction impacts..</p>	No change.

Ref	Name	Comments	Council's Response	Recommended Change
		If the Borough is to adopt an impact assessment approach for basement development, such impacts should be assessed as a net addition to any already granted or permitted works.		

Question 7: CL7(a)

Ref	Name	Comments	Council's Response	Recommended Change
1	Onslow Neighbourhood Association (Eva Skinner)	Now dealing with CL7 Policy paragraphs: a. There should be no exceptions.	The exception for larger sites as explained in para 34.3.57 is considered appropriate and have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.	No change.
2	Sue Whittle	Building under a back garden should be of less concern to neighbours than an above ground development. Concerns regarding drainage impact can be allayed and managed within any properly constructed development. That should be the aim of the planning policy not a blanket restriction which is a blunt and pretty simplistic, ineffective tool. If construction impact is the problem then work out a policy that deals with that alone. Simply restricting the size of basements doesn't seem to deal with the real objection which is the level of construction going on at any one time. There is also a general dismissal in the comments to the first draft of any opposing views to those stated in the AB report. It would serve the council and AB better to take opposing views more seriously or the charge that this is a false consultation would appear to have more credence.	The objective is to retain a significant proportion of gardens in their natural form to allow natural processes to take place and allow sustainable development. Construction impacts are part of the justification. Please refer to the Policy Formulation Report, RBKC, Feb 2014 which comprehensively presents the issues the policy has had regard to. The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including <ul style="list-style-type: none"> ▪ "defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics, ▪ Providing safe, secure and sustainable environments and play spaces, ▪ Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and ▪ Enhancing the distinct character of suburban London." Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection." Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a	No change.

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			<p>significant proportion to be retained in its natural form.</p> <p>The Alan Baxter and Associates report is a technical report specially commissioned to look into these issues in detail. The Council is not aware of another study that is challenging the recommendations in this report.</p> <p>The planning policy will be subject to an examination in public. The Council is obliged to undertake a fair and meaningful consultation. All comments received will be sent to the Planning Inspectorate.</p>	
3	K Howell	A restriction of half of garden is not supported by any evidence, and therefore not properly justified. It is only following an unjustified recommendation. A better solution would be remove the proposed 50% limit and to have a garden drainage scheme designed and vetted by suitably qualified persons. This would ensure proper drainage for garden basements regardless of size and proper protection of trees.	<p>The objective is to retain a significant proportion of gardens in their natural form to allow natural processes to take place and allow sustainable development.</p> <p>Please refer to the Policy Formulation Report, RBKC, Feb 2014 which comprehensively presents the issues the policy has had regard to.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> ▪ “defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics, ▪ Providing safe, secure and sustainable environments and play spaces, ▪ Supporting biodiversity, protecting London’s trees, ‘green corridors and networks’, abating flood risk and mitigating the effects of climate change including the ‘heat island’ effect, and ▪ Enhancing the distinct character of suburban London.” <p>Para 1.2.22 of the London Plan Housing SPG further states “Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p>	No change.
4	3xArchitecture (Michael Foster)	Alan Baxter & Associates (ABA) argue that the extent of any basement covering a maximum of 75% of the garden area is an optimal figure for areas with a gravel or sand sub base. This is reduced to 50 – 75% in areas with a clay sub base. We feel that these figures prepared by a specialist consultancy should be adhered to, especially in instances where significantly improved sustainable urban drainage methods are proposed.	<p>The policy is based on a number of issues not just surface water drainage. The objective is to retain a significant proportion of gardens in their natural form to allow natural processes to take place and allow sustainable development.</p> <p>Please refer to the Policy Formulation Report, RBKC, Feb 2014 which comprehensively presents the issues the policy has had regard to.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> ▪ “defining local context and character including local social, physical, 	No change.

Ref	Name	Comments	Council's Response	Recommended Change
			<p>cultural, historical, environmental and economic characteristics,</p> <ul style="list-style-type: none"> ▪ Providing safe, secure and sustainable environments and play spaces, ▪ Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and ▪ Enhancing the distinct character of suburban London." <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p>	
5	Austin Mackie	<p>The first line of the policy suggest that the criteria which follow are intended to secure "...the highest stand and quality..." of 'design and construction'. These stated aspirations are permanent development / residual tests. However, the policy controls proposed, such as a single additional basement level are openly stated to be in order to reduce the impacts of, for example, temporary construction processes.</p> <p>The justification for these criteria is therefore flawed and such restrictions should be deleted. Such an approach is also fundamentally contrary to the 'presumption in favour' within the NPPF.</p> <p>Not sound – not justified, not flexible, there are alternative to such policy control and the approach is contrary to the presumption in favour of development.</p> <p>Delete criteria (a), (b) and (c).</p>	<p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p> <p>The presumption in the NPPF is in favour of 'sustainable' development. The proposed policy supports sustainable development.</p>	No change.
6	Rebecca Gibson	<p>CL7a: The size limit for basement extensions should not be fixed at 50%. The reasons provided by the council such as drainage, planting and garden levelness can all be addressed at the planning stage. The council should promote good engineering and design practice to solve these problems.</p> <p>If the 50% policy was introduced there is nothing preventing residents from paving over the remaining garden. This policy does nothing to protect biodiversity, garden levelness or alleviate drainage issues in such cases.</p> <p>Other issues such as construction impact caused by larger basement extensions are the same regardless of project size. If construction impact is not managed by the contractors and overseen by the council then it doesn't matter if the basement is 50% of the garden or 100%, the problem still exists.</p> <p>A full evidence base for the 50% limitation has not been provided.</p>	<p>The objective is to retain a significant proportion of gardens in their natural form to allow natural processes to take place and allow sustainable development.</p> <p>Please refer to the Policy Formulation Report, RBKC, Feb 2014 which comprehensively presents the issues the policy has had regard to.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> ▪ "defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics, ▪ Providing safe, secure and sustainable environments and play spaces, 	No change.

Ref	Name	Comments	Council's Response	Recommended Change
			<ul style="list-style-type: none"> Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and Enhancing the distinct character of suburban London." <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p> <p>It is recognised that gardens can be paved over. However, in the future if due to changing climate it becomes increasingly important to have ground permeability, paving rests lightly on the ground and can be easily removed. A basement would cause a more irreversible change to the ground conditions and is not comparable to having a paved garden.</p>	
7	Robin Purchas	a.This should make clear that the front garden is included and should be treated as a separate area and the 50% area measured accordingly;	Policy CL7a is clear in stating " <i>not exceed a maximum of 50% of each garden or open part of the site.</i> " Therefore front and back garden will be treated separately.	No change.
8	Jamie Wallace	Part (a) of Policy CL7 states that basement development should not exceed 50% of each garden or open part of the site. This arbitrary limitation imposed upon developers precludes development without reviewing clear justification when such a proposal meets required design criteria (drainage, planting, structural stability). On these grounds the policy is considered to be unsound as it does not accord with National Policy. Specifically paragraph 58 of the NPPF seeks to ensure that developments "optimise the potential of the site to accommodate development." Further, the Council has provided no substantive evidence to justify such a limitation or recognise the valuable contribution such extensions can make to the identified housing need in the Borough.	<p>Please refer to the Policy Formulation Report, RBKC, Feb 2014 which comprehensively presents the issues the policy has had regard to.</p> <p>The objective is to retain a significant proportion of gardens in their natural form to allow natural processes to take place and allow sustainable development.</p> <p>The NPPF supports 'sustainable development' and optimising the potential of the site to accommodate development is not meant to be at the cost of social and environmental benefits.</p> <p>Para 53 of the NPPF states "<i>Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.</i>" Annex 2: Glossary of the NPPG includes a definition of previously developed land (PDL). The definition specifically excludes 'private residential gardens. It also states where land is PDL "<i>it should not be assumed that the whole of the curtilage should be developed</i>".</p>	No change.
9	Sonata Persson	CL7a: I would like it noted that residents should be able to plant their gardens as they please. KC use the phrase 'artificially flat and sterile' in terms of the appearance of gardens and link this to garden basements. I would call this 'formal' planting of which there are many types, it is a planting style that is popular in London in gardens without basements. KC should not try to enforce their own idea of what gardens should look like. I was surprised to find out from the RBKC website that it is possible to completely	The Council is not intending to stipulate planting styles. It is recognised that gardens can be paved over. However, there is a big difference in paving which can be easily removed in the future to plant more trees or make the ground permeable. A basement causes an irreversible change to the ground conditions and is not comparable to having a paved garden.	No change.

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		pave one's own back garden as it is permitted development. If this complete garden paving is allowed then how is it right for RBKC to use 'artificially sterile' as a reason to support this policy? Additionally, drainage would be impacted by a completely paved garden. At least with a garden basement a good drainage design could be employed which would enable more than 50% of the garden to be used as a basement extension.		
10	John Fitzgerald	CL7 a: The evidence RBKC claim to support this policy is simply just not there. For example: 1) Where is the evidence to support the claim construction impact is a factor? Just stating this is not real evidence. 2) Where is the evidence to support the drainage argument? The Alan Baxter & Associates report uses a rule of thumb to support their 50% figure. No real evidence to justify the drainage argument has been provided. 3) Where is the evidence to support why planting on basement roofs is not possible? There is planting on roofs throughout the borough and London. Examples of roof planting are the Kensington Roof Gardens and the roof of Westminster Underground Station where there are several large mature trees inside the MP's building, Portcullis House.	Please refer to the Policy Formulation Report, RBKC, Feb 2014 which comprehensively lists the evidence the policy has had regard to. In response to the points raised, the evidence is listed below - 1. Basement Surveys (neighbours and residents) Responses, Aug/Sep 2012, Various consultations (including public events) on the emerging basements policy, Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 2. Alan Baxter Associates Basements Report (Mar 2013) is clear that a proportion of garden should remain free of development to allow surface water drainage. It recommends a rule of thumb depending on geology. However the policy is not based purely on drainage issues. Please refer to the Policy Formulation Report, RBKC, Feb 2014 which comprehensively lists the issues the policy has had regard to. 3. Basements Visual Evidence, Feb 2014, Basements Visual Evidence - External Manifestations, Feb 2014, Trees and Basements, Feb 2014, Impact of Basement Development on Biodiversity, Feb 2014, London: Garden City?, 1998 - 2008, London Wildlife Trust, 2011	No change.
11	St Helens Residents Association (Henry Peterson)	CL7 (a) states that basements should 'not exceed a maximum of 50% of each garden or open part of the site. The unaffected garden must be in a single area and where relevant should form a continuous area with other neighbouring gardens. Exceptions may be made on large sites; The area represented by this association is largely made up of Edwardian houses with front as well as rear gardens. Many of the front gardens are being lost to hard surfacing and the introduction of bin stores, cycle stores and other structures. CL7(a) needs to make clear that 'open part of the site' includes areas originally designed as front gardens and that the 50% maximum refers to the totality of the area of open parts of the site, at front, side or rear. The wording 'unaffected garden must be in a single area' seems incompatible with properties that have both a front and rear garden.	The policy is clear that it relates to 'each garden or open part of site'. The unaffected garden must be in a single area also applies to 'each' garden. The front and back gardens will be treated separately. The issues of hard surfacing of front gardens, bin stores etc are not linked to the basements policy. Hard surfacing front gardens is permitted development as long as permeable surfacing is used on areas over 5 sq m as set out in the General Permitted Development Order 1995 (as amended).	No change.

Question 7: CL7(b)

Ref	Name	Comments	Council's Response	Recommended Change
1	Onslow Neighbourhood Association (Eva Skinner)	b. There should be no exceptions.	The exception for larger sites as explained in para 34.3.57 is considered appropriate and have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide	No change.

Ref	Name	Comments	Council's Response	Recommended Change
			choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.	
2	Sue Whittle	<p>Again, if a project is properly engineered and designed it should be granted planning permission. A blanket ban is a blunt and ill-designed tool.</p> <p>Again, if construction disruption is the problem then work out a separate policy that deals with that. Simply restricting the size of basements doesn't seem to deal with the real objection which is level of disruption due to construction going on at any one time. Poor policy making.</p>	<p>Please refer to the Policy Formulation Report, RBKC, Feb 2014 which comprehensively lists the evidence the policy has had regard to.</p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p>	No change.
3	James Copinger-Symes	<p>Again, I can't see any evidence to support not building a basement of more than one storey. Reading the reports from Alan Baxter and Arup it is clear the risks are stated as acceptable. I haven't read any comments from any engineer that state multi-storey basements are unacceptable or even support this precautionary approach. These limits should be removed. If RBKC is concerned about risk then it should only allow applications from accredited contractors.</p> <p>It does appear that the real reason for limiting multi-story to reduce construction impact. The other reasons such as risk have been forced in to provide justification.</p>	<p>The limit is not based on structural issues although para 13.3.3 of Alan Baxter Associates Basements Report (Mar 2013) states <i>"The depth of underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible."</i></p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p>	No change.
4	3xArchitecture (Michael Foster)	<p>POSITIVELY PREPARED</p> <p>ABA also explore the impact of the relative depths of excavation on the construction process and conclude that the differences in terms of duration of excavation etc are minimal.</p> <p>These points and the general supporting information highlight the complexity of the design and construction process but also and significantly expose the large technical resource that a qualified professional team brings to such a project. Every site is different and every applicant (for development) has a different brief. A professional design team should be allowed to mitigate the effects of construction on a site by site basis using technically supported parameters and existing statutory mechanisms not arbitrary limitations that appear to be a response to vocal dissenting lobby groups.</p> <p>The policy could have a greater effect on mitigating the effects of construction by encouraging intelligent design, methodology and site practice than limiting scale.</p>	<p>As set out in para 34.3.50 of the Submission Basements Policy, RBKC, Apr 2014 <i>"planning deals with the use of land and it is expedient to deal with these issues and address the long term harm to residents' living conditions rather than rely on mitigation."</i></p> <p>Whilst every site is different and each planning application is assessed on its own merit, the policy provides a starting point.</p> <p>The policy is not formulated in response to 'local dissenting lobby groups' it takes into account a range of issues as presented in the Policy Formulation Report, RBKC, Feb 2014.</p>	No change.

Ref	Name	Comments	Council's Response	Recommended Change
5	Rebecca Gibson	CL7b and c: The Alan Baxter report flies against this policy and does not say that basements of more than one level should not be allowed. The council, without the support of its own professional engineering consultants, has decided that structural risk is sufficiently significant to be one of the justifications for not allowing basements of more than one level. With this in mind the council has not provided a proportional evidence base for these two policies.	<p>The limit is not based on structural issues although para 13.3.3 of Alan Baxter Associates Basements Report (Mar 2013) states <i>"The depth of underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible."</i></p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p> <p>Policy CL7 c is precluding further basement floors underneath an extant or unimplemented planning permission or one built through permitted development rights. As set out in para 34.3.58 of the Submission Basements Planning Policy, RBKC, Apr 2014 this is to ensure consistency of approach i.e. to avoid a phased planning application process of applying for one floor and then subsequently for another floor.</p>	No change.
6	Robin Purchas	b. The exception should be excluded; if there is truly an exceptional case, it should be left to be demonstrated on its particular facts to justify the exception, without specification as here which would weaken the overall thrust of the policy, which is amply supported on the evidence base;	<p>The exception for larger sites as explained in para 34.3.57 is considered appropriate and have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site.</p> <p>The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.</p>	No change.
7	Jamie Wallace	Indeed the same can be said for part (b) which limits the basement extensions to one storey, where there is no evidence to suggest that two storey basements cause greater structural impacts. This is overly restrictive and does not take into account the individual circumstances of the site. It is considered that both parts should include an additional exception which states: "Unless otherwise demonstrated through additional information."	<p>The limit is not based on structural issues although para 13.3.3 of Alan Baxter Associates Basements Report (Mar 2013) states <i>"The depth of underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible."</i></p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p>	No change.

Ref	Name	Comments	Council's Response	Recommended Change
8	Sonata Persson	<p>CL7b: With reference to the Alan Baxter & Associates report which states the risks and challenges of deeper excavations are acceptable. From an engineering stand point multi-storey basements should be permitted. I think the main reason for restricting the size of basements is the level of disruption to residents. I do not see why this policy should be included. Disruption should be tackled separately which I think it is under already existing policies. If disruption is not being managed then more of the same policies will not solve the problem. Why shouldn't residents be allowed larger basements, they are being penalised for RBKC's failings with current policy enforcement. Overall insufficient evidence has been provided that multiple level basements cause structural problems or longer construction periods than other basement or major above ground refurbishment works. Each application should be looked at and assessed individually.</p> <p>My comments regarding larger excavations and policy enforcement apply to CL7a and CL7c.</p>	<p>The limit is not based on structural issues although para 13.3.3 of Alan Baxter Associates Basements Report (Mar 2013) states <i>"The depth of underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible."</i></p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p> <p>Also refer to the Policy Formulation Report, RBKC, Feb 2014 for further details of the range of evidence the policy has had regard to.</p>	No change.
9	Panorama Property Services Ltd (James Agace)	<p>CL7 b: While there is evidence that multi-storey basements are more challenging and complex, the Alan Baxter and Associates report does not recommend against them and do not carry any special risks. There is no mention in the report that basements should be limited to a single storey. Just because certain basement construction projects may be complex it does preclude their construction.</p> <p>Multi-storey basements should be permitted. Sound engineering design should be a key factor in the decision.</p>	<p>The limit is not based on structural issues although para 13.3.3 of Alan Baxter Associates Basements Report (Mar 2013) states <i>"The depth of underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible."</i></p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p> <p>Also refer to the Policy Formulation Report, RBKC, Feb 2014 for further details of the range of evidence the policy has had regard to.</p>	No change.
10	John Fitzgerald	<p>CL7 b: Again, the evidence RBKC claim to support this policy does not exist:</p> <ol style="list-style-type: none"> 1) Where is the evidence to show basement development takes longer than for above ground extensions? 2) No evidence has been provided to support only single level basements from an engineering perspective. 3) The Alan Baxter & Associates report does not recommend or state the basements should be limited to a single storey. <p>Once more, given the lack of supporting evidence the policy is not justified</p>	<p>Please refer to the Policy Formulation Report, RBKC, Feb 2014 for further details of the range of evidence the policy has had regard to.</p> <p>The limit to a single storey is not based on structural issues although para 13.3.3 of Alan Baxter Associates Basements Report (Mar 2013) states <i>"The depth of underpinning to party walls of semi-detached or terraced houses should generally be limited to 4m below the underside of the foundations of the party walls. Deeper basements should be avoided or else formed using piled walls if feasible."</i></p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is</p>	No change.

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			presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).	
11	Marion Gettleson	I do not accept that there should be exceptions for large sites with regard to the extent of the garden with basement below (Policy CL7 (a)) and number of storeys that would be acceptable (Policy CL7 (b))	<p>The exception for larger sites as explained in para 34.3.57 is considered appropriate and have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site.</p> <p>The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.</p>	No change.

Question 7: CL7(c)

Ref	Name	Comments	Council's Response	Recommended Change
1	Onslow Neighbourhood Association (Eva Skinner)	c. The word 'basement' should be inserted after the word 'extant'. The Association is aware from reports from residents that a basement under an existing basement is at greater chance of malfunction, owing to the increased depth of the construction.	CL7c is intended to mean extant planning permission not extant basement. Please refer to the reasoned justification at para 34.3.58.	No change.
2	James Copinger-Symes	Again, I can't see any evidence to support not building a basement under an existing one. Reading the reports from Alan Baxter and Arup it is clear the risks are stated as acceptable. I haven't read any comments from any engineer that state multi-storey basements are unacceptable or even support this precautionary approach. These limits should be removed. If RBKC is concerned about risk then it should only allow applications from accredited contractors. It does appear that the real reason for limiting multi-story to reduce construction impact. The other reasons such as risk have been forced in to provide justification.	Policy CL7 c is precluding further basement floors underneath an extant or unimplemented planning permission or one built through permitted development rights. As set out in para 34.3.58 of the Submission Basements Planning Policy, RBKC, Apr 2014 this is to ensure consistency of approach i.e. to avoid a phased planning application process of applying for one floor and then subsequently for another floor.	No change.
3	K Howell	There is no justification for not allowing a basement to be construction under an existing one. After reviewing the Alan Baxter report, there is no mention that basements should be limited to a single storey. The report also states the structural risks are acceptable. These important facts are being ignored in drafting this policy. This is unsound and not how policy design should be implemented.	Policy CL7 c is precluding further basement floors underneath an extant or unimplemented planning permission or one built through permitted development rights. As set out in para 34.3.58 of the Submission Basements Planning Policy, RBKC, Apr 2014 this is to ensure consistency of approach i.e. to avoid a phased planning application process of applying for one floor and then subsequently for another floor.	No change.
4	Panorama Property Services Ltd (James Agace)	CL7 c: Again with reference to the Alan Baxter report, the report does not recommend against building under existing basements as doing so does not carry any special risks. There is no mention in the report that basements should be limited to a single storey. Just because certain basement construction projects may be complex it does preclude their construction. Building under existing basements should be permitted. Sound engineering design	Policy CL7 c is precluding further basement floors underneath an extant or unimplemented planning permission or one built through permitted development rights. As set out in para 34.3.58 of the Submission Basements Planning Policy, RBKC, Apr 2014 this is to ensure consistency of approach i.e. to avoid a phased planning application process of applying for one floor and then subsequently for another floor.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
		should be a key factor in the decision. (This comment is on previous version)		
5	The Boltons Association (Calvin Jackson)	- Subterranean development should not be permitted below existing lower ground floor level.	The Council does not have any evidence to support the suggested approach.	No change.

Question 9: 34.3.51, 34.3.52, 34.3.53

No comments

Question 9: ref 34.3.57

Ref	Name	Comments	Council's Response	Recommended Change
1	K Howell	<p>I cannot understand the logic for how the new policy is able to justify having different rules for different size sites. It is stated that plant and machinery can be located on a large site. I would think this would be the case for most sites regardless of size in the Royal Borough. If not, then having a site partially on the street is very common in London and easily planned.</p> <p>The explanation does not justify the policy. If a basement is well designed with a sound approach to all aspects of the construction lifecycle then there should not be a size limit, especially not one as arbitrary as 50% of the garden. The council should revisit this with a broader perspective with the aim to provide justification for their decision. As is, this policy is unsound and not properly justified.</p>	<p>The exception for larger sites as explained in para 34.3.57 is considered appropriate and have been made as these can offer more opportunity to mitigate construction impacts and carbon emissions on site.</p> <p>The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Larger sites also have the scope to support economic development by creating more jobs (para 9 and 19 NPPF), contribute to the vitality of town centres (para 23, NPPF) and deliver a wide choice of high quality homes (para 49 NPPF). Given the public benefits that development of larger sites can bring it is considered appropriate to have the flexibility in the policy to make an exception for these sites.</p> <p>Small site do not offer these public benefits.</p>	No change.

Question 9: ref 34.3.58

No comments

Question 9: CL7(a)

Ref	Name	Comments	Council's Response	Recommended Change
1	Austin Mackie	Notably, it offers no flexibility in relation to smaller sites where the proposed application of a single additional basement level or 50% of garden standard fails to have regard to the potentially limited impact of such schemes.	The impacts may be limited on a single site but given the numbers of planning applications received by the Council, the cumulative impacts can be considerable. Please refer to the range of evidence base as presented in the Policy Formulation report, RBKC, Feb 2014.	No change.

Question 9: CL7(b) and (c)

No comments

Comments concerning flooding and drainage

Question 5: RJ 34.3.56

Ref	Name	Comments	Council's Response	Recommended Change
	Price	Need to be more explicit about the need to ensure proper drainage through soakaways	<p>The Council's position towards the need for effective SuDS for all relevant developments is clear.</p> <p>The Council is committed within both CS Policy 2(e) and CL7(j) to require SuDS to reduce both the volume and speed of water run-off to the drainage system.</p> <p>A soakaway is likely to be a significant element of the SuDS, with the CL7(a) requiring that basement development does not exceed 50% of each garden.</p> <p>Para 34.3.50 notes that one of the benefits of the 50% restriction is the positive impact that this will have upon sustainable drainage.</p>	No change.

Question 5: RJ 34.3.67

No comments

Question 5: RJ 34.3.71

Ref	Name	Comments	Council's Response	Recommended Change
	Thames Water (Mark Mathews)	<p>The provision of positive pumped devices protects the occupiers of new basements from sewer flooding and as such they are necessary to avoid flood risk to occupiers in line with national and local planning policy.</p> <p>Notwithstanding the above it is considered that additional supporting text for the policy could be provided in relation to dewatering requirements to ensure that developers are aware of legal requirements.</p> <p>The following additional supporting text is considered necessary to ensure that developers are aware of their legal requirements with regard to the discharge of groundwater to a public sewer.</p> <p>'Where a development requires a discharge of groundwater into a public sewer, Thames Water will require a Groundwater Risk Management Permit. This is to ensure we protect our sewerage infrastructure and help protect the environment</p>	<p>Support for the requirement for a "positive pumped device" to protect occupants from sewer flooding is noted.</p> <p>Core Strategy is not considered to be appropriate document to set out developer's requirements under the Water Industry Act 1991. An informative on a planning permission is the appropriate vehicle.</p>	No change.

	<p>and local amenity. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation.</p> <p>Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water's approach is that groundwater discharges will only be accepted once a valid Permit is in place. The Permit will specify a set volume and rate of discharge and may also include a number of limits for contaminants present in the discharge'.</p>		
Andrea Morante	be more explicit about the need to ensure proper drainage through soakaways.	<p>The Council's position towards the need for effective SuDS for all relevant developments is clear.</p> <p>The Council is committed within both CS Policy 2(e) and CL7(j) to require SuDS to reduce both the volume and speed of water run-off to the drainage system.</p> <p>A soakaway is likely to be a significant element of the SuDS, with the CL7(a) requiring that basement development does not exceed 50% of each garden.</p> <p>Para 34.3.50 notes that one of the benefits of the 50% restriction is the positive impact that this will have upon sustainable drainage.</p>	No change.
S Ganesh	<p>I am speaking as a resident of Kensington & Chelsea who has been directly affected by a basement development next door.</p> <p>I feel policy CL7 on basements is sound in every respect for both applicants of basement developments and neighbouring residents affected by such developments. In particular, section 34.3.71 addresses concerns of back-flowing sewerage and unpleasant smells from basement sites, which has been a concern of mine for some time.</p>	Support noted.	No change.

Question 5: CL7(i)

Ref	Name	Comments	Council's Response	Recommended Change
	The Markham Square Association (David Cox)	Agreed.	Support noted.	No change.
	Keith Gallon	<p>We support the following sound policies:</p> <ul style="list-style-type: none"> the requirement for sustainable urban drainage schemes 	Support noted.	No change.
	Rosamond Clayton	<p>We support the following sound policies:</p> <ul style="list-style-type: none"> the requirement for sustainable urban drainage schemes 	Support noted.	No change.

Stefan Tietz	Para (n) aims to reduce the risk of flooding by raising water and sewerage to a level which allows it to link to the existing local drainage systems.	Comment noted.	No change.
F Page	We support the following sound policies: - the requirement for sustainable urban drainage schemes	Support noted.	No change.
Holland Park Residents' Association (Kathryn Michael)	We support the following sound policies: - the requirement for sustainable urban drainage schemes	Support noted.	No change.
Anselm Frost	I support the following sound policies: - the requirement for sustainable urban drainage schemes	Support noted.	No change.
Patti White	I support the following sound policies: - the requirement for sustainable urban drainage schemes	Support noted.	No change.
Holland Park Residents' Association (Nancy Mitchell)	I support the following sound policies: - the requirement for sustainable urban drainage schemes	Support noted.	No change.
Elizabeth Erickson	I support the following sound policies: - the requirement for sustainable urban drainage schemes	Support noted.	No change.
Peter Huhne	I support the following sound policies: - the requirement for sustainable urban drainage schemes	Support noted.	No change.
Pascale Rouveyre	I strongly support the need to provide sustainable urban drainage schemes, but consider that the effect should be to contain rainwater runoff within the site, not just attenuate run-off to the sewer system.	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site.	No change.
Ann Hutchinson Guest	I support - the requirement for sustainable urban drainage schemes	Support noted.	No change.
Nicolas Rouveyre	I strongly support the need to provide sustainable urban drainage schemes, but consider that the effect should be to contain rainwater runoff within the site, not just attenuate run-off to the sewer system.	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site.	No change.
Ann Hutchinson Guest	I support the requirement for sustainable urban drainage schemes	Support noted.	No change.
ESSA (Anthony Walker)	We consider this sound	Support noted.	No change.
Nicolas Rouveyre	I strongly support the need to provide sustainable urban drainage schemes, but consider that the effect should be to contain rainwater runoff within the site, not just attenuate run-off to the sewer system.	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site.	No change.
Environment Agency	We support Policy CL7 Basements, in particular, criteria (j) and the final sentence	Support of Environmental Agency noted.	No change.

(Wioleta Osior)	<p>stating "A specific policy requirement for basements is also contained in Policy CE2, Flooding."</p> <p>We support criteria (j) because it requires basement developments to include a sustainable drainage scheme to ensure there is still adequate drainage to the site whether this is permeable soil or other SuDS measure. This is in line with the London Plan policy 5.13 and the National Planning Policy Framework.</p>		
Marion Gettleson	Support the requirement for sustainable urban drainage schemes	Support noted.	No change.

Question 5: CL7(o)

Ref	Name	Comments	Council's Response	Recommended Change
	The Markham Square Association (David Cox)	Agreed.	Support noted.	No change.
	Pascale Rouveyre	I consider this policy sound, although it should also cover the impact of basements on flooding of neighbouring premises.	<p>Support for policy noted.</p> <p>The purpose of CL7(o) is very specific, as considers the impact of sewage flooding within a newly created basement. The impact of a basement proposal upon the local hydrological regime and the impact of that this may have upon neighbouring properties must be addressed within the Construction Method Statement submitted alongside the planning application.</p>	
	ESSA (Anthony Walker)	We consider this sound	Support noted.	No change.
	Nicolas Rouveyre	I consider this policy sound, although it should also cover the impact of basements on flooding of neighbouring premises.	<p>Support for policy noted.</p> <p>The purpose of CL7(o) is very specific, as considers the impact of sewage flooding within a newly created basement. The impact of a basement proposal upon the local hydrological regime and the impact of that this may have upon neighbouring properties must be addressed within the Construction Method Statement submitted alongside the planning application.</p>	No change.
	Sue Whittle	<p>Surely all basements need positively pumped devices where the drainage is below the existing sewer level otherwise nothing would get out of the basement. What is meant by this and what is the intention of including it in the policy?</p> <p>There must be various ways of protecting against flooding and this policy seems to be restrictive and rather limited in its thought and therefore scope.</p>	The purpose of a positively pumped device is not to pump everyday waste from facilities within a basement to but ensure that sewage does not enter the basement at times of sewer surcharge. This is explained within footnote 23 of the submission policy.	No change.

Question 5: RJ 34.3.56

Ref	Name	Comments	Council's Response	Recommended Change
	Paula McPherson	This justification for this statement lacks any supporting evidence. Please provide evidence to show how having unexcavated soil in a single area will give better drainage. Again, where is the evidence to support the claim that keeping an unexcavated area of garden will support biodiversity. This is not reasoned justification, the statement should be removed.	Alan Baxter Associates Basements Report (March 2013) confirms that the leaving an area of garden undeveloped will have a beneficial impact upon local drainage. Impact of Basement Development on Biodiversity (RBKC 2014) considers the impact of construction on local biodiversity. It confirms that the impact can be "high" at both the construction and post construction phases.	No change.

Question 5: RJ 34.3.67

Ref	Name	Comments	Council's Response	Recommended Change
	Keith Gallon	Before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • drainage schemes should also require rainwater run off to be contained within the site, not just to attenuate run-off into the sewer system	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site	No change.
	Rosamond Clayton	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • drainage schemes should also require rainwater run off to be contained within the site, not just to attenuate run-off into the sewer system	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site	No change.
	F Page	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • drainage schemes should also require rainwater run off to be contained within the site, not just to attenuate run-off into the sewer system	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site	No change.
	Friends of Portobello (Robina Rose)	We are already beginning to see long term groundwater change effects - there is no implementation or monitoring system in place for this. c. 50% of building control RBKC now private therefore lack of coordinated oversight. BREEAM certificates etc not included. Long term surface and groundwater changes- particularly in the context of Notting Hill, which is referred to in the Alan Baxter report (is this the final stage of the Scoping Study begun with Ove Arup) and the Thames Water Counters Creek.	Comments noted. The Alan Baxter Report is a stand alone report. It is not the final stage of the Scoping Study begun with Ove Arup.	No change.
	Holland Park Residents' Association (Kathryn Michael)	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • drainage schemes should also require rainwater run off to be contained within the site, not just to attenuate run-off into the sewer system	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site	No change.
	Austin Mackie	We welcome the flexibility offered to 'gardens' which are already wholly paved. Clarity should be provided to refer to both gardens and open spaces, and also to refer to existing and proposed areas, for example, solutions other than requiring 1m of soil may be appropriate to proposed schemes where the extent of open area is limited and or where an existing basement or lower ground level is being extended.	The provision of a metre of top soil above basements will remain relevant in the majority of situations given the benefits it can have upon biodiversity and upon local hydrology.	No change.

	Anselm Frost	Drainage schemes should also require rainwater run off to be contained within the site, not just to attenuate run-off into the sewer system	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site	No change.
	Patti White	Drainage schemes should also require rainwater run off to be contained within the site, not just to attenuate run	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site	No change.
	Holland Park Residents' Association (Nancy Mitchell)	Drainage schemes should also require rainwater run off to be contained within the site, not just to attenuate run	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site	No change.
	Elizabeth Erickson	Drainage schemes should also require rainwater run off to be contained within the site, not just to attenuate run	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site	No change.

Question 7: 34.3.71

No comments received.

Question 7: CL7(i)

Ref	Name	Comments	Council's Response	Recommended Change
	Ann Hutchinson Guest	Drainage schemes should also require rainwater run off to be contained within the site, not just to attenuate run-off into the sewer system	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site	No change.
	Marion Gettleson	Drainage schemes should also require rainwater runoff to be contained within the site, not just to attenuate run-off into the sewer system.	Support for SuDS noted. The purpose of both CS Policy CE2 and Cf7(j) is to require surface water run-off to be managed as close to the source as possible. This will be achieved, in part, through containing run-off within the site	No change.

Question 7: CL7(o)

No comments

Qu 9: 34.3.56, .67, .71, CL7(j)

No comments

Comments concerning appearance and Heritage Assets

Question:Q5 RJ ref 34.3.55

Ref No.	Name	Comment	Council Response	Recommended Change
	The Chelsea Society (Terence Bendixson)	<p>The large gardens found behind some houses in Kensington and Chelsea are green lungs and heritage assets. Their large size means that they act visually as small parks for those living near them. They can accommodate forest-sized trees – with ability to absorb CO2: they support biodiversity: and as undeveloped land they have potential to meet human needs, as yet unknown, that require a natural environment. (See RBK&C report: 'Impact of basement development on biodiversity') Paragraph 2.5 'A study of 61 gardens in Sheffield, UK, showed that garden size plays an overwhelming role in determining garden composition.' And Paragraph 5.1 In a changing world we should be cautious about removing options that could offer significant benefits in terms of resilience and adaptability.</p> <p>The construction of a basement is a fairly permanent feature; difficult to undo. Considering the acknowledged impacts that large-scale basements have on the ecology of garden sites, particularly the limitations to grow large trees, measures to restrict/limit basement extents are recommended and deemed prudent.)</p> <p>Planning applications for basements are running at over 400 a year and additional excavations are taking place without planning permission. This gives a rate of over 4,000 per decade and more than 12,000 over thirty years. The Council's own evidence shows the changes that takes place when gardens are undermined. Bushes, flower beds, small trees and variety in plant species give way to tidy turf, dwarf walls, paving and skylights.</p> <p>The Council's partial review needs to take account of the effect of such long-term trends on the character and appearance of conservation areas, on bio-diversity, on CO2 absorption and, given the prospect of more extreme climate events, on surface drainage. The Society believes that a more precautionary approach is called for. Limiting excavation to the footprints of houses would eliminate all these risks.</p>	<p>Support for maintaining character of gardens by restricting the extent of basement development beneath gardens, is noted.</p> <p>Support for maintaining the potential to grow trees in the future by restricting the extent of basement development beneath gardens, is noted.</p> <p>The restrictive approach taken by the submission policy recognises the cumulative impact that multiple basements will have in an area over time.</p> <p>The Council does not have any evidence that would support restricting basements to the footprint of buildings.</p>	No change.
	Julia Swann	<p>34.3.54 we currently look out on leafy back gardens, but a more recent proposed development will involve the loss of mature shrubs, e.g. a large fig tree and extensive creepers that have been there for years. If the excavation was over 50% of the garden rather than 85%, we could still enjoy this sight. I therefore support the policy in this paragraph - it is positively prepared, justified and effective.</p>	Support noted.	No change.

Question:Q5 RJ ref 34.3.60 Add comment

No comments

Question:Q5 RJ ref 34.3.61 Add comment

Ref No.	Name	Question:Q5 RJ ref 34.3.61	Council Response	Recommended Change
	C.W.I Owens	The proposal to constrain any activity that may 'harm' a listed building, whilst fraught with matters of definition, is sound.	Support noted. Assessment of harm is an integral part of determining whether a proposal should be granted permission.	No change.

Question:Q5 RJ ref 34.3.62 Add comment

Ref No.	Name	Comment	Council Response	Recommended Change
	Jill Freinberg	Greater clarity is needed about the proximity of garden basements close to listed buildings.	Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings. The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings. It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care. Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue	No change.
	Richard Price	We, however, have strong reservations about allowing basements to be built under the gardens of listed buildings such as those in Canning Place/Victoria Grove/Launceston Place and, therefore, would listed buildings to be exempted from the proposal that basements may cover up to 50% of the garden.	Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings. The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings. It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care. Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.	No change.

	Pascale Rouveyre	<p>Greater clarity needed about the proximity of garden basements close to a listed building.</p> <p>34.3.62 Line 6 The Council have been refusing garden basements which are too close to the historic asset on the basis that the new structure will adversely affect the building. Should this line be modified to include the historic asset as well as adjoining houses? This might just mean a movement joint but at least it is separation.</p>	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p> <p>The Council seeks to ensure that the structural integrity of both the main listed building and the structures within its curtilage are protected. However, the methodology used to achieve this will differ. Whilst "structural independence" may be appropriate from the main building, it may not be for a wall.</p>	No change.
	ESSA (Anthony Walker)	34.3.62 We consider that the term adjoining building should include any structures attached to or in the curtilage of the listed building or structure.	The Council seeks to ensure that the structural integrity of both the main listed building and the structures within its curtilage are protected. However, the methodology used to achieve this will differ. Whilst "structural independence" may be appropriate from the main building, it may not be for a wall.	No change.
	R M Swann	<p>Basements Policy, Clause 34.3.63 (previous version)</p> <p>This policy is "justified" as the current policy does not adequately protect listed buildings. We have relatively few listed buildings and it is necessary to protect them from unsuitable interventions.</p>	<p>Support for the "previous policy" noted. The approach taken has been altered, there no longer being a presumption against basements beneath gardens on listed buildings.</p> <p>Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue</p>	No change.

	Anthony Temple	<p>As regards: 34.3.62 Basements in the gardens of listed buildings can result in modifications to the building's foundations. This can harm the historic integrity and pose risks of structural damage to the building. Evidence suggests that where a basement is built only in the garden it is beneficial for the adjoining buildings if this basement is structurally independent of the adjoining houses and executed with special care. The link between the listed building and the basement should be discreet and of an appropriate design.</p> <p>Concerns about deep excavation and structural instability are not fanciful. Recently published research by the Health and Safety Executive implies that many subterranean developments in the Borough have progressed inappropriately. On 29 November 2011 the HSE issued a press release: 'Inspectors visited 109 sites in four London boroughs, Hammersmith & Fulham, Kensington & Chelsea, Westminster and Wandsworth, on 15 and 16 November. They took enforcement action at 40 sites (37 per cent), serving a total of 78 notices. At four projects, conditions were so dangerous that inspectors were forced to close the sites.....'</p> <p>Sites inspected Improvement Notices Prohibition Notices Hammersmith & Fulham 53 7 27 Kensington & Chelsea 41 18 25 Wandsworth 6 0 0 Westminster 9 0 1</p> <p>Obviously the greater the depth and the more intense the development the greater the risk.</p>	<p>Noted. The Council is aware of the potential impact that basement excavations can have upon structural stability.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out the structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>A Construction Method Statement is required at submission stage to ensure that structural issues are fully considered at the beginning of the process.</p>	
	Julia Swann	<p>34.3.63 You propose that basements under listed buildings should be away from the listed building. I strongly support this policy - the basement proposal opposite us is closely tied to the listed building, and covers almost the whole of the listed garden - and yet the Planning Department appear not to have the teeth to prevent it under the present policy. It is clear that the Planners need tighter legislation to enable them to properly protect our heritage assets. I therefore support the policy in this paragraph - it is positively prepared, justified and effective.</p>	Support noted.	No change.
	Nicolas Rouveyre	<p>Greater clarity is needed about the proximity of garden basements close to listed buildings. The Council have been refusing garden basements which are too close to the historic asset on the basis that the new structure will adversely affect the building. Should this line be modified to include the historic asset as well as adjoining houses? This might just mean a movement joint but at least it is separation.</p>	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.

			The Council seeks to ensure that the structural integrity of both the main listed building and the structures within its curtilage are protected. However, the methodology used to achieve this will differ. Whilst “structural independence” may be appropriate from the main building, it may not be for a wall.	
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Question:Q5 RJ ref 34.3.63 Add comment

No Comments

Question:Q5 RJ ref 34.3.64 Add comment

No Comments

Question:Q5 RJ ref 34.3.65 Add comment

Ref No.	Name	Comment	Council Response	Recommended Change
	Pascale Rouveyre	The importance of identifying buildings of importance in the new Conservation Area Appraisals is confirmed in footnote of the Basement policies as it refers to buildings formally identified by the LPA.	Comment noted.	No change.
	Nicolas Rouveyre	The importance of identifying buildings of importance in the new Conservation Area Appraisals is confirmed in footnote of the Basement policies as it refers to buildings formally identified by the LPA.	Comment noted.	No change.

Question:Q5 RJ ref 34.3.66 Add comment

Ref No.	Name	Comment	Council Response	Recommended Change
	C.W.I Owens	To minimise the area occupied by features clearly integrated with structures beneath (light wells etc) is sound	Support noted.	
	Anthony Temple	Light wells: the policy says: 34.3.66 It is very important to minimise the visual impact of light wells, roof lights, railings, steps, emergency accesses, plant and other externally visible elements. Care should be taken to avoid disturbance to neighbours from light pollution through roof lights and other forms.... Double basement proposals are often accompanied by a host of non-compliant light wells and other apertures.	Support noted. Submission Policy CL7(i) recognises the importance of taking opportunities to improve the character or appearance of the building, garden and wider area.	

Question:Q5 CL7e

Ref No.	Name	Comments	Council Response	Recommended Change
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	The Markham Square Association (David Cox)	Again, it is not sufficient that there should be no harm to the significance of heritage assets; there must be no likelihood of harm. The term "heritage assets" should be clearly explained in a document intended for use by members of the public.	"Likelihood of harm" is considered within the Construction Method Statement to be submitted with the planning application. A "heritage asset" is a widely recognised term used in the NPPF. It is defined within the footnote to para 34.3.60.	
	Stefan Tietz	Para b, c, e and f aim to avoid excavation to excessive depths, and thus the increased risk of damage to the property, its neighbours and disturbance of the water table and drainage.	Comment noted.	
	Pascale Rouveyre	I consider this sound, but consider that the term "heritage assets" is unfamiliar to most readers- whether developers or residents- and footnote 14 is not much help as it omits to mention both listed building and conservation areas. Para 34.3.60 and this policy needs to make this clear by specifically giving examples both listed buildings and conservation areas, although the latter part of footnote 14 does do this. It is not very accessible. It should be noted that the Borough has more than 4,000 listed buildings and structures and about 75% of its area is covered by conservation areas.	A "heritage asset" is a widely recognised term used in the NPPF. It is defined within the footnote to para 34.3.60. This states that it does include listed buildings, schedules ancient monuments and conservation areas.	
	ESSA (Anthony Walker)	We consider this sound	Support noted.	
	The Chelsea Society (Terence Bendixson)	RBK&C's 18th and 19th development, based on a mix of terrace houses with gardens (and sometimes even grander detached and semi-detached houses with gardens) and garden squares is, in its entirety, a heritage asset. This is indicated by its coverage by Conservation Areas. This unique urban town-planning is famous, along with Bath and the New Town in Edinburgh, world over for its human scale, greenness and liveability. The gardens of these houses, with their trees, flowering shrubs, bushes, lawns and flower beds are an intrinsic and indivisible part of these heritage assets. Given the Borough Council's photographic evidence of how the excavation of gardens transforms and nullifies their naturalness, Policy CL 7 e states something that is evidently untrue. Basement development causes permanent and irreversible harm to the significance of heritage assets when it is allowed under gardens whether or not they are part of listed buildings. This is a powerful reason for limiting such excavation to the footprint of buildings.	Restricting the extent of the basement to less than 50% of each garden (CL7(a)) will help ensure that an adequate amount of garden is retained in its "natural state" to maintain the general character of the area. The Council does not have any evidence that would support restricting basements to the footprint of buildings. The recommendations in para 13.3.5 in Residential Basement Study report, Alan Baxter and Associates, March 2013 provides further details on how basement can be restricted under the gardens based on surface water drainage depending on geology.	
	Nicolas Rouveyre	I consider this sound, but considers that the term "heritage assets" is unfamiliar to most readers - whether developers or residents - and footnote 14 is not much help as it omits to mention both listed building and conservation areas. Para 34.3.60 and this policy needs to make this clear by specifically giving as examples both listed buildings and conservation areas, although the latter part of footnote 14 does do this. It is not very accessible. It should be notes that the Borough has more than 4,000 listed buildings and structures and about 75% of its area is covered by conservation areas.	A "heritage asset" is a widely recognised term used in the NPPF. It is defined within the footnote to para 34.3.60. This states that it does include listed buildings, schedules ancient monuments and conservation areas.	
	Mary and Ron Coulson	Referring to Campden Hill Square W8 7LB. RBKC has not protected listed buildings in the Square based on current policy. Basement excavations in the Square (at least 5) have taken two to four years to complete and have resulted in unreasonable building projects, structural damage to adjacent properties and flagrant infringement of building regulation. It is not possible to fully rectify structural damage to adjacent properties. In addition, builders deny the claims of neighbours.	Comment noted. The protection of listed buildings has, and will continue, to be a focus for the Council. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.	

Question:Q5 CL7f

Ref No.	Name	Comment	Council Response	Recommended Change
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	The Markham Square Association (David Cox)	Agreed.	Support noted.	No change.
	Judy de Haas	No excavation should be allowed below listed buildings until the long term impact of existing basement developments has been properly assessed	Support noted.	No change.
	Keith Gallon	We support the following sound policies: • no excavation under listed buildings	Support noted.	No change.
	Rosamond Clayton	We support the following sound policies: • no excavation under listed buildings	Support noted.	No change.
	Stefan Tietz	Para b, c, e and f aim to avoid excavation to excessive depths, and thus the increased risk of damage to the property, its neighbours and disturbance of the water table and drainage.	Noted.	No change.
	F Page	We support the following sound policies: • no excavation under listed buildings	Support noted.	No change.
	Holland Park Residents' Association (Kathryn Michael)	We support the following sound policies: • no excavation under listed buildings	Support noted.	No change.
	Anselm Frost	I support the following sound policies: - No excavation under listed buildings	Support noted.	No change.
	Patti White	I support the following sound policies: - No excavation under listed buildings	Support noted.	No change.
	Holland Park Residents' Association (Nancy Mitchell)	I support the following sound policies: - No excavation under listed buildings	Support noted.	No change.
	Elizabeth Erickson	I support the following sound policies: - No excavation under listed buildings	Support noted.	No change.
	Pascale Rouveyre	I strongly support the policy of no excavation under listed buildings and, as far as it goes, the policy is sound. However, because of the risks to the main building, outbuildings (such as vaults in the front garden or under pavements which are attached to the building and to studios in the gardens) and to boundary walls which form part of the listed structures within the curtilage, I consider that allowing basements under the garden could put these elements of the structure at risk. In addition, whilst the reference to pavement vaults is welcome, it should be clear that the policy also applies to vaults within the curtilage.	Support noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings. The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings. It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care. Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue. The Council seeks to ensure that the structural integrity of both the main listed building and the structures within its curtilage are protected. However, the methodology used to achieve this will differ. Whilst "structural independence" may be appropriate from the main building, it may not be for a wall.	No change.
	ESSA (Anthony Walker)	We consider this sound. We are not clear what is the reason for specifically including pavement vaults, if these are part of the original building they would be part of that listing. This would also apply to garden walls and other elements attached to the designated heritage asset. By underneath we consider the meaning should include anything within the bearing area of the foundations of the building and thus ensure that any basement is detached from the building, any vaults or garden walls. We consider that this would be of particular significance to any proposed basement within the garden of a listed building or adjacent to a listed building	Support noted. Specific reference to pavement vaults has been made for the sake of clarity. Any structure within the curtilage of a listed building is covered by the listing. The Council seeks to ensure that the structural integrity of both the main listed building and the structures within its curtilage are protected. This integrity must be maintained whether the proposed works are beneath or adjacent to the listed building/structure. This is confirmed by CLf(e) which	No change.

			requires that there is no harm to the significance of the relevant heritage asset. This harm could be by any means.	
	Nicolas Rouveyre	I strongly support the policy of no excavation under listed buildings and, as far as it goes, the policy is sound. However, because of the risks to the main building, outbuildings (such as vaults in the front garden or under pavements which are attached to the building and to studios in the gardens) and to boundary walls which all form part of the listed structures within the curtilage consider that allowing basements under the garden could put these elements of the structure at risk. In addition, whilst the reference to pavement vaults is welcome, it should be clear that the policy also applies to vaults within the curtilage.	Support noted. The Council seeks to ensure that the structural integrity of both the main listed building and the structures within its curtilage are protected. This is confirmed by CL7f(e) which requires that there is no harm to the significance of the relevant heritage asset. This includes any heritage asset be it the principle property or structures within, or beneath, the garden.	No change.
	Marion Gettleson	Support no excavation under listed buildings;	Support noted.	No change.

Question: Q5 CL7g

Ref No.	Name	Comment	Council Response	Recommended Change
	Keith Gallon	We support the following sound policies: • limit of garden basement to 50% of garden	Support noted.	No change.
	Rosamond Clayton	We support the following sound policies: • limit of garden basement to 50% of garden	Support noted.	No change.
	Stefan Tietz	Paragraphs g and h aim to safeguard the streetscape and the environmental character of the area.	Noted.	No change.
	F Page	We support the following sound policies: • limit of garden basement to 50% of garden	Support noted.	No change.
	Holland Park Residents' Association (Kathryn Michael)	We support the following sound policies: • limit of garden basement to 50% of garden	Support noted.	No change.
	Peter Huhne	No excavation under listed buildings.	Support noted.	No change.
	Pascale Rouveyre	I agree with this provision, but if this proposal for f above is successful it would be unnecessary. If not, I would support the soundness of this policy.	Support noted.	No change.
	Ann Hutchinson Guest	No excavation under listed buildings	Support noted.	No change.
	ESSA (Anthony Walker)	g We consider this sound but for certainty we consider that as vaults have been specifically referred to elsewhere the definition of the listed building should include any items within its curtilage including vaults and garden walls.	Support noted. Any structures, be these walls or vaults, within, or below the curtilage of a listed building will be included within the listing. As such further specific reference is not necessary.	No change.
	The Chelsea Society (Terence Bendixson)	Sloane House and Lodge, the former listed Grade II, formerly exemplified the unity of architecture and garden. Both building and garden were recognizable 18th and 19th heritage assets. This was a country house that had somehow been left in inner London and kept its scale, simplicity and unity. The house is now an attachment to a multi-story, subterranean bunker with huge skylights, service stairs and servicing technology. The architectural and historic interest of the listed building is now an appendage to a set of huge new underground rooms topped by an artificial garden. Policy CL7 g should be modified to make clear that the damage done to listed buildings by basement development precludes allowing it under their gardens.	Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings. The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings. It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care. Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.	No change.

	Julia Swann	<p>CL7 (f) and (g) have been watered down since the original draft policy. Previously you were permitting no basements whatsoever under the gardens of listed buildings - a policy which was positively prepared, justified, effective and consistent with National Policy. But now you are permitting basements, subject to vague conditions about how they are linked to the listed building. This is similar to the existing policy, and has proved far too vague in practice (I have observed in two occasions how the Planning Department has let through applications that should have failed on this account). I think you need to set a precise maximum width to the link that is permitted between the listed building and the basement - that it should be no more than 1m wide, say, and also set a minimum length for this link. The Alan Baxter report ("RBKC Basements in Gardens of Listed Buildings", Feb 2014) provides an example, but of course without this being enshrined more precisely in policy, it will be hard for the Planning Department to enforce.</p> <p>Previous Comment - CL7 (f) - this goes further than 34.3.63, as it says that development "should not involve excavation under the garden of a listed building, except for gardens on large sites" (where the basement would be "substantially separate from the listed building"). This policy will help to protect listed buildings from damaging development. The policy is positively prepared, justified and effective.</p>	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.
	Nicolas Rouveyre	<p>I agree with this provision, but that if this proposal for (f) above is successful it would be unnecessary. If not, I would support the soundness of this policy.</p>	Support noted.	No change.

Question: Q5 CL7h

Ref No.	Name	Comment	Council Response	Recommended Change
	The Markham Square Association (David Cox)	Agreed.	Support noted.	No change.
	Stefan Tietz	Paras g and h aim to safeguard the streetscape and the environmental character of the area.	Noted.	No change.
	Graham Child	<p>External manifestations (CL7h) While basement developments often cause horrific problems for neighbours during the construction period, if properly designed their longer term effects on the conservation area are not normally significant because they are invisible. But some basement extensions are accompanied by ugly external manifestations in the form of lightwells, vents, skylights etc. As has been shown, basements under gardens can seriously affect the character of the garden. So we welcome the emphasis in the policy on control over external manifestations, but are concerned that Policy CL7 (h) refers only to the front or side of the property. Our area is characterised by its 16 communal gardens. These are different from the normal garden square, in that the back gardens of the houses around them directly adjoin the communal garden, separated normally by only a railing. (There are some similar gardens in other parts of the borough.) The communal gardens are normally accessible to the residents of all the houses (many in multi-occupation) around them. So they are semi-public spaces. They are also listed as Grade II on the English Heritage Register of Historic Parks and Gardens.</p> <p>The character of the communal gardens is affected by what happens to the backs of the houses (which in some cases are as highly decorated as the fronts), and also what happens in the private gardens, which were designed to be visually an extension of the communal garden. So we believe that the policy is unsound in this particular respect and needs to make clear that, in the case of communal gardens, external manifestations at the backs of the houses also need to be restricted. In this</p>	<p>The impact of the creation of a lightwell to the rear of a property, whether or not this backs onto a communal garden will be considered by Policy CF7(e) and (i). This will allow the refusal of such features when they are not considered to be appropriate.</p>	No change.

		context, we would like to submit in evidence a letter that the London Parks and Gardens Trust sent to the Council on 5 February 2014 commenting on various planning applications for basement developments that affected private gardens adjoining communal gardens.		
	Pascale Rouveyre	I consider that this policy is sound as far as it goes, however it should be extended to cover the rear of properties facing communal gardens. This has been an issue which is in part covered by the policy about garden squares but needs to be covered specifically in this policy.	Support noted. The impact of the creation of a lightwell to the rear of a property, whether or not this backs onto a communal garden will be considered by Policy CF(e) and (i). This will allow the refusal of such features when they are not considered to be appropriate.	No change.
	ESSA (Anthony Walker)	h We consider this sound but consider that this needs to be related to policies for Garden Squares CR5c	The impact of the creation of a lightwell to the rear of a property, whether or not this backs onto a communal garden will be considered by Policy CF7(e) and (i). This will allow the refusal of such features when they are not considered to be appropriate.	No change.
	Nicolas Rouveyre	I consider that this policy is sound as far as it goes, however, it should be extended to cover the rear of properties facing communal gardens. This has been an issue which is in part covered by the policy about garden squares (CR5(c)) but which needs to be covered specifically in this policy.	The impact of the creation of a lightwell to the rear of a property, whether or not this backs onto a communal garden will be considered by Policy CF7(e) and (i). This will allow the refusal of such features when they are not considered to be appropriate.	No change.

Question:Q5 CL7i

Ref No.	Name	Comments	Council Response	Recommended Change
	The Markham Square Association (David Cox)	Agreed.	Support noted.	No change.
	Pascale Rouveyre	I consider this to be sound.	Support noted.	No change.
	ESSA (Anthony Walker)	We consider this sound	Support noted.	No change.
	Nicolas Rouveyre	I consider this policy to be sound.	Support noted.	No change.

Question:Q7 RJ ref 34.3.55

No Comments

Question:Q7 RJ ref 34.3.60

No Comments

Question:Q7 RJ ref 34.3.61

Ref No.	Name	Question:Q7 RJ ref 34.3.61	Council Response	Recommended Change
	J. Dugald M. Barr	Para 34.3.61/62: the policy should ensure that the entirety of a listed building including vaults and ancillary accommodation must be considered in determining whether permission can be granted.	Any structures, be these walls or vaults, within, or below the curtilage of a listed building will be included within the listing. As such further specific reference is not necessary. The Council seeks to ensure that the structural and historic integrity of both the main listed building and the structures within its curtilage are protected.	No change.

			This is confirmed by CLf(e) which requires that there is no harm to the significance of the relevant heritage asset. This includes any heritage asset be it the principle property or structures within, or beneath, the garden.	
	Robin Purchas	Para 34.3.61/62 – for the reasons set out above this justification and its conclusion is deficient in that it does not properly recognise the importance attached by statute and otherwise to listed buildings and their setting; the conclusion simply refers to resisting basements under listed buildings, but for example arched and vaulted ancillary accommodation is very much part of the historical and architectural significance of many listed buildings in the Borough. The policy should make clear that proposals which do not preserve the listed building as a whole including its ancillary accommodation or its setting will not be permitted where there would be harm to its significance or any risk to its structural or other integrity.	<p>Any structures, be these walls or vaults, within, or below the curtilage of a listed building will be included within the listing. As such further specific reference is not necessary.</p> <p>The Council seeks to ensure that the structural and historic integrity of both the main listed building and the structures within its curtilage are protected.</p> <p>This is confirmed by CLf(e) which requires that there is no harm to the significance of the relevant heritage asset. This includes any heritage asset be it the principle property or structures within, or beneath, the garden.</p>	No change.

Question:Q7 RJ ref 34.3.62

Ref No.	Name	Question:Q7 RJ ref 34.3.62	Council Response	Recommended Change
	Keith Gallon	<p>However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed:</p> <ul style="list-style-type: none"> • no basements under gardens of listed buildings - with no exceptions to large sites • much greater clarity about the proximity of garden basements close to listed buildings (e.g. Holland Park Mews, where garden basements may seriously endanger the structural stability of these houses) 	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.
	Jill Freinberg	Greater clarity is needed about the proximity of garden basements close to listed buildings	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care. Each proposal must be assessed on its own merits, and the proximity of the basement to the existing listed</p>	No change.

			<p>building will vary accordingly.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	
Rosamond Clayton	<p>However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • no basements under gardens of listed buildings - with no exceptions to large sites • much greater clarity about the proximity of garden basements close to listed buildings (e.g. Holland Park Mews, where garden basements may seriously endanger the structural stability of these houses)</p>	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.	
F Page	<p>However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • no basements under gardens of listed buildings - with no exceptions to large sites • much greater clarity about the proximity of garden basements close to listed buildings (e.g. Holland Park Mews, where garden basements may seriously endanger the structural stability of these houses)</p>	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.	
Holland Park Residents' Association (Kathryn Michael)	<p>However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • no basements under gardens of listed buildings - with no exceptions to large sites • much greater clarity about the proximity of garden basements close to listed buildings (e.g. Holland Park Mews, where garden basements may seriously endanger the structural stability of these houses)</p>	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.	
Anselm Frost	<p>- no basements under gardens of listed buildings - with no exceptions to large sites. - much greater clarity about the proximity of garden basements close to listed</p>	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the</p>	No change.	

		buildings (e.g. Holland Park Mews, where garden basements may seriously endanger the structural stability of these houses.)	<p>architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	
Patti White	- no basements under gardens of listed buildings - with no exceptions to large sites. - much greater clarity about the proximity of garden basements close to listed buildings (e.g. Holland Park Mews, where garden basements may seriously endanger the structural stability of these houses.)		<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.
Holland Park Residents' Association (Nancy Mitchell)	- no basements under gardens of listed buildings - with no exceptions to large sites. - much greater clarity about the proximity of garden basements close to listed buildings (e.g. Holland Park Mews, where garden basements may seriously endanger the structural stability of these houses.)		<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.
Elizabeth Erickson	- no basements under gardens of listed buildings - with no exceptions to large sites. - much greater clarity about the proximity of garden basements close to listed buildings (e.g. Holland Park Mews, where garden basements may seriously endanger the structural stability of these houses.)		<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the</p>	No change.

			<p>gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	
	Ann Hutchinson Guest	- much greater clarity about the proximity of garden basements close to listed buildings (e.g. Holland Park Mews, where garden basements may seriously endanger the structural stability of these houses.)	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.
	Marion Gettleson	<p>Need to say that no basements should be built under the gardens of listed buildings (34.3.62 and Policy CL7 (a)); but if that were not agreed;</p> <p>Need greater clarity on the issue of the proximity of garden basements close to listed buildings (34.3.62)</p>	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.

Question:Q7 RJ ref 34.3.63

Ref No.	Name	Comments	Council Response	Recommended Change
	J. Dugald M. Barr	Para 34.3.63 is inadequate in referring only to the external, visible aspect of a proposed development and ignoring potential changes to the internal integrity of the	Alterations to the interior of a building within a conservation area do not	No change.

		building.	require planning permission and are beyond the remit of a planning policy.	
	Osra (john fitzgerald)	As regards the Reasoned Justification 34.3.63 I do not accept that as asserted - '...Basements by themselves with no external manifestations are not considered to affect the character....of conservation areas...' Clearly basements per se will introduce significant changes to the character of existing conservation areas both in terms of disturbance during their construction and after their completion because of increased the pollution they inevitably introduce and the greater resources they utilise. Moreover all basements are likely to have a potential adverse impact both individually and cumulatively on existing aspects of the conservation area such as drainage and the hitherto relative peace & tranquillity of local gardens & neighbourhoods.	The impact of the construction of a building within a conservation area is considered by CF7(l) and (m), the environmental sustainability considered by CF7(n) whilst drainage and the need for effective SuDS is considered by CF7(j).	No change.
	Robin Purchas	Para 34.3.63 – As explained above, this reasoning is unlawful as it fails to attach 'great importance and weight' to the special desirability of preserving and enhancing the character and appearance of the conservation area. The character of the area may well be reflected in the unchanged character of its residential terraces, bringing with it a quality and ambience that is not merely visual; it is simplistic and unsound to equate preservation simply to external visible elements; moreover that may be undermined by the change in character of garden spaces and planting or the retention or loss of trees as an incident of individual proposals or cumulatively; the dismissal of the preservation of the character and appearance of a conservation area from the criteria is deeply flawed as an approach and unsound.	It is not correct to suggest that the submission policy does not fully consider the desirability of preserving the character and appearance of the conservation area. Policy CF7 address the external manifestations of a basement, be this through the creation of the associated structures, or through the impact of the proposal on trees and upon the nature of garden spaces. Furthermore CF7 also considers the environmental and structural implications of a basement development.	No change.

Question:Q7 RJ ref 34.3.64

No comments

Question 7: 34.3.65.

Ref No.	Name	Comments	Council Response	Recommended Change
	Austin Mackie	No guidelines are offered in terms of how the impact upon non designated assets will be assessed? Clarification is required. Such guidelines should be clarified and tested through further consultation.	The impact of a basement upon a non designated asset will be assessed using the criteria within the submission policy CF7.	No change.

Question:Q7 RJ ref 34.3.66

Ref No.	Name	Comments	Council Response	Recommended Change
	Sue Whittle	Light pollution – is this a consideration when an above ground extension is considered for approval? If not why single out basement developments? Any new window or extension causes light pollution and arguably the pollution from a side return conversion or rear extension is worse than a basement extension. I don't believe that planning controls the effect of garden or security lighting so I am confused by why the policy is including basement windows. Another way of limiting	There is a specific reference to the need to limit light pollution within para 12 of the NPPF. This postdates the adoption of the current Core Strategy. In addition the light pollution created by a basement can be more significant than that caused by a conventional extension as will often be omitted from an area beyond the rear (vertical) building line, and area normally in darkness.	No change.

		basement development?		
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Question:Q7 CL7e

Ref No.	Name	Comments	Council Response	Recommended Change
	Onslow Neighbourhood Association (Eva Skinner)	<p>The protection of Listed Buildings, Heritage Assets and Conservation Areas is essential as has been emphasised by the National Planning Policy Framework, but the policy CL7 does not provide this protection.</p> <p>As it stands the principle of construction of basements is taken for granted, whereas in our opinion, especially in the case of Listed Buildings, Heritage Assets and in Conservation areas it should rather be that permission is to be refused unless certain conditions are fulfilled. For this reason we consider that the policy is unsound.</p> <p>e. The word Heritage Assets needs some clarification for everyone's benefit.</p>	<p>There is a presumption enshrined in planning policy and guidance that development should be permitted unless a local planning authority can demonstrate harm. The Council is of the view that development beneath the garden of a listed building, or within a conservation area will not necessarily cause harm to the character of the area, or to the interest of the listed building.</p> <p>We are, however of the opinion, that development beneath a listed building will in itself harm the hierarchy of historic floor levels and harm the building's historic integrity. As such there will be a presumption again such development.</p> <p>A "heritage asset" is a widely recognised term used in the NPPF.</p> <p>It is defined within the footnote to para 34.3.60. This states that it does include listed buildings, schedules ancient monuments and conservation areas.</p>	No change.
	Sue Whittle	<p>Surely you want to protect all assets rather than just 'heritage' ones. What is this policy trying to do?</p> <p>There are a raft of policies to protect heritage, historical and listed assets. Why an additional policy? I thought the Coalition Government was trying to reduce red tape and layers of regulation. This policy runs opposite to that.</p>	<p>Specific reference to the need to protect heritage assets is appropriate given the large number of heritage assets within the Borough, and the particular impact that a basement development can have upon such assets.</p>	No change.
	Robin Purchas	<p>this should include the risk of harm; particularly with designated heritage assets such as listed buildings there should not be the risk of structural or related harm, as identified in the evidence base including the Baxter reports;</p>	<p>"Risk of harm" is considered within the Construction Method Statement to be submitted with the planning application.</p>	No change.
	Jamie Wallace	<p>The above wording coupled with the protection afforded by CL7(e) is considered to provide adequate protection for listed Buildings.</p> <p>That said, and in addition to the fact that CL7(f) fails to accord with National Planning policy, in that it does not make allowance for the justification of when subterranean development is acceptable in context of listed buildings, it is considered that this part of the policy should be removed in its entirety.</p>	<p>The Council is of the opinion, that development beneath a listed building will in itself harm the hierarchy of historic floor levels and harm the building's historic integrity. As such it is appropriate to have a a presumption again such development.</p> <p>The NPPF states that the more important the asset, the greater the weight should be to its conservation. The submission policy attaches a proportionate weight to the significance of listed buildings.</p> <p>An applicant will have the opportunity to argue the exceptional case where they consider one exists.</p>	No change.

	St Helens Residents Association (Henry Peterson)	<p>CL7(e) states that basements should 'not cause harm to the significance of heritage assets'. We would argue that this should be widened and re-worded to cover potential harm to the quality and amenity of conservation areas.</p> <p>The dwellings in the Oxford Gardens/St Quintin CA were constructed as terraces without basements and with shallow foundations. They are built on clay. The long-term outcome of a large number of houses having basements built beneath them remains uncertain.</p> <p>The Baxter reports draw attention to the risks of introducing rigid concrete boxes below ground level (as takes place with basement construction) within long terraces of housing which have previously allowed for a degree of movement to adjust to varying soil conditions during e.g. sustained periods of dry or wet weather.</p> <p>Apart from these structural issues, the cumulative impact of basements in an area of homogenous Edwardian housing, granted conservation status on the basis of this feature, should not be ignored. Even when lightwells and their coverings are designed and sited to be 'discreet' the appearance of the properties as seen from the street inevitably changes as a result of basement construction.</p> <p>The Councils Conservation and Design Policy CL6 on Small-scale Alterations and Additions includes the statement: The Council will require that alterations and additions do not harm the existing character and appearance of the building and its context. To deliver this the Council will resist small-scale development that: a. harms the character or appearance of the existing building, its setting or townscape; b. results in a cumulative effect which would be detrimental to the character and appearance of the area;</p> <p>We suggest that a similar reference to cumulative effects which would be detrimental to the character and appearance of an area should be added to CL7, or at least the above CL6 statement cross-referenced in the Basement Policy.</p>	<p>The Planning Act has special provisions for the preservation of listed buildings which do not apply to unlisted buildings. The NPPF states that the more important the asset, the greater the weight should be to its conservation. Therefore the same significance and weight cannot be accorded to other non-listed heritage assets.</p> <p>Other policies in the Core Strategy related to conservation and design will also apply. The plan should be read as a whole.</p>	No change.
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Question:Q7 CL7f

Ref No.	Name	Comment	Council Response	Recommended Change
	Onslow Neighbourhood Association (Eva Skinner)	f. The word 'pavement' should be deleted from this paragraph, as excavating any vault of a listed building may lead to difficulties which because of the nature of the listed building, will be much harder to rectify later.	<p>Specific reference is made within CF7(f) to excavation beneath pavement vaults as this is an issue often considered by officers.</p> <p>All structures within the curtilage of a listed building are protected.</p>	No change.
	Sue Whittle	<p>Again, listed buildings are already protected.</p> <p>Existing protection / regulation should be sufficient and the council should focus on enforcing those rather than adding another layer of rules.</p>	Specific reference to the need to protect listed buildings is appropriate given the large number within the Borough, and the particular impact that a basement development can have upon such an asset.	No change.

	Carraig Investment	<p>CL7(f) The Borough is extremely dense, has approximately 4,000 listed structures and the majority of its area is covered by conservation areas (paras 34.3.19 and 34.3.24). Therefore as the Council acknowledge at para. 34.3.24 there are limited opportunities for new development. Basements and subterranean development are a way of ensuring that existing buildings can remain viable for the future and, particularly due to the noted limited opportunities for new development within the Borough, help to enable its sustainable development to continue in line with the provisions of the NPPF.</p> <p>CL7(f) resists basement development below listed buildings. Consistent with national policy?</p> <p>NPPF paragraph 129 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage assets) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para 131 requires local planning authorities to account of:</p> <ul style="list-style-type: none"> • The desirability of sustaining and enhancing the significance of a heritage asset and putting them to viable uses consistent with their conservation; • The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and • The desirability of new development making a positive contribution to local character and distinctiveness. <p>Paragraphs 132 and 133 require development that will lead to substantial harm to a heritage asset to be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Para 134 requires development proposals that will lead to less than substantial harm to the significance of a designated heritage asset to have the harm weighed against the public benefits of the proposal, including securing its optimum viable use. CL7(f) does not allow for the identification and assessment required by 129 and does not allow the local planning authority to take account of the provisions of paragraphs 131, 132 and 133, and therefore conflicts with national policy.</p> <p>Positively prepared Given development constraints within the Borough and the presence of 4,000 listed structures, the proposed policy can have far reaching impacts on the delivery of otherwise sustainable development. Subject to the appropriate policy tests consistent with the NPPF, as highlighted above, each application should be considered on its own merits in pursuit of sustainable development.</p> <p>For example, there may be cases where the new basement or extension to existing one would lead to less than substantial harm to the significance of the listed building and have public benefits that outweigh any potential harm including securing the optimum viable use of the listed building. In such circumstances, CL7(f) would</p>	<p>The Council recognises that a well designed basement can be an effective way of extending a property.</p> <p>The Council is of the opinion, that development beneath a listed building will in itself harm the hierarchy of historic floor levels and harm the building's historic integrity. As such it is appropriate to have a presumption against such development.</p> <p>The NPPF states that the more important the asset, the greater the weight should be to its conservation. The submission policy attaches a proportionate weight to the significance of listed buildings.</p> <p>An applicant will have the opportunity to argue the exceptional case for approval where they consider one exists.</p>	No change.
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		<p>restrict the ability of the Council to objectively assess development.</p> <p>Justified CL7(e) in combination with proposed policy CL4(a) adequately affords the necessary protection to listed buildings and should be considered an appropriate alternative strategy to CL7(f). Proposed policy CL4 Heritage Assets - Listed Buildings, Scheduled Ancient Monuments and Archaeology states: “The Council will require development to protect the heritage significance of listed buildings, scheduled ancient and sites of archaeological interest. To deliver this the Council will: a. require all development and any works for alterations or extensions related to listed buildings, scheduled ancient monuments and sites of archaeological interest, to preserve the heritage significance of the building, monument or site or their setting or any features of special architectural or historic interest;...”</p> <p>Removing CL7(f) and using the protection of CL7(e) in combination with proposed policy CL4(a) would be the most appropriate strategy.</p> <p>Conclusion The policy should remove CL7(f). This would make the policy consistent with national policy, ensure that it is positively worded, and would be justified.</p>		
	3xArchitecture (Michael Foster)	<p>POSITIVELY PREPARED Policy CL 7 f This item directly contradicts the conclusion of the relevant ABA report which accepts that to excavate a basement extension in the garden of a listed building, careful and limited excavation beneath the building itself is required to achieve a physical link (stair or lift). A methodology is also provided to protect the listed structure.</p> <p>This objective conclusion should be reflected explicitly in the policy.</p>	<p>Noted. Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council’s supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p>	No change.
	Montagu Evans LLP, Chartered Surveyors (Chris Miele)	<p>We consider that only one element of the proposed policy is unsound and we are direct our comments to that accordingly.</p> <p>That element is part f) of the draft policy which states: ‘Basement development should ... f) not involve excavation beneath a listed building, (including pavement vaults);</p> <p>General Observations This policy is effectively redundant, since element e) which precedes it should suffice to deal with all relevant considerations having regard to historic buildings. This states basement developments ‘should not cause harm to the significance of</p>	<p>The Council is of the opinion, that development beneath a listed building will in itself harm the hierarchy of historic floor levels and harm the building’s historic integrity. As such it is appropriate to have a presumption against such development.</p> <p>The NPPF states that the more important the asset, the greater the weight should be to its conservation. The submission policy attaches a proportionate weight to the significance of listed buildings.</p> <p>An applicant will have the opportunity to argue the exceptional case for approval where they consider one exists.</p> <p>The Council does note that basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in</p>	No change.

	<p>heritage assets’.</p> <p>The practical effect of the proposed part f) is to rule out the possibility of any basements under listed buildings as a matter of principle.</p> <p>This policy is inflexible and cannot be applied reasonably to the particular facts of any case where it might be desirable to achieve sustainable development objectives including making more efficient use of land or, in some cases, removing pressure for modern facilities from historic fabric.</p> <p>Extensions to listed buildings can perform that very useful role, and by enabling ancillary accommodation in basement locations, there will be less pressure to extend or alter the properties, many of which are small relative to requirements of many residents in the Borough.</p> <p>There is no evidence whatsoever that building a basement under or adjoining an historic building if done properly threatens its integrity in any way, either during construction or in the long term. Neither in most cases do the physical parts of the listed building which are directly impacted (foundations and some floors) have intrinsic interest.</p> <p>Thus, we see no reasonable basis to reject all basements on the grounds of the justification offered at 34.3.61. This states:</p> <p>The special architectural or historic interest of listed buildings goes beyond appearance. It includes the location and hierarchy of rooms and historic floor levels, foundations, the original purpose of the building, its historic integrity, scale, plan form and fabric among other things. Consequently, the addition of a new floor level underneath the original lowest floor level of a listed building, or any extension of an original basement, cellar or vault, may affect the hierarchy of the historic floor levels, and hence the original building’s historic integrity. Basements under listed buildings are therefore resisted by the policy</p> <p>Two comments: yes, basement works can, but this formulation assumes that the foundations themselves (often brick strip foundations) are of special interest contributing to the significance of the building. There may be cases where foundations have particular technical interest, but the larger number of listed buildings which could call within the scope of this policy will be terraced houses constructed in the late Georgian and Victorian period, whose foundations have not particular interest.</p> <p>Here we understand the concern to be that new levels below a building will undermine the experience of a building, where the status rooms are on the ground and sometimes first floors, and ancillary accommodation below.</p> <p>We can see that there is a potential issue here, but the formulation used is based on an assumption. Often the secondary accommodation proposed for a basement area is for plant, storage, staff serving or family entertainment (such as leisure facilities or cinema). These are not areas that occupants use on a regular basis and the accommodation provided enjoys no natural light or extensive outlook.</p> <p>In other words, these spaces will always be ancillary and of occasional resort,</p>	<p>all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council’s supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p>	
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		<p>leaving the main functioning and hierarchy of the house intact.</p> <p>Also, it is important to consider how one experiences the ancillary spaces in relation to the main historic ones, and it is surely possible to contrive access arrangements and so forth which are discrete and ensure that the overall impression one has of the property is of a traditional house.</p> <p>We consider it excessive to rule out basements underneath listed buildings as a matter of principle. As a practice we have secured listed building consent for basements underneath Grade I and II* listed buildings, with no objection from English Heritage. They need to be considered on a case by case basis.</p> <p>The concerns we have expressed here could be addressed by removing policy f) and amending policy e) thus:</p> <p>‘e) not cause harm to the significance of heritage assets, having regard to the a range of consideration including historic plan form and hierarchy, significant surviving fabric, the level of alteration, and the nature/quality of the proposed accommodation’.</p> <p>The reasoned justification should be amended along the lines set out here.</p> <p>We note finally that no other authority in London has sought to limit basements in this way, at the level of principle. English Heritage maintains no in principle objection to such works and considers basements on a case by case basis.</p> <p>We accept that the policy is attempting to deal with the concerns of local people arising from construction impacts, but we conclude that the intent of the policy is to use listed building considerations inappropriately for another planning objective.</p> <p>In conclusion, then, and turning to the advice in the Framework on plan making, we consider that part f) of CL is unsound because:</p> <p>“Positively prepared”</p> <p>The policy is not positively prepared because it is inconsistent with the Framework’s objectives on land use optimisation and conservation of the building environment.</p> <p>The policy fails to recognise that ancillary, below-ground accommodation can relieve pressure on more sensitive parts of the listed building, by providing the facilities that are desirable to many residents in the Borough.</p> <p>The policy is not based on an assessment of the particular significance of the building, contrary to the advice in Chapter 12 of the Framework but instead assumes that strip footings, for example, are of value.</p> <p>It likewise assumes that engineering works will of necessity lead to substantial alterations to foundations, when in fact it is possible to retain fabric (notwithstanding that fabric is recent and has no particular significance).</p> <p>“Justified”</p>		
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		<p>Part f of CL7 is not justified because there is no evidence to suggest that listed structures are any more sensitive than the structures of comparable unlisted buildings of similar date and type.</p> <p>The policy justification does not indicate that an alternative wording has seriously been considered along the lines suggested above.</p> <p>“Consistent with National Policy”</p> <p>And for these reasons – the policy is not based on an assessment of the particular significance of the asset (an in principle objection) and does not recognise the potential benefits to listed buildings of such works – is inconsistent with national policy on the historic environment and sustainable development generally.</p> <p>As drafted the policy seeks an in principle ban which is not supported by any policy in the Framework.</p>		
	Jamie Wallace	<p>Part (f) seeks to restrict any excavation underneath a listed building and is considered too prescriptive and threatens to unduly restrict development. The policy should not seek to resist development on an arbitrary basis but be subject to justification in accordance with relevant standard planning guidance.</p> <p>Paragraphs 132 and 133 of the NPPF require development that will lead to substantial harm to a heritage asset to be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or less. Para 134 requires development proposals that will lead to less than substantial harm to the significance of a designated heritage asset to have the harm weighed against the public benefits of the proposal, including securing its optimum viable use.</p>	<p>The Council is of the opinion, that development beneath a listed building will in itself harm the hierarchy of historic floor levels and harm the building's historic integrity. As such it is appropriate to have a presumption against such development.</p> <p>The NPPF states that the more important the asset, the greater the weight should be to its conservation. The submission policy attaches a proportionate weight to the significance of listed buildings.</p> <p>An applicant will have the opportunity to argue the exceptional case for approval where they consider one exists.</p>	No change.
	Marion Gettleson	<p>I do not accept that listed buildings should be allowed to have basements in their gardens. Due to the risks to the main building, outbuildings (such as vaults in the front garden or under pavements CL7 (f) which are attached to the building and to studios in the gardens) and to boundary walls which all form part of the listed structures within the curtilage and the complexity of construction, I consider that allowing basements under the garden could put these elements of the structure at risk. Whilst the reference to pavement vaults is welcome, it should be clear that the policy also applies to vaults within the curtilage of a listed building</p>	<p>Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue</p>	No change.

Ref No.	Name	Question:Q7 CL7g	Council Response	Recommended Change
	Peter Huhne	NO BASEMENTS UNDER GARDENS OF LISTED BUILDINGS	<p>Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue</p>	No change.
	Ann Hutchinson Guest	- no basements under gardens of listed buildings - with no exceptions to large sites.	<p>Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue</p>	No change.
	Robin Purchas	<p>We should make it clear that we would support strongly the overarching purpose of the policy if it was to control planning permission for basements. Our objection to soundness is particularly directed to the inadequacy of the protection provided for heritage assets and in particular listed buildings and conservation areas in accordance with the policies in the NPPF and the Listed Buildings Act 1990 ss 66 and 72, which as emphasised by the Court of Appeal requires great importance and weight to be given to their preservation.</p> <p>The policy is unsound because: 1.The structure of the policy is defective in not directly imposing a control on the grant of planning permission. It should provide that 'planning permission should not be granted unless ...'. As drafted, there is no basis for objection to the principle of the construction of basements but only to seek a standard of design and quality. That is inappropriate because, particularly with heritage assets including in conservation areas, it may well be that the proposal for a basement is inappropriate and should be rejected in principle.</p> <p>g This is wholly inadequate to deal with importance of listed buildings in the Borough, including terraces and other residential properties; the policy should</p>	<p>There is a presumption enshrined in planning policy and guidance that development should be permitted unless a local planning authority can demonstrate harm.</p> <p>As such it would not be appropriate to, as suggested, to resist the creation of all basements within conservation areas or the curtilage of listed buildings in principle.</p> <p>We are, however of the opinion, that development beneath a listed building will in itself harm the hierarchy of historic floor levels and harm the building's historic integrity. As such there will be a presumption again such development.</p> <p>Alterations to the interior of a building within a conservation area do not require planning permission and are beyond the remit of a planning policy.</p>	

		emphasise the importance of the basement and lower floor accommodation as part of the overall architectural and historic significance of the property (as reflected in English Heritage's guide to London Terrace Houses 1660-1860). The policy should specifically provide a presumption against the loss of former vaulted or arched subordinate accommodation at basement level. The policy is unsound in not specifically addressing and seeking to deliver the statutory requirement to have special regard to preservation and enhancement of the character and appearance of conservation areas in the Borough. It is wrong to leave this to be delivered as an incident of other controls. The question of the effect of the proposal on the conservation area should be squarely addressed in accordance with LBA 1990 s 72 on each occasion, assessing what will be the overall effect on its significance, both individually and cumulatively. In any event the policy is flawed in limiting its effect to proposals in the garden; it should plainly apply to all proposals;		
	R M Swann	I consider that policy (g) is "unsound" as it would I am sure NOT prove "effective" Your earlier policy simply prohibited the development of the garden of a listed building. I think that this restriction should be reinstated. Heroic underground works are simply not appropriate within the curtilage of a listed building. I believe that this policy would, if implemented, prove ineffective as It would in practice be more or less impossible to refute an applicant's "demonstration" that no harm would be caused as in practice the required "demonstration" would, I believe, amount to no more than a "statement" asserting that no harm would be done.	Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings. The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings. It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care. Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.	No change.
	The Boltons Association (Calvin Jackson)	- Listed buildings should not be permitted to have subterranean developments in gardens.	Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings. The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings. It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care. Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue	

Question:Q7 CL7h

Ref No.	Name	Comments	Council Response	Recommended Change
	Onslow Neighbourhood	h. The words 'or rear' should be added after 'or side' and the words 'or garden' should be added after 'streetscape'. This would avoid the creation or rear light wells	The impact of the creation of a lightwell to the rear of a property, whether or not this backs onto a garden square will be considered by Policy CF7(e) and	No change.

	Association (Eva Skinner)	in garden squares.	(i). This will allow the refusal of such features when they are not considered to be appropriate.	
	Sue Whittle	The policy appears to have been drafted in order to presume against development. Surely if a lightwell or railing cannot be seen from the road, for example at the bottom of an existing front lightwell that should be allowed? How can that be a problem? What is wrong with well designed and built railings and lightwells? If this part of the policy is meant to ban all new development that can be seen at the front of any property then say so and that that should be a planning rule across all types of building, not just limiting basement extensions. Policy should be consistent across all types of development / building / construction.	Lightwells are an existing positive feature in many streets in the Borough. The policy only precludes these where these would not be in keeping with the area. Visibility, or otherwise, will be material in determining an application.	No change.
	3xArchitecture (Michael Foster)	POSITIVELY PREPARED Policy CL 7 h This item implies an intrinsic value to existing streetscape and also to the transitional spaces between front and rear gardens without allowing for the possibility that a well considered design may enhance that streetscape. It does not admit the obvious diversity found in the Borough and allow site specific responses. Many properties have very narrow side 'passages' connecting the front and rear gardens, bounded by shear flank walls and boundary walls; in such instances these may appear to be the ideal location for lightwells / grills / flush lights since they are typically not overlooked or visible from without the site.	Lightwells are an existing positive feature in many streets in the Borough. The policy only precludes these where these would not be in keeping with the area. Visibility, or otherwise, will be material in determining an application.	No change.
	Robin Purchas	This policy should apply to all parts of the curtilage, particularly with listed buildings.	It would not be appropriate to resist the creation of light well where they already form part of character of the local area. A light well will only be permitted within the curtilage of a listed building where the Council is satisfied that the special interest of that building will not be harmed.	No change.

Question:Q7 CL7i

No comments

Question:Q9 RJ ref 34.3.55 Add Comment

No comments

Question:Q9 RJ ref 34.3.60 Add Comment

No comments

Question:Q9 RJ ref 34.3.61 Add Comment

No comments

Question:Q9 RJ ref 34.3.62 Add Comment

No comments

Question:Q9 RJ ref 34.3.63 Add Comment

No comments

Question:Q9 RJ ref 34.3.64 Add Comment

No comments

Question:Q9 RJ ref 34.3.65 Add Comment

No comments

Question:Q9 RJ ref 34.3.66 Add Comment

No comments

Question:Q9 CL7e

No comments

Question:Q9 CL7f

No comments

Question:Q9 CL7g

No comments

Question:Q9 CL7h

No comments

Question:Q9 CL7i

No comments

General comments received supporting soundness

Question: Q5. General Comments supporting soundness

Ref	Name	Comments	Council's Response	Recommended Change
	Christchurch Residents Association (Victoria Jacobsen)	<p>POLICY CL7 BASEMENT CONSULTATION I wish to comment on the above consultation most strongly supporting the Council's recommendations for some restrictions on basement developments. I gather the Building Lobby maintain that "nobody really objects to basements".</p> <p>Anyone who has been present at the numerous meetings bursting at the seams to try and address the problems can testify that this is certainly not the case. I myself have been twice called to meet our local MP Greg Hands to discuss what might be</p>	<p>The Council concurs with the view that many residents are concerned about the ever increasing construction of basements across much of the Borough. This is illustrated by the number of responses to this, and other consultations, and to the responses made to the Basement Survey of August/ September 2012.</p> <p>The Council also concurs with the view that gardens beneath which basements have been built are different in character to those which have not. This is shown by the supporting evidence "Basement Visual Evidence –</p>	No change.

		<p>done. In spite of his best efforts we have been met with apathy higher up the political line which is infuriating when one considers how many people are affected by over development of site in quiet residential areas. I understand that the building lobby say that gardens are improved by having a basement dug underneath their entirety.</p> <p>I attach images of gardens and ask you to look at the garden on the far right in the photographs which has been underdug and a few rather sad box plants and bamboo in containers do their best after five years to add a bit of green. The other gardens look lush and healthy by comparison adding most positively to the environment. Ironically the threat of a Mansion Tax, has contributed to the problem by those who now put in Planning Applications to have a basement put in with the intention to then sell with maximum profit and downsize to a smaller residence which will escape the Mansion Tax.</p>	<p>External Manifestations” (February 2014).</p> <p>Once of the central tenants of the policy is to ensure that basements beneath gardens are of a size which allows the character and appearance of the garden to be maintained.</p>	
Timothy J. R. Harding	<p>I am writing to confirm that in my view your policies are sound and confirm my previous comments.</p> <p>Apart from the noise, disruption and traffic issues affecting these developments, I would stress that allowing basements to be permitted within the Thames 100 year flood plain borders on madness. These areas contain numerous water courses and new deep basements effectively form mini dams potentially affecting foundations and water ingress to other properties in the vicinity.</p> <p>The council has so far paid little regard to mechanisms for compensation in the case of such damage. The ownership structures can ensure there is no money available to damage caused to adjoining owners (consultants advice is simply not good enough). Insurance bonds should be part of the planning approval process.</p>	<p>Support noted.</p> <p>The technical study by Arup and Baxters do not consider that basements result in any significant changes to ground water conditions.</p> <p>However, the Council will expect the CMS, submitted with a basement application, to include hydrological investigations and if ground water is found to be an issue the basement will be designed accordingly.</p> <p>It is beyond the powers of the planning system to require bonds/insurance cover for structural damage. The Council considers that the requirements proposed in the draft policy have gone as far as they reasonably can within the remit of Planning Legislation. The Council has also produced a note on Advice to Builders and Residents http://www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx which may be helpful in understanding the raft of other legislation covering basements and other development.</p>	No change.	
Thames Water (Mark Mathews)	<p>September 2013 Thames Water has previously commented on the earlier stage of consultation, most recently in May 2013. Having reviewed the proposed planning policies Thames Water has no further comments.</p>	<p>Noted.</p>	No change.	
Mary Spain	<p>I would, accordingly, like to register my strong support for the soundness of the policy proposed which will, I hope, take over from the present limited and inadequate policies.</p>	<p>Support noted.</p>	No change.	
Emma Dowley	<p>I think basement developments should be restricted as much as possible as they cause havoc to neighbours while the work is being carried out and could be responsible for subsidence to neighbours' houses once completed.</p> <p>The developer's arguments that residents do not care about such developments is nonsense – we mind very much, especially having lived through the two year development phase of a basement extension that was undertaken some five doors away from our house.</p>	<p>The proposed policy is intended to ensure that the construction of basements does not have unacceptable impact on the amenity of neighbours. This has a number of strands which include:</p> <ul style="list-style-type: none"> • Restricting the size of the basement will limit the extent and duration of the construction. • The use of CTMPs will help mitigate the impact of traffic associated with the construction of the basement. • Use of the Environmental Protection Act to ensure that noise and vibration is kept to reasonable levels. <p>The Council concurs with the view that many residents are concerned about the ever increasing construction of basements across much of the Borough. This is illustrated by the number of responses to this, and other consultations, and to the responses made to the Basement Survey of August/ September 2012.</p>	No change.	

	The Markham Square Association (David Cox)	<p>This is the response of The Markham Square Association to the RBKC Basements Publication Planning Policy dated February 2014. The Association represents the residents of 50 houses in the Square. We have participated in the consultation process to date: we have commented upon the three draft policies (dated December 2012, March and July 2013), attended question and answer sessions which RBKC organised and participated in Working Group sessions. We would like our earlier representations to be carried forward so we will not repeat them here.</p> <p>We welcome many aspects of the policy. However, we believe that the policy is in places unsound because it does not go far enough in meeting the genuine and serious concerns of residents and, in some regards, may not prove effective.</p> <p>Our particular concerns relate to the process of construction of basements, the impact upon neighbours and neighbouring properties and the relative enormous environmental and nuisance costs as against limited private benefit. Historically, we believe that the Council has not taken these concerns sufficiently seriously, or has felt unable to act upon them.</p>	<p>The proposed policy is intended to ensure that the construction of basements does not have unacceptable impact on the amenity of neighbours. This has a number of strands which include:</p> <ul style="list-style-type: none"> • Restricting the size of the basement will limit the extent and duration of the construction. • The use of CTMPs will help mitigate the impact of traffic associated with the construction of the basement. • Use of the Environmental Protection Act to ensure that noise and vibration is kept to reasonable levels. <p>Similarly a requirement that any existing dwelling related to a new basement is adapted to a high level of performance (in terms of energy, waste and water) is considered to ensure that the "environmental cost" is taken into account.</p>	No change.
	Judy de Haas	As a long term residents of Holland Park we want to express our alarm at the growing evidence of basement developments and our concern that it is taking the Council so long to act to regulate these developments properly.	Support noted.	No change.
	Susan Horsewood-Lee	<p>The policies in CL7 are supported as sound; we strongly support the policies to limit the scale of basements and to reduce their impact on neighbours amenities and quality of life.</p> <p>They should be effective in relation to the circumstances of this street; we draw on the experience of residents affected by a recent local development.</p> <p>We suggest that the Document: "Basement works: the impact on residents" understate the effects in certain respects.</p> <p>Also an important factor to recognise in any assessment of these policies is the LENGTH of time during which neighbours' quality of life is affected. There is much disturbance AFTER the basement is finished as the remaining parts of the property are refurbished - the local example has taken 24 months in total.</p>	Support noted. The Construction Method Statement and Construction Traffic Management Plan to be submitted with the basement application will refer to the duration of the proposed works.	No change.
	Mary Forsyth	<p>In addition, however, I have read the comments/amendments produced by ESSA and believe that that these would further improve the ability of the Council to successfully contain basement development for local residents. The Royal Borough of Kensington & Chelsea are elected by the residents and first and foremost should represent the local community against the developers whose only concern is financial gain and who have no interest in the concerns of neighbours or in the welfare of the local community.</p> <p>I speak as a local resident of many years standing who has watched with dismay the constant horror afforded to residents who have had to endure years of severe and painful disruption which undoubtedly has blighted their existence. In addition, I am a director of Abingdon Court, and as a board, we have watched one house after another in Abingdon Villas and the local streets, fall foul to the upheaval caused, the chaos to street safety, the abolition of gardens and removal of trees.</p>	Support noted.	No change.

		Wearing both hats it is appreciated that sub basements are regrettably a fact but I wish to support the Council in their endeavours to stop the flagrant abuses of developers to the benefit of the residents of RBK &C. Although more could be done, it is my opinion that the current publication is a step in the right direction and is sound.		
	Highways Agency (David Hussey)	We have reviewed the documents and do not have any comments at this time.	Noted.	No change.
	John Fitzgerald	<p>Finally, as a resident of RBKC myself, I would like to highlight the way RBKC differentiated between advocates and opponents of basement construction with their wording in the Statement of Consultation - July 2013. In paragraph 3.10, advocates of basement construction were referred to as 'individuals'. In paragraph 3.12, opponents to basement construction were referred to as 'residents'. Using the word 'individuals' implies these advocate's responses were not from residents. I can see that some of the respondents to paragraph 3.10 were residents but that they have been dismissed as 'individuals' in the Statement of Consultation. This gives the mistaken impression that no residents responded as against the policy. This incorrect differentiation should be acknowledged & corrected by RBKC.</p> <p>The above also shows the way that the evidence has been selectively filtered and used to support the policy and has not been used to prepare a balanced policy. In the long term this is likely to make the policy ineffective as this unbalanced use of evidence will be uncovered and used in appeals to defeat the policy.</p>	Noted. The Council has not suggested that all residents consider the proposed policy to be sound. This is self evidently not the case.	No change.
	Marion Gettleson	<p>As a dyslexic I am unable to respond to the extraordinary complexity of this consultation as set out on the Council website. Rather than a portal, the website is an obstruction.</p> <p>However, please add my comments, which support the views of the Kensington Society, to the residents' responses to this very important area of the LDF - as laid out below. As you see, I support some areas and do not support others.</p> <p>In RBKC years of virtually uncontrolled digging out of vast basements has caused great damage to hundreds of surrounding properties and caused much harm, not only to resident amenity, but to lives. In many cases where basements are dug, nearby 19th century houses in good condition develop serious cracks and are newly prone to flooding etc. New basements can eventually damage houses 50 metres away. The Policy must be framed to prevent future damage and protect the community.</p>	<p>Comments noted. One of the purposes of the Construction Method Statement to be submitted alongside the planning application is to ensure that the impact of basements on structural stability is properly considered.</p> <p>This desire is articulated by CF7(n) which states that basements must "be designed to safeguard the structural stability of the application building, nearby buildings and"</p> <p>The Council does, however, recognise (34.3.70) that, "the structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues."</p> <p>Furthermore para 120 in NPPF states "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."</p>	No change.
	Sue Whittle	The Council and opposing residents of K&C seems to be indifferent to the efforts of the Coalition Government to try to stimulate the wider economy with a policy that seeks to dampen local development rather than cut through red tape and help sensible, well planned and structured development.	The submission policy does "help sensible, well planned and structured development." What it does not do is support development which will, for example, harm the significance of heritage assets, cause loss of trees of value, or have an unacceptable impact on the amenity of nearby occupiers.	No change.

Question: Q5. 34.4.72

Ref	Name	Comments	Council's Response	Recommended Change
	S Ganesh	<p>34.3.72 addresses a concern which I have also experienced first hand, which is not being informed sufficiently of the work involved due to lack of communication by the applicant, the noise and traffic involved and lack of proposed time span of completion.</p> <p>Section 34.3.72 – the consultation period for residents to state any objections to basement extensions should be extended from a minimum of 3 weeks to potentially 6 weeks, to give residents enough time to give their feedback and concerns about the effect of the works on the buildings, their everyday lives and health, if applicable.</p>	<p>Support for early communication is noted. The current 21 day consultation on house holder applications is considered to be appropriate and gives neighbours a reasonable time in which to respond, and allows the Council to determine an application in a timely manner.</p>	No change.
	C.W.I Owens	<p>Distress, inconvenience and anxiety Objective observers (Alan Baxter et al) confirm that basement development is stressful to adjoining owners and through the complexities of the process difficulties are not unusual. There is thus considerable potential for damage to an individual's home to which may be added general and substantial inconvenience to the general public. Both can exist for prolonged periods of time (years) either associated with activity (Old Church Street) or not (Brompton Square). While application refusals show a modest rise, for the most part these conditions cannot be effectively prevented or modified by those obliged to endure them.</p> <p>More specifically RBKC data indicate that adjoining owners put up with:</p> <p>18% experiencing damage to property or possessions 51% experiencing general adverse effects (dust noise etc)</p> <p>20% of sites attracting formal complaint. (For a population that is perceived to be resigned to basement development this is a high fraction)</p> <p>66% of adjoining owners not having Party Wall Agreements which however well intentioned is precarious and fertile ground for litigation. Even of those who do, 20% indicate grounds for dispute.</p> <p>These are likely to be an underestimate of the total disadvantage because final outcomes are not disclosed.</p> <p>Basement development comes with substantial overheads which fortunately are now being formally recognised. It also brings considerable benefits of increased employment (short-term for the duration of the projects), increased value of the affected properties (long term and heavily related to investment) and increased taxation revenue (long term indefinite). Other supposed benefits (cinemas, office space/storage/kitchens and children's play rooms) with the exception of swimming pools, are of more limited significance since they can be adequately met by moving to alternative premises. The former are powerful incentives which for RBKC are likely to continue for the indefinite future, possibly stimulated further by foreign investment. As the number of suitable properties decrease the activity will spread to smaller and in some cases less suitable properties which in turn will create the adverse effect of forcing previously smaller 'affordable' housing up-market to be</p>	Noted.	No change.

		held as primarily 'investments' whether occupied or not. There is already Census data indication some decrease in population and the derelict appearance at night in many of the fashionable housing strips in the Borough give indication of a trend towards a new form of desolation driven by investment property		
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Comments received concerning disturbance, traffic and noise.

Question: Q5. Para 34.3.49

No comments

Question Q5. Para 34.3.69

Ref	Name	Comments	Council's Response	Recommended Change
	Andrea Morante	<p>I am very concerned by the rapidly increasing number of basement developments and the inadequacy of the Council's current planning policies to deal with the extreme pressure to excavate basements. These developments due to their scale, duration and impacts on our neighbourhood during construction and the cumulative effect of successive schemes have severely affected our quality of life through both noise, vibration and dust and through the impact of construction traffic and long-term parking suspensions.</p> <p>be more explicit about the need to: ensure better control of the traffic and parking problems due to the demolition, excavation and construction process ensure better control over noise, vibration and dust ensure structural stability.</p> <p>I consider this essential because of the impact on our quality of life that is caused by the scale and number of basement construction projects and the resulting inconvenience caused by traffic and construction activity.</p>	<p>Noted. The purpose of the submission policy is to strike the balance by which owners can extend their homes, but that the construction impact is properly addressed.</p> <p>This is achieved through limiting the size of the basement extension and directly through the use of CTMPs and DCMPs.</p> <p>The former addresses construction traffic and the latter the noise and dust related to construction. The detailed requirements of both the CTMP and DCMP will be considered in a forthcoming basements SPD.</p> <p>The Council considers that the requirements proposed in the draft policy have gone as far as they reasonably can within the remit of Planning Legislation.</p>	No change.
	S Ganesh	Sections 34.3.69 and 34.3.70 fully address the impact of basement extensions on neighbouring residents and the structure of neighbouring properties.	Support noted.	No change.
	Jill Freinberg	Need for greater clarity the construction traffic management plans need to be an integral part of the application (34.3.69)	<p>Submission policy CL7(l) requires that traffic and construction activity does not place "unreasonable inconvenience" on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p>	No change.

Ref	Name	Comments	Council's Response	Recommended Change
	Richard Price	<p>We are very concerned by the rapidly increasing number of basement developments and the inadequacy of the Council's current planning policies to deal with the extreme pressure to excavate basements. These developments due to their scale, duration and impacts on our neighbourhood during construction and the cumulative effect of successive schemes have severely affected our quality of life through both noise, vibration and dust and through the impact of construction traffic and long-term parking suspensions. In addition, we do not yet know the long term effects on the structure of our houses and the environment.</p>	<p>Noted. The purpose of the submission policy is to strike the balance by which owners can extend their homes, but that the construction impact is properly addressed.</p> <p>This is achieved through limiting the size of the basement extension and directly through the use of CTMPs and DCMPs.</p> <p>The former addresses construction traffic and the latter the noise and dust related to construction. The detailed requirements of both the CTMP and DCMP will be considered in a forthcoming basements SPD.</p> <p>The Council currently and will continue to require construction method statements to be submitted as part of the planning application. It is acknowledged that basement development can affect the structure of existing buildings, and the submission policy CL7 n) requires the basement development to be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway. The Para 120 in NPPF states "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."</p>	No change.
	Natalia Yu	<p>I am an 80 year old retiree currently residing in a basement/ lower ground floor flat.</p> <p>My flat share a wall with what will soon become an excavation site going down more than two floors below my level. Buildings are going to excavate the property next door, but doing so will also require that they will dig under my wall.</p> <p>The project is expected to take at least 2-3years. During that time, I will have to listen to every sound they make as I cannot afford to move. For 8-10 hours per day, 5 to 6 days per week i will be stuck in my apartment just meters from what will be extraordinarily loud constant drilling. This was not how I expected to have to spend my retirement.</p> <p>Despite my age, I can still do maths. there are 25 to 30 people besides me that also directly border the home digging this basement. By the time the project is done, we will have collectively endured nearly 200,000 hours of misery all so supposedly one family can have a swimming pool two stories below the streets of London. That equates to around 8000 people days (or 22 people years) of suffering. Sadly, the Owner will probably get bored of the pool after just a few weeks and it will become a seldom seen showpiece for them to brag about.</p> <p>I ask the Inspectorate to consider the proportionality of suffering that is being endured for what is very limited benefit for one family.</p>	Noted.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
		This project should have never been allowed to go so deep. Had it been limited to one storey, the degree of interruption of all of our lives would still be bad, but at least better than it is.		
	Mary Forsyth	In principle, I believe that the revised policies are sound and support the Council in their endeavour to control the building of these sub basements in order to reduce the dreadful disturbance, and disruption to neighbours and the general community, that the construction of these basements elicits.	Support noted.	No change.
	Pascale Rouveyre	Need for greater clarity about the construction traffic management plans to be an integral part of the application. 34.3.69 It needs to be clear that this is required as part of the application otherwise consents can be granted which can only be implemented by unacceptable traffic schemes.	Submission policy CL7(l) requires that traffic and construction activity does not place "unreasonable inconvenience" on the day to day life of those living in the vicinity. The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.	No change.
	The Chelsea Society (Terence Bendixson)	In some otherwise quiet residential streets, such as Glebe Place, Chelsea, where multiple excavations are in progress (five in March 2014 with more in the pipeline), nuisance associated with building activity and traffic is extreme. The Society believes that this calls for policy response. The combined obstruction, pollution and noise associated with the construction traffic at multiple sites, should be a ground for refusal. An additional policy is needed to provide protection against obstructive construction traffic, noise and nuisance if simultaneous permissions are granted to several basement excavations in the same street.	Submission policy CL7(l) requires that traffic and construction activity does not place "unreasonable inconvenience" on the day to day life of those living in the vicinity. This is achieved through limiting the size of the basement extension and directly through the use of CTMPs and DCMPs. The former addresses construction traffic and the latter the noise and dust related to construction. The detailed requirements of both the CTMP and DCMP will be considered in a forthcoming basements SPD. A CTMP should take the cumulative impact of multiple permissions into account in addressing methods to mitigate impact.	No change.
	Nicolas Rouveyre	Need for greater clarity the construction traffic management plans need to be an integral part of the application. The reasoned justification para 3.4.3.69 should refer to the relevant London Plan policies for sustainability and basements - it is far more than footnote 20 suggests. It needs to be clear that this is required as part of the application otherwise consents can be granted which can only be implemented by unacceptable traffic schemes.	Submission policy CL7(l) requires that traffic and construction activity does not place "unreasonable inconvenience" on the day to day life of those living in the vicinity. The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.	No change.
	Paul Lever	The new planning policy fairly sets out the issues surrounding basement construction, the scale of which has increased dramatically in parts of the borough in recent years. The damage to the interests of local residents, of whom I am one, is enormous. The noise, dust, vibration and traffic disruption blight our lives for up to two years at a time. The modifications to the current policy which the Council is now proposing will go some small way to mitigating the problems in the future. Many of us hoped that the policy would be more restrictive, but the Council has come to a well-founded and well-thought out judgement on where the balance of interest between developers and residents lies. There are no reasons why this expression of local democratic views should be challenged.	Support noted.	No change.

Ref	Name	Comments	Council's Response	Recommended Change
	Kathleen Carson	<p>As a householder/Property owner sandwiched between two basement developments which commenced on September 2011 and are certain to go on until at least the end of 2015, I am qualified to comment on your proposed changes to be incorporated into the Local Plan as Section 3 of Chapter 34.</p> <p>Your proposed 34.3.51-34.3.58, 34.3.61, 34.3.67 and 34.3.69 have particular relevance to someone in my position and certainly improve the prospects for future residents with these developments in neighbouring properties.</p> <p>My quality of life and that of my family has been negatively impacted for 3 ½ years to date with the promise of another 1 ½ years, or longer because of the time these basement developments are taking. Reducing the size of basements allowed and consequently, the time involved will be welcome.</p>	Support noted.	No change.
	Sheila Law Robertson	<p>Disruption – noise, dirt, traffic flow and parking – can go on for several years – great disruption to neighbourhood - particularly housebound people and those who work from home and cannot escape.</p> <p>Please consider tighter measures re length of time this work will take while maintaining strict control of hours worked and decibel level of machinery – refuse permission where there are constraints re site access – width of road, danger to pedestrians having to get round the skips, diggers etc. and disruption to traffic flow.</p>	<p>Noted.</p> <p>Whilst an applicant has only three years in which to start implementing a permission it is beyond the remit of the planning process to require a particular development to be completed within a specific time scale.</p>	No change.
	Osra (John Fitzgerald)	<p>Further although sections 34.3 48 -49 of the Reasoned Justification rightly recognise the adverse impact which the construction of these basements will have during the period of their construction (and of incidental related works) neither the degree of the harmful impact nor the extended duration and the cumulative effect on many neighbourhoods is sufficiently recognised and reflected in the CL7 policy document.</p> <p>Accordingly paragraph (l) of the policy should be strengthened so that basement development will be refused where there is likely to be a number of such basement developments in one neighbourhood and their cumulative impact can be reasonably predicted to be felt for an excessively & unacceptably long period by the same local area and its population.</p> <p>A simple example would be where one particular street not only has its own basement developments within it but is also the common route travelled by contractors and their traffic to service numbers of other basement developments in adjacent or nearby locations. This adverse cumulative impact will be felt whether the developments are consecutive or concurrent.</p>	<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>This is achieved through limiting the size of the basement extension and directly through the use of CTMPs and DCMPs.</p> <p>The former addresses construction traffic and the latter the noise and dust related to construction. The detailed requirements of both the CTMP and DCMP will be considered in a forthcoming basements SPD.</p> <p>The Planning Acts set out the time for which an application remains valid (three years). The Council cannot require that a permission is implemented at any particular time within this three year period.</p> <p>The CTMP will require that cumulative impact of multiple basements in a small area is considered. However, the emphasis will be how this impact can be effectively managed than refusing the granting of a consent in itself.</p>	No change.

Policy CL7 (I)

Ref	Name	Comments	Council's Response	Recommended Change
	The Markham Square Association (David Cox)	Agreed, but this must go further. There should be a requirement that a Construction Traffic Management Plan must be submitted with the planning application. The submission of an application with an inadequate CTMP would result in the refusal or deferral of that application. The CTMP must be carefully scrutinised at that stage, imposed as a condition in the planning consent and then enforced.	Submission policy CL7(I) requires that traffic and construction activity does not place "unreasonable inconvenience" on the day to day life of those living in the vicinity. The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.	No change.
	Stefan Tietz	Paras k and l aim to safeguard the rightful interest of neighbours, the locality and the public by providing a degree of control over traffic, the construction process and the pollution which this might cause. Comment based on 2013 policy- this is now points l and m)	Noted.	No change.
	Anselm Frost	I support the following sound policies: - the need for keeping nuisances - noise, vibration and dust - to acceptable levels.	Support noted.	No change.
	Patti White	I support the following sound policies: - the need for keeping nuisances - noise, vibration and dust - to acceptable levels.	Support noted.	No change.
	Holland Park Residents' Association (Nancy Mitchell)	I support the following sound policies: - the need for keeping nuisances - noise, vibration and dust - to acceptable levels.	Support noted.	No change.
	Elizabeth Erickson	I support the following sound policies: - the need for keeping nuisances - noise, vibration and dust - to acceptable levels.	Support noted.	No change.
	Susan Horsewood-Lee	CL7 I is sound. (Ensure that traffic and construction activity does not harm pedestrian, cycle, vehicular and road safety, affect bus or other transport operations(e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby.) The policy to control traffic and construction activity will be helpful as this street is a busy B road carrying much traffic including heavy goods vehicles and coaches throughout the day and at commuter hours. The lack of any front garden space here has meant that in one recent instance a skip occupied highway parking space for months; skips are charged by noisy conveyors running across the footway; skip remains in place and the contents are taken out several times through the day by a grab mounted on a haulage lorry drawn up alongside. This narrows the highway further. This is not mentioned in para 4.3 of the Document above mentioned. It is not only the volume of soil excavation and new structural work below ground that causes these traffic problems; projects frequently include substantial demolition and removal of waste and arrival of construction materials. In this street a whole dwelling was demolished and after excavation of a large basement was rebuilt over many months, including concrete deliveries and crane work to place the steel joists for the roofs.	Support noted.	No change.

	Pascale Rouveyre	I strongly support the use of traffic congestion and parking criteria for assessing both basements and major construction projects generally. This is sound, but the reasoned justification should make specific reference to the need for construction traffic management plans which minimise the scale and duration of parking suspensions and work on the basis of a presumption of keeping skips, materials and equipment off the highway wherever possible. I consider that that there is need for a lead policy in the Plan to require construction traffic management plans - not just for basements.	Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity. The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD. The Council does require CTMPs for developments which do not include the creation of a basement. These tend to be for larger developments as it is those which are more likely to have the potential to cause disturbance.	No change.
	ESSA (Anthony Walker)	We consider this sound and suggest that the reasoned justification should include reference to the objective currently referred to in the SPD of containing the construction to within the curtilage of the building site. We consider that the duration of the activity should be a consideration in the traffic management plan.	The SPD is material when determining applications. An SPD contains a degree of detail that would not be appropriate within a CS policy. The duration of activity is a consideration within the CTMP. However, it is beyond the remit of the planning process to control the time taken for a permission to be implemented.	No change.
	Nicolas Rouveyre	I strongly support the use of traffic congestion and parking criteria for assessing both basements and major construction projects generally. This is sound, but the reasoned justification should make specific reference to the need for construction traffic management plans which minimise the scale and duration of parking suspensions and work on the basis of a presumption of keeping skips, materials and equipment off the highway wherever possible. I consider that that there is need for a lead policy in the Plan to require construction traffic management plans - not just for basements.	Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity. The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD. The Council does require CTMPs for developments which do not include the creation of a basement. These tend to be for larger developments as it is those which are more likely to have the potential to cause disturbance.	No change.

Qu 5 CL7 (m)

Ref	Name	Comments	Council’s Response	Recommended Change
	The Markham Square Association (David Cox)	Agreed.	Support noted.	No change.
	Keith Gallon	We support the following sound policies: • the need for keeping nuisances - noise, vibration and dust - to acceptable levels.	Support noted.	No change.
	Rosamond Clayton	We support the following sound policies: • the need for keeping nuisances - noise, vibration and dust - to acceptable levels.	Support noted.	No change.
	Stefan Tietz	Paras k and l aim to safeguard the rightful interest of neighbours, the locality and the public by providing a degree of control over traffic, the construction process and	Noted.	No change.

		the pollution which this might cause. (Comment based on 2013 policy- this is now points l and m)		
	F Page	We support the following sound policies: • the need for keeping nuisances - noise, vibration and dust - to acceptable levels.	Support noted.	No change.
	Holland Park Residents' Association (Kathryn Michael)	We support the following sound policies: • the need for keeping nuisances - noise, vibration and dust - to acceptable levels.	Support noted.	No change.
	Susan Horsewood-Lee	CL 7 m is sound. (ensure that construction impacts such as noise, vibration and dust are kept to acceptable levels for the duration of the works). In the Document "Basement works: the impact on residents" paras 4.1-4.6 helpfully describes the sort of impacts experienced in this street where a basement development extended below one house and behind 10 others in a 4 storey terrace occupied by around 50 residents. The noise of machinery including earth moving machines and dumper trucks was experienced as continuing and intrusive for many weeks and affected neighbours well beyond the immediate "party wall" occupiers and through the air and not only transmitted through the ground, as is suggested in 4.1 and 4.2 of the Document. Airborne sound from vehicles and generators and compressors is amplified by the height of surrounding buildings and seriously disturbs residents at a considerable distance. Pollution from fumes and dust caused some to alter their living arrangements, and was a particular problem for those e.g. with small children who were at home through the day, and requiring windows to be shut and additional cleaning routines.	Support noted.	No change.
	Peter Huhne	THE NEED FOR KEEPING NUISANCES - NOISE, VIBRATION AND DUST - TO ACCEPTABLE LEVELS	Support noted.	No change.
	Pascale Rouveyre	I strongly support the need for keeping nuisances- noise, vibration and dust to acceptable levels. This policy is sound.	Support noted.	No change.
	Ann Hutchinson Guest	the need for keeping nuisances - noise, vibration and dust - to acceptable levels.	Support noted.	No change.
	ESSA (Anthony Walker)	m We consider this sound	Support noted.	No change.
	Nicolas Rouveyre	I strongly support the need for keeping nuisances - noise, vibration and dust to acceptable levels. This policy is sound.	Support noted.	No change.
	Marion Gettleson	Support the need to keep nuisances – noise, vibration and dust - to acceptable levels	Support noted.	No change.

Question 5: CL7(o)

Ref	Name	Comments	Council's Response	Recommended Change
	The Markham Square Associaiton (David	Agreed.	Support noted.	No change.

	Cox)			
	Pascale Rouveyre	I consider this policy sound, although it should also cover the impact of basements on flooding of neighbouring premises.	Support noted. The Council will expect the impact that the construction of a basement will have upon local hydrology to be considered, and show to be considered, by the applicant.	No change.
	ESSA (Anthony Walker)	We consider this sound	Support noted.	No change.
	Nicolas Rouveyre	I consider this policy sound, although it should also cover the impact of basements on flooding of neighbouring premises.	Support noted. The Council will expect the impact that the construction of a basement will have upon local hydrology to be considered, and show to be considered, by the applicant.	No change.

Question 7: 34.3.9

No comments

Question 7: 34.3.69

Ref	Name	Para 34.3	Council's Response	Recommended Change
	S Ganesh	<p>Section 34.3.69 – an estimated time of completion of the basement works should be given to any residents affected, particularly adjoining properties. I understand there is no legal requirement for construction companies to give a completion date, but I feel residents should be kept up-to-date whether the works are on time or delayed.</p> <p>Section 34.3.69 – the Council should exercise their responsibility to care for and clean nearby properties affected by dust, dirt and debris from the basement extension site, which includes windows, sills and other external areas when the works are completed. Perhaps it would be more cost-effective for the Council if provisions could be made by the construction companies to minimise flying dust and debris from the basement site with higher temporary walls or another method. I have observed a method used by the construction of some taller buildings where sites are sprayed with a water hose to minimise dust and debris affecting nearby buildings. Perhaps this could be used for basement extensions.</p>	<p>Para 34.3.72 advises applicants to discuss proposals with their neighbours. This includes the likely timescale for completion. However, as the consultee notes, the planning system cannot require a development, once started, to be completed in a given time.</p> <p>Submitted policy CL7(m) requires that dust is “kept to acceptable levels for the duration of the works”. The methodology by which this be achieved is beyond the remit of the policy.</p>	No change.
	Sue Whittle	<p>Planning is not responsible for road safety or congestion. I believe this is the remit of the Highways / Traffic department.</p> <p>Again, isn't this outside the planning department's remit and already managed by Building Control? If they aren't doing their job then focus on that not use planning as a blunt and ineffective tool to add another layer of regulation.</p>	<p>It is widely accepted that construction impacts are considered as part of a planning application. London Plan Policy 5.3 Sustainable Design and Construction (B) states that “<i>development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.</i>” This is supported by the London Plan SPD on Sustainable Design and</p> <p>Construction. This includes the impact of construction traffic, with CTMPs, or their equivalents being often used tools across the country.</p>	No change.
	Keith Gallon	<p>However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed:</p> <ul style="list-style-type: none"> • a requirement that construction traffic management plans be an integral part of the application, prior to a decision 	<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p>	No change.

		<ul style="list-style-type: none"> • traffic management plans should minimise the scale and duration of parking suspensions and skips. 	The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.	
Jill Freinberg	Need for greater clarity the construction traffic management plans need to be an integral part of the application		<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p>	No change.
Rosamond Clayton	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • a requirement that construction traffic management plans be an integral part of the application, prior to a decision • traffic management plans should minimise the scale and duration of parking suspensions and skips.		<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p>	No change.
F Page	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • a requirement that construction traffic management plans be an integral part of the application, prior to a decision • traffic management plans should minimise the scale and duration of parking suspensions and skips.		<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p>	No change.
Friends of Portobello (Robina Rose)	In Feb 2007 I rang the Highways department and asked what I could do to maintain ambulance access for my 88 year old mother, who had a heart condition (as we has already become surrounded by the building works next door (see photo) and were often failing to get post delivered or dustbins emptied). I was told I would have to pay to suspend the parking space in front of my house for the duration of the works. In November 2007 she died of heart failure (after 10 months of continuous exposure to between 75 and 120db inside our house- I measured it). I have also lost some hearing. There was no ambulance access on the day she died. I was also exposed to Carcinogenic fumes in my house for several weeks from the styrene used to waterproof their raised ground floor balcony which Env Health informed me was only used on roofs and so was no threat to me, although the manufacturers were most concerned at the dangerous, and illegal way in which their highly toxic product was being used. I have since suffered from Breast Cancer. Never having suffered from either before or since I suffered from extreme sinus and chest problems for two years, requiring several hospital visits after the constant and unprotected exposure to dust from demolition, cement, stone, metal and MDF cutting - all done outdoors on site.		Noted.	No change.
Holland Park Residents' Association (Kathryn Michael)	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • a requirement that construction traffic management plans be an integral part of the application, prior to a decision • traffic management plans should minimise the scale and duration of parking suspensions and skips.		<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the</p>	No change.

			policy, and will be addressed in a forthcoming basements SPD.	
Austin Mackie	<p>The paragraph suggests that the policy will be applied in a manner that is dependent upon issues that are in practice better managed through other legislation.</p> <p>To seek to constrain the extent of any individual basement development on such non-planning grounds and then, to further test the acceptability of basement development within the policy parameters on the same grounds again is simply not appropriate or relevant to the planning policy process.</p> <p>Not – sound such an approach fails to plan positively</p> <p>Matters controlled under other legislation should not be applied as planning policy tests. Guidance on associated legislation and best practice should be set out in SPG, not policy.</p>		<p>It is widely accepted that construction impacts are considered as part of a planning application. London Plan Policy 5.3 Sustainable Design and Construction (B) states that “<i>development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.</i>” This is supported by the London Plan SPD on Sustainable Design and</p> <p>Construction.</p>	No change.
Stanley Crescent Garden Committee (Sandra Kamen)	<p>1 34.3.48 and 34.3.49</p> <p>Lack of amenity for the neighbours many of which are elderly, this would most certainly include unrelenting noise, dust, dirt, lack of parking and disruption to traffic flow that could go on for several years. More should be done to protect existing long-term tax paying residents against this kind of disruption.</p>		<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>This will be relevant whether the resident is a “tax payer” or not.</p>	No change.
Anselm Frost	<p>a requirement that construction traffic management plans be an integral part of the application, prior to a decision.</p> <p>traffic management plans should minimise the scale and duration of parking suspensions and skips.</p>		<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p>	No change.
Patti White	<p>a requirement that construction traffic management plans be an integral part of the application, prior to a decision. traffic management plans should minimise the scale and duration of parking suspensions and skips.</p>		<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p>	No change.
Holland Park Residents' Association (Nancy Mitchell)	<p>a requirement that construction traffic management plans be an integral part of the application, prior to a decision. traffic management plans should minimise the scale and duration of parking suspensions and skips.</p>		<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p>	No change.
Elizabeth Erickson	<p>a requirement that construction traffic management plans be an integral part of the application, prior to a decision. traffic management plans should minimise the scale and duration of parking suspensions and skips.</p>		<p>Submission policy CL7(l) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p>	No change.

	Ann Hutchinson Guest	<p>- a requirement that construction traffic management plans be an integral part of the application, prior to a decision.</p> <p>- traffic management plans should minimise the scale and duration of parking suspensions and skips.</p>	<p>Submission policy CL7(I) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p>	No change.
	The Boltons Association (Calvin Jackson)	<p>- CTMPs should take into account the overall effect on a particular street - it is not acceptable for narrow streets (for example, Redcliffe Road/ Cathcart Road) to be clogged by more than one subterranean dig being carried out at the same time. there is simply insufficient room for multiple lorry deliveries/ cancellation of residents parking/ skips etc. Before development work actually commences there should be careful consideration of other development actually in progress at that time - with strict conditions on lengths of projects etc. At the moment there is simply a "free for all" that is not working properly. Developments sometimes continue for three to five years.</p>	<p>The Planning Acts set out the time for which an application remains valid (three years). The Council cannot require that a permission is implemented at any particular time within this three year period.</p> <p>The CTMP will require that cumulative impact of multiple basements in a small area is considered. However, the emphasis will be how this impact can be effectively managed than refusing the granting of a consent in itself.</p>	No change.
	Marion Gettleson	<p>Need a requirement that construction traffic management plans are an integral part of the application prior to decision (34.3.69)</p>	<p>Submission policy CL7(I) requires that traffic and construction activity does not place “unreasonable inconvenience” on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p>	No change.
	Rebecca Gibson	<p>34.3.69: It is unclear what ‘exceptional circumstances’ means here. Skip use is only temporary and is already managed through skip licences. It is not necessary to prevent skips from being placed on the highway outside the application site. Furthermore, it would seem above ground extensions are not included by this restriction. How can it be right to have a separate restriction just because construction work is related to a basement? This justification has is not proportional and has not been supported by evidence.</p>	<p>The Council, (and TfL where it is the Highways Authority) will expect construction works to be contained wholly within the curtilage of the development site. This includes skips and building materials. This is relevant for all forms of development and not just basements.</p> <p>The explanation to the submission policy (34.3.69) does offer a degree of flexibility in that, “in exceptional circumstances” a skip may be located in the highway immediately outside the application site.</p> <p>This approach both reflects the need to reduce the impact of construction upon parking provision and upon the local road network, and the practicalities of allowing building work in buildings which may have very small front gardens.</p> <p>It is widely accepted that construction impacts are considered as part of a planning application. London Plan Policy 5.3 Sustainable Design and Construction (B) states that “<i>development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.</i>”</p> <p>The placing of a skip on the highway is clearly part of the construction process.</p>	No change.

Question Q7: CL7(I)

Ref	Name	Comments	Council's Response	Recommended Change
	Mr Page	This does not adequately address the severe adverse impact that large building compounds, skips, deliveries and collections currently have on pedestrian and vehicular use of footways and roads for extended periods of time.	The Council does not concur with this view. A CTMP is an effective tool in mitigating the impact that the construction of a development can have upon the immediate area.	No change.
	Sue Whittle	<p>"Unreasonable inconvenience". What is the measure of this? Who will decide?</p> <p>Again, shouldn't the relevant Highways / Traffic department be deciding what happens with traffic rather than planning (or actually your neighbours?)</p> <p>Surely membership of the Considerate Builders Scheme and a traffic management plan acceptable to the Highways department is a more sensible way of managing this process? These could even be necessary steps that need to be in place before construction is allowed to start but after planning has been given.</p>	<p>The tool by which construction traffic is mitigated will be through a CTMP. The CTMP is approved by qualified staff within the Highways and Transport Team.</p> <p>Membership of the Considerate Builder's Scheme will supplement rather than duplicate the Council's powers to mitigate impact.</p>	No change.
	Marion Gettleson	I consider that that there is need for a lead policy in the Plan to require construction traffic management plans – not just for basements. The reasoned justification should make specific reference to the need for construction traffic management plans which minimise the scale and duration of parking suspensions and work on the basis of a presumption of keeping skips, materials and equipment off the highway wherever possible. (See Council's lack of proposal in the Miscellaneous Chapter).	<p>Submission policy CL7(l) requires that traffic and construction activity does not place "unreasonable inconvenience" on the day to day life of those living in the vicinity.</p> <p>The principal tool to achieve this will be the CTMP. The detailed requirements of a CTMP, and the detail of the process uses, is beyond the scope of the policy, and will be addressed in a forthcoming basements SPD.</p> <p>CTMPs are not only used for basement developments, but for any developments which have the potential to create construction traffic which may have an impact on the wider area.</p> <p>The Council, (and TfL where it is the Highways Authority) will expect construction works to be contained wholly within the curtilage of the development site. This includes skips and building materials. This is relevant for all forms of development and not just basements.</p>	No change.

Question 7: CL(m)

Ref	Name	Para 34.3	Council's Response	Recommended Change
	Sue Whittle	<p>Surely these issues are already controlled by Building Regulations and Building Control? Let this department do their job and decide what is acceptable and, most importantly, enforce this.</p> <p>If, as seems to be the impression from the comments to the 1st draft policy and the inclusion of this point in the draft policy, Building Control are not controlling noise,</p>	It is widely accepted that construction impacts are considered as part of a planning application. London Plan Policy 5.3 Sustainable Design and Construction (B) states that " <i>development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.</i> "	No change.

		vibration and dust then the right action is for Building Control to improve and not for planning to introduce new rules over the top of those that already exist. This policy should be removed and the focus should be put on Building Control to be more effective.	Building Regulations do not consider the impact of noise and vibration within the construction process. It is beyond the remit of this review to seek changes to the Building Regulations.	
	Onslow Neighbourhood Association (Eva Skinner)	I. The word 'unreasonable' should be removed, as there is no good reason for the lives of those living, working, and visiting nearby to be inconvenienced by a basement or underground extension development.	Much development, be this basement or "conventional" will cause some inconvenience to those living in the vicinity. This impact will, however, vary in its impact. The Council does not consider it appropriate to resist an application where the impact is minor or "reasonable". Such an approach would run counter to the provisions of the NPPF, by which there is a presumption in favour of sustainable development.	No change.

Question 7: .69

Ref	Name	Comments	Council's Response	Recommended Change
	Sue Whittle	Again, if construction disruption is the problem then work out a policy that deals with that. Simply restricting the size of basements doesn't seem to deal with the real objection which is the level of disruption due to construction going on at any one time.	The purpose of the submission policy is to strike the balance by which owners can extend their homes, but that the construction impact is properly addressed. This is achieved through limiting the size of the basement extension and directly through the use of CTMPs and DCMPs. The former addresses construction traffic and the latter the noise and dust related to construction. The detailed requirements of both the CTMP and DCMP will be considered in a forthcoming basements SPD. There are a number of reasons why the submission policy seeks to limit the size of basements. Some relate to the impact of the construction works, but others are intended to minimise the visual impact upon a garden and to promote effective SuDS.	No change.

No comments on Question 9: 34.3.49

No comments on Question 9: 34.3.69

No comments on Question 9: CL7(l)

Question 9: CL7(m)

Ref	Name	Comments	Council's Response	Recommended Change
	Stefan Tietz	The issues addressed in paras. e, j, l and m augment requirements of Building Regulations and the London Building Act, safeguarding our heritage and supporting legislation aimed to avoid the waste of energy. They also take note of the nuisance resulting from excessive noise and pollution. (Comment based on 2013 policy-	Noted.	No change.

		paragraph numbers amended)		
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Question 9: CL7(o)

Ref	Name	Comments	Council's Response	Recommended Change
	Stefan Tietz	The issues addressed in paras. e, j, l and m augment requirements of Building Regulations and the London Building Act, safeguarding our heritage and supporting legislation aimed to avoid the waste of energy. They also take note of the nuisance resulting from excessive noise and pollution. (Comment based on 2013 policy-paragraph numbers amended)	Noted.	No change.

General Sound

Ref	Name	Question:Q5 5. If you have selected YES and you wish to support the soundness of the planning policy,...	Councils Response	Recommended Change
	Diane Sundt	Re:- CL7 Please take into consideration all my previous letters and comments on basement dig outs. I think the Council have done a perfectly sound job with the planning policy and there should be no more consideration to further adjustments in favour of builders.	Noted.	No change.
	Private individual (Patrick Hope-Falkner)	RBKC have consulted widely before and they are only having to do so again now because the developers have banded together to protect their economic interests and try and dilute the restrictions proposed. Those take no account of the residents' and owners' safety, security and well-being. RBKC must not allow those interests to run a coach and horses through their Planning policy proposals which are designed to protect residents. It is a pity that RBKC allowed the developers to derail the initial proposals, but not surprising given the Planning Dept's permissive and accommodating attitude to these basement developments. Of course the policy proposals are sound as they take some account of residents' interests. The proposals should be implemented as soon as possible.	Noted.	No change.

Kings Road Association of Chelsea Residants (James Thompson)	It is very clear that the Council have consulted widely, and this very (repeated) consultation is testimony to the fact that they have considered the arguments raised at the last hour by the basement constructors. This comment was written without the help of a barrister.	Noted.	No change.
Margaret Moore	The policy has been positively prepared, is justified and effective and consistent with national policy. The council has consulted widely and extensively and once again listened carefully to the views of all respondents including the basement constructors. The council has made some changes to accommodate the points raised by the basement constructors. Of course the policy is sound.	Noted.	No change.
Sydney St. & District R.A. (R. Alexander)	The Council has consulted widely amongst residents and basement contractors. The Council has clearly listened to the comments made and drafted this Policy CL7 accordingly.	Noted.	No change.
John and Judith Boynton	I support these policy changes regarding basements. The changes address many of our concerns about basement development in the Royal Borough of Kensington and Chelsea.	Noted.	No change.
Mark Nelson-Smith	Basement development has a substantial negative impact upon neighbouring residents there are insufficient current controls and apttental for affecting structural stability, drainage in adjacent properties, reduction in gardens etc.	Noted.	No change.
Joanna Buckenham	I believe the planning policy to be positively prepared and extremely well justified.	Noted.	No change.
Peter Pejacsevich	I believe 50 restriction of basements under gardens will aid water runoff, tree roots; and the restriction of storeys will aid water runoff; restrict risk to foundations and limit disruption of building works.	Noted.	No change.
The Markham Square Associaiton (David Cox)	It should be noted particularly that there are many basements in RBKC built under "permitted development" provisions which the Council does not monitor, may not even know about and to which the Council does not apply its current SPD. We believe this to be both wrong in law and a serious mistake. For some further detail please see our response dated 2 September 2013 (attached) and in particular our comments on paragraphs 34.3.46 and 34.3.70. We have obtained the written Opinion of Counsel which supports our views. Since 2 September 2013, the Council has changed its policy regarding permitted development slightly. It has not however corrected it.	Noted. The Council's interpretation of what constitutes permitted development is not under consideration as part of this submission.	No change.
Ewen Angus Cameron	I am delighted that the Council is responding to resident concerns that the development of basements is not desirable.	Noted.	No change.
Hilary Temple (Earls Court Society)	They address the main concerns which have come to light with current practise, including the effect on drainage, unreasonable disruption to neighbouring residents and concerns about the unforeseeable consequences of sequential deep basements in terraces of older houses. However we look to clearly worded strong guidance in subsequent SPD's to ensure the basic policy is made more sound. These should include traffic plans, timing of multiple works in narrow streets, and ensuring the plans and methods of working are adequately detailed and supervised by suitably qualified engineers.	Noted.	No change.
Judy de Haas	The proposed policy is sound and its implementation is urgently needed.	Noted.	No change.

		The likely impact on “nearby” buildings needs clearer clarification	The impact on other buildings nearby will vary on a case by case basis and depending on the nature of the development and the site.	
	Michael Draper	It is important that the Council’s powers to control basement developments is increased.	Noted.	No change.
	Kensington Heights Association (Tim Tinker)	We consider its soundness could be increased by certain clauses, clauses 34.3.48/50/52/62/&69, being more clearly drafted.	Noted.	No change.
	Stefan Tietz	<p>The policy is:</p> <p>Positively prepared Justified Effective Consistent with national policy Legally compliant</p> <p>Construction of new deep basements has had a major impact across extensive neighbourhoods and disturbance to many including us. It has added noise dust and traffic congestion and, in some more extreme cases, cases of structural damage to the site of the basement and its neighbours. Furthermore the period of disturbance continues for many more months than that occasioned by regular maintenance or modification of buildings.</p> <p>The current proposals are thus welcomed by limiting and controlling such construction, particularly the large scale applications.</p> <p>I believe items a. to n. to be well and carefully reasoned and an important contribution to the avoidance of excessively large or deep, potentially dangerous or environmentally unsuitable basement construction.</p>	Noted.	No change.
	Francis Glibbery	I wish to support the soundness of the overall planning policy as I believe it will allow the council to exercise a greater degree of control over future basement developments.	Noted.	No change.
	Richard Price	We consider this essential because of the impact on our quality of life that is caused by the scale and number of basement construction projects and the resulting inconvenience caused by traffic and construction activity.	Noted.	No change.
	Alastair Gaviin	The policy is positively prepared, it is justified, it is effective, and it is consistent with national policy. It would be better still if it requires the subterranean developer to pay his her adjacent neighbours council tax during the period of that work.	Noted.	No change.
	H Rizk	I am writing regarding the Council’s proposals which are sound and should be followed	Noted.	No change.
	English Heritage (Richard Parish)	English Heritage has reviewed the document in light of the National Planning Policy Framework, which includes, as one of its core principles, that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. English Heritage commenced at draft stage and we note the revised wording in respect of policy CL7 and the requirement that basements should not cause harm to the	Noted.	No change.

		significance of heritage assets. English Heritage therefore advises that we are broadly content with the soundness of the proposed revisions in terms of the historic environment and do not wish to provide further comments at this stage.		
	Kay. M Broadbent	I am aware that RBKC have carried out a number of consultations and well attended workshops on the issues raised by basement development, and feel that they were conducted without bias and with integrity, allowing the views of residents and developers to be heard.	Noted.	No change.
	Graham Child	With a couple of exceptions, the Ladbroke Association believes that the policies now proposed, although they do not go as far as we would have liked, are rational and soundly based on evidence. The following are some comments on the justification for the individual elements of the policy. Positive preparation of the policy We have already put on record our appreciation of the way that the Council conducted widespread consultation on the policy and do not believe that it could reasonably have been expected to have done more. In its working groups it was careful to allow for a mix of interests and conducted the proceedings with exemplary fairness, despite reluctance by some contractors/developers' representatives to allow for the views of others. We note that the results of the written consultation were in line with the in-depth consultation that the Ladbroke Association undertook in 2009 of neighbours of properties where a basement development had taken place, a copy of which we are sending separately to the Inspector.	Noted.	No change.
	C.W.I Owens	Pre-amble The assembly of a considerable quantity of relevant and good quality data has not caused significant change in the original submission consequently, I wish my original arguments to remain. Data Sources. Commendable efforts have been made on repeated occasions to secure opinion from independent specialist professional advisers and affected residents (RBKC Neighbours Survey Nov 2012 -see below). The former make appropriate reference to either embryonic (environmental) or established (engineering) science and have defined important generalisable principles that are of relevance and concern. The latter have defined the reality of day to day experience in survey of 8000 adjacent residents having a slightly above average (17%) response rate for an external survey. The conclusion is that significant numbers of residents are put at substantial risk and/or discomfort and inconvenience.	Noted.	No change.
	Trustees of the Phillimore Estate	We support the reference in the policy to construction management, and agree that it is very important that the amenity of neighbouring occupiers is protected. RBKC's SPD on subterranean developments already provides guidance on these matters but reference in the policy provides greater control.	Noted.	No change.
	ESSA (Anthony Walker)	ESSA has consulted and following a Trustees meeting supports the proposed Policy CL7 which we consider to be sound. We consider that the following points could improve the policy further:	Noted.	No change.
	Bruce Pardy	My wife (Kathleen Pardy) and I believe the policy is sound. Limiting the excavation under the garden or open area (para a) and number of	Noted.	No change.

		<p>basement levels (para b), avoidance of damage to trees (para d), and preservation of heritage sites (para e) are all clearly important.</p> <p>The reduction in nuisance during construction (paras l, m) are very important, particularly when constructions occur on both sides of a dwelling.</p> <p>We believe the policy is sound because it has been positively prepared, is justified, is effective, and is consistent with National Policy</p>		
The Chelsea Society (Terence Bendixson)	<p>INTRODUCTION</p> <p>The Society supports the Borough Council's proposed revisions to its Core Strategy. We welcome, in particular, the Council's recognition of the need for greater limits to the extent and depth of basement excavation. We believe this approach to be sound. However we also consider that, in view of the Borough's high residential densities, the status of so many houses and streets as heritage assets, flooding risk, and the role of trees and gardens in capturing CO2 and enabling biodiversity, excavation should be limited to a greater extent than is proposed in the Partial Review. It follows that we believe certain aspects of CL7 need further revision. We make clear below what these aspects are and the changes we would like to see.</p> <p>The Council treats some excavations as 'permitted development'. Lawyers disagree about the legality of such action. The Chelsea Society believes that this disagreement should be resolved at the Examination in Public. Our understanding is that the engineering work involved in basement excavation removes it from permitted development.</p> <p>The Chelsea Society supports a large part of the Partial Review and considers it sound. However when the policy is examined in the light of a) the requirement for sustainability (long term durability) as required by the National Planning Policy Framework, b) the conservation of heritage assets and c) the day to day experience of residents affected by neighbouring basement excavation, we are convinced that what the Borough Council proposes does not go far enough. In seeking to meet the private demands of investors, developers and contractors, the proposed policies put insufficient weight on the depth and strength of legitimate public concern. The Chelsea Society urges the Council to redress this imbalance.</p>	<p>Noted.</p> <p>50% is a maximum limit and the proposed policy protects existing trees of townscape or amenity value (CL7 d.). It is considered that leaving 50% of even a small garden along with the requirement for 1m of top soil is sufficient to ensure an area is available for planting. This is supported by the evidence base.</p> <p>The Council's interpretation of permitted development is not under consideration at this stage.</p>	No change.	
The Kensington Society (Amanda Frame)	<p>The Society strongly supports the Council's efforts to achieve greater control over the scale and impact of basements, in terms of their extent of lot coverage, depth and number of storeys, and greater safeguards against adverse environmental impacts. This should reduce the impact in terms of the duration, the scale of demolition and excavation, and secure greater sustainability of the development, including reduced consumption of energy, waste and water and the inclusion of sustainable urban drainage systems. See attached submission</p> <p>The Society supports:</p> <ul style="list-style-type: none"> CL7 (a) limiting basements under gardens to 50% for unlisted buildings CL7 (b) limiting basements to one storey, subject to clarification CL7 (d) protection of trees CL7 (e) protection of "heritage assets" CL7 (f) no excavation under listed buildings CL7 (h) control of lightwells, etc CL7 (i) take opportunities to improve character or appearance of building, garden or wider area CL7 (j) the inclusion of sustainable urban drainage systems CL7 (k) ensure that any building which includes a basement is adapted to a high level of performance in respect of energy, waste and water CL7 (l) ensure greater control over traffic and construction activity to minimise the impact on traffic, safety, and inconvenience to residents CL7 (m) ensure that construction impacts are kept to acceptable levels CL7 (n) ensure 	<p>Noted.</p>	No change.	

		structural stability CL7 (o) protection from sewer flooding		
Victoria Road Area Residents' Association (Michael Bach)	The Victoria Road Area Residents' Association (VRARA) strongly supports the new policy on basements as the Core Strategy policy is unfit for purpose. Our area has been identified as an area containing one of the "hot spots" on Figure 9.2 of the Annual Monitoring Report 2013. We strongly support the direction of travel. In particular, VRARA supports: CL7 (a) limiting basements under gardens to 50% for unlisted buildings CL7 (b) limiting basements to one storey, subject to clarification CL7 (d) protection of trees CL7 (e) protection of "heritage assets" CL7 (f) no excavation under listed buildings CL7 (h) control of lightwells, etc CL7 (i) take opportunities to improve character or appearance of building, garden or wider area CL7 (j) the inclusion of sustainable urban drainage systems CL7 (k) ensure that any building which includes a basement is adapted to a high level of performance in respect of energy, waste and water CL7 (l) ensure greater control over traffic and construction activity to minimise the impact on traffic, safety, and inconvenience to residents CL7 (m) ensure that construction impacts are kept to acceptable levels CL7 (n) ensure structural stability CL7 (o) protection from sewer flooding	Noted.	No change.	
R M Swann	Note: Your response form forces me to choose "sound" or "NOT sound". As you will see above, I have selected "NOT sound" as I object to one particular clause – Clause (g). However, I consider that most of the policy IS "sound" and I strongly support it.	Noted.	No change.	
Christopher Hunt	(a) Yes on balance I consider the policy sound but would like to present evidence to Inspectorate nonetheless as it could be stronger and improved. Previous Response I support the introduction of additional controls and increased planning limitations on basements in RBKC. In particular, I support: - Policy CL7b and CL7c – The limitation of basements to a single storey - Policy CL7k and CL7l - Limitation on construction activities and - Policy CL7m – Increasing protection of neighbouring structures.	Comments noted. Borough specific examples do not form part of the evidence base. NPPF para 120 states that planning policies should prevent unacceptable risks from land instability. CF7(n) states that basements must "be designed to safeguard the structural stability of the application building, nearby buildings and" The Council does, however, recognise (34.3.70) that, "the structural stability of the	No change.	

	<p>This support is, of course, contingent on seeing the specific requirements to be contained in the Supplementary Planning materials and it is assumed public comment will be solicited and incorporated on those documents.</p> <p>I support the policy with some hesitancy as I believe it should go further, particularly in terms of</p> <ul style="list-style-type: none"> (i) requiring a systematic process for compiling problems resulting from basements to aid further policy development and to identify problems in enforcement, planning, safety etc, (ii) filling obvious gaps and deficiencies in the Party Wall Act and building regulations/control and (iii) generally protecting the rights of surrounding parties. <p>In supporting the “soundness” of the policy, I have three general comments, all of which are primarily in response to recent statements by pro-basement activists.</p> <p>1. The desire to limit basement developments in RBKC is a very widely held view and is not merely that of a “vocal minority”</p> <p>Proponents of basement development are attempting to portray the opposition to basements as being that of a vocal minority who do not represent the views of the broader community. Nothing could be further from the truth.</p> <p>To provide actual proportional evidence, when a massive basement was proposed on our street (Strathmore Gardens), I was one of the people that helped to solicit the input of as many of the residents in the area as possible. We ultimately collected the viewpoints of 65 residents in the nearby vicinity. 61 opposed the project and only 4 supported it. The signature of each of the opponents was submitted to the Council and can be provided to the Inspectorate if desired. Of the mere 4 residents who supported the project, one was the party applying for the basement (who was not living at the property). Another was a couple that was living in the area temporarily because they were digging their own basement elsewhere in RBKC and wanted to be far from that property during the construction carnage. This data suggests a 94% opposition rate, which is hardly what one would consider a “vocal minority”. I believe this percentage is generally representative of the broader council.</p> <p>The multiple opponents had various reasons for objecting. The most prevalent objection was on the grounds that, at 10 metres deep, the proposed basement was too large, burdensome and dangerous for the constrained space in which it was being proposed. This particularly supports Policy CL7b and CL7c.</p> <p>2. Basements are causing more damage than is widely reported and are more dangerous than we are led to believe.</p> <p>One of my primary criticisms of the current planning team is that they have failed to collect and aggregate actual examples and data on the full extent of damage being caused by basement construction. I have seen comments by proponents of basement development suggesting that the ABA study overstates the extent of the problems and issues. Having actual data would refute these claims and provide further support for policy bullets CL7 b, c, k, l and m.</p> <p>To provide some specific proportional evidence, in order to prepare for our upcoming Party Wall negotiations we conducted a survey of all basements completed on a few select streets near our home where there has been a lot of basement activity. Out of the 19 basement projects we found, 6 had serious failures that resulted in significant property damage and could have had potentially had fatal consequences. That represents a serious complication rate of nearly 30%. Importantly, most of these basements were single storey and not anywhere near as large, complex and dangerous as the multi-storey proposals being proposed today.</p>	<p>development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues.” The proposed policies are considered to be appropriate for the planning process.</p>	
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	<p>The circumstances of each of these cases can easily be confirmed with specific addresses and details and I am happy to provide the data directly to the Inspectorate. The basic summary are:</p> <ul style="list-style-type: none"> • Case #1 (W8 postcode) – Basement excavation at a project site led to a major structural failure and total abandonment of the neighbouring home. Following a protracted legal case, the neighbouring home is now being entirely rebuilt. • Case #2 (W8) – Basement excavation caused vibrations and a catastrophic collapse of the side wall of the neighbouring property, resulting in massive repair costs and the relocation of the family for an extended period. Had the family been next to the collapsing wall, serious injuries or fatalities could have occurred. • Case #3 (W8) – Basement excavation caused the homes on either side of the house to buckle inward. Emergency crews were called in to remove the roof and to shore up the homes on either side. Had the problem not been detected, serious damage and fatalities could have occurred. Remedial works are on-going. • Case #4 (W8) – A home undergoing a basement excavation caught fire and extensive damage occurred. The cause is not yet clear or reported. Both homes on either side incurred substantial damage. It is still unclear how this mess will be resolved. • Case #5 (W8) – Basement excavation resulted in extensive flooding and property damage that is currently the subject of a major lawsuit. • Case #6 (W8) – A major lawsuit will reportedly be launched very soon regarding damage at another property in the study area but the owner has requested that this information be kept confidential for the time being. <p>Collectively, these cases have caused millions of pounds of property damage and tremendous impacts for surrounding residents. More important, the residents in each of these cases were lucky – much more serious consequences could have resulted. These should serve as serious red flags for what could happen in the future. Indeed, the Health and Safety Executive released a report in 2011 indicating that more than half of the basement sites in RBKC were unsafe and received prohibition or other notices. The current performance of the industry is untenable, unsafe and unacceptable.</p> <p>Recent figures by the National House Building Council (NHBC) support the data suggesting that problems are far worse than believed. Data indicate that nearly 10% of basement projects have already resulted in claims, but it is noted that most basements are still early in their 10-year warranty period and that figure would be expected to go up over time. Alarmingly, this figure is primarily for smaller basements done earlier on. With the increased size and complexity, damage claims will no doubt increase substantially.</p> <p>In NO other industry would we allow performance as poor as what we are seeing from the basement industry. We would not allow cars on the road if 1-out-of-10 (or 1-out-of-3) failed. Nor would we let people take medications if there was such a high potential for serious problems. The basement industry and regulatory process has proven over the past several years that it cannot be entrusted to operate without further restrictions and process. Quite simply, the industry has failed the public trust. Further controls and restrictions are required to protect public safety and the rights of residents.</p> <p>3. The Council has done a comprehensive consultation I am generally quite critical of the RBKC Planning Department and how they have handled basements over the past several years. I have had to file multiple Judicial Reviews and formal complaints regarding the development next to my home. Despite this critical view, I must acknowledge that the Department has gone through</p>		
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		<p>extraordinary lengths to consult with the public on the formation of this policy and that I, and everyone else in the Borough, has had more than enough opportunities to comment.</p> <p>I am sure that many are, like me, somewhat frustrated by aspects of the policy. Many of us hoped more of our comments would be incorporated. But the Council will never be able to satisfy everyone. A fair and comprehensive consultation process was done and we should adopt it and move forward. The pro-basement lobby is simply trying to attack the process so that they can get more time to wreak havoc on the Borough with a few more projects. It is time to put in place a more suitable and fit-for-purpose policy, even if it still has flaws.</p>		
	Anthony Temple	I repeat the reasons I gave in my previous submission. I rely on and will not repeat the rationales expressed in the updated policy. It is impossible and inappropriate to repeat all the objections to the current practices here. I simply wish to add a few further thoughts on the revised policy	Noted.	No change.
	Peter S. Chapman	<p>Basement extensions are a horrendous ordeal for neighbours during construction works, as I can attest from experience in our section of Lansdowne Road (between Lansdowne Rise and Rosemead Road over the past six or seven years).</p> <p>Such extensions cause problems of noise (drilling, excavations, contractors' vehicles), cracking in adjoining properties, dust and debris.</p> <p>Construction problems can result, as is also evidenced by a recent NHBC report. The Council is entirely justified in banning double basement extensions, and I would wholeheartedly support banning single basement extensions which is over-development in every common sense use of that word. I would support strengthening structural engineering requirements, and indeed hydrological survey requirements, at planning application stage.</p>	Noted.	No change.
	Ernest Alishan	I think the document offers a good compromise and tries to offer a balanced solution taking into account environmental as well as commercial considerations.	Noted.	No change.
	R G Leeper	Of course the policy is sound. The Council have once again listened to the basement constructors, and have made some changes to accommodate their points. They have obviously consulted carefully and widely.	Noted.	No change.
	Eve W. Harris	I comment on paragraph 1 and 2 - the Council's original July/September 2013 Basement Publication Planning Policy should not be changed.	Noted.	No change.
	Environment Agency (Wioleta Osior)	<p>We support the final sentence referencing Policy CE2 "Flooding" as this policy includes the requirements for site-specific Flood Risk Assessments where basement developments are proposed in areas of Flood Zone 2 and 3, and critical drainage. Policy CE2 also states that self-contained basement dwellings will be resisted in Flood Zone 3.</p> <p>Please see our further comments below on suggested minor change.</p>	Noted.	No change.
	Maria Rita Phillips	This is to say: I would like my former comments to be taken into account together with an additional comment: Of course the Council Policy is SOUND. The Council have once again listened to the basement constructors who have made some minor changes to accommodate themselves. I am commenting on Policy CL7 and basement proposals as a whole.	Noted.	No change.
	Gary Brass	We want proper treatment for the consequences of basement developments	Noted.	No change.

	Maripat Gilligan	The Council have consulted with all sides and have achieved a fair and equitable balance given the risks and interests involved.	Noted.	No change.
	Marion Gettleston	The revisions to Policy CL7: Basements are a major move in the right direction and are strongly supported. However, there are various aspects of the policy where improvements are still needed before I could agree that they would achieve the desired proposed aims. I believe that these concerns could be overcome by further amendments to the proposed reasoned justification and to policy CL7 and can be made following the Inspector's recommendation without losing the policy.	Noted.	No change.
	Sarah Lacaille	I live in a listed house which is next door to a house which has permission to build a swimming pool under their garden. I am very concerned about the effects of the building work on my house and on my family. The policy is sound as the Council has consulted widely and carefully and have listened to building contractors as well as the residents. I am commenting on Policy CL7 and the basement proposals as a whole.	Noted.	No change.
	Ian Johnston	I believe the Policy Documents are soundly based and appropriate - and should be introduced without further delay, to protect our community from damaging developments. I agree with the publication policy and in particular with paras 34.3.48, .50, .54,.55, .62 and .70. For the reasons outlined in the paper, I consider the Policy "sound" and "appropriate". In this way we should reduce the risk of damaging nearby buildings, such as has occurred by work at Abingdon Villas. These homes have no foundations (they sit on the ground) and any digging is a high risk as now proven.	Noted.	No change.
	Allom & Barlow Residents' Association (Jose Fernandez)	My wife and I have been residents of the Borough for over forty years. We are becoming extremely concerned about the impact that the construction of basements has on the environment and quality of life in residential areas. We applaud the initiatives taken by the Council and are of the opinion that the policies set out in the above publication are sound in every respect.	Noted.	No change.
	St Helens Residents Association (Henry Peterson)	The Association wholly supports the steps taken by the Council to strengthen its policies on basements, but considers the new draft policy CL7 and the reasoning behind it as unsound in its present form but capable of being rectified through minor modifications. There are some points of clarification and wording which we consider would ensure that the policy is 'effective and deliverable' over what is likely to be a lengthy period before further review and updating takes place. This Association has initiated (via the establishment and designation of the St Quintin and Woodlands Neighbourhood Forum) the preparation of a neighbourhood plan. The neighbourhood area covers a large part, but not all, of the Oxford Gardens St Quintin Conservation Area. These general view from this neighbourhood on Basement policy has been	Noted.	No change.

		<p>confirmed in responses from residents submitted as part of a household survey of the 2,000 dwellings in the designated neighbourhood area, undertaken by the St Quintin and Woodlands Neighbourhood Forum.</p> <p>There is growing concern that basement projects have increased in numbers, with consequent disturbance and nuisance to adjoining owners. Hence we entirely support the proposals by RBKC for stricter control of building work, CTMPs, and for submission of detailed material to demonstrate that a basement will not have a long-term impact on neighbouring properties.</p> <p>As a neighbourhood which has seen the number of basement applications rise sharply in recent years, driven by property investment values in the area as much as by genuine need to extend floorspace to accommodate growing families, we are concerned to ensure that the new policy CL7 is as effective as possible and that it covers situations relevant to the dwelling type in the Oxford Gardens/St Quintin Conservation Area. This is the reason why we are responding in stating that the current draft is unsound.</p> <p>We are not suggesting that the council's approach to basements is overly prescriptive. Quite the reverse. We feel that it needs a few modifications to make it more robust and effective over the long term.</p>		
	Friederike Maeda (Ashburn Courtfield Gardens Residents Association)	<p>I am writing to you on behalf of the Ashburn Courtfield Gardens Residents Association in Courtfield Ward regarding the revised policy on basement extension. Having examined the documents on the consultation web pages, I feel that the revised policy is an improvement on the current rules and regulations, and that it is basically sound. I also fully endorse the comments made by Hilary Temple of the Earl's Court Society in her email of 18/03/2014.</p> <p>I should like to add that I fully endorse the email entitled BASEMENT POLICY: 2014, COMMENTS BY THE KENSINGTON SOCIETY (below) in all its points. I feel that the policy is sound, and also that it should be immaterial, whether a proposed project is large or small in scale and that definitions have to be clear. We have recently encountered a planning application , where mysteriously the ground floor had become the "upper ground floor" and the proposed basement the "lower ground floor" , no doubt keeping the door slightly ajar for future burrowing plans ...</p>	Noted.	No change.
	Paul Lever	<p>The policy has been subject to extensive consultation. Those who are now objecting to it – the contractors and developers – have set out their views at length in written comments and were well represented at all the relevant meetings. Their performance at some of these meetings was aggressive and verged on bullying. They sought to dominate the discussion to the point where ordinary residents had difficulty in making their voices heard.</p> <p>And of course it is the contractors and developers who have the resources to organise appeals. Ordinary residents do not.</p>	Noted.	No change.

	Sally Young	<p>The Council should uphold the principles outlined in paragraphs 3.14/3.15 and 3.16 of the Basements Policy Formulation Report.</p> <p>The construction of basements in hitherto quiet residential streets (Brunswick Gardens, Palace Gardens Terrace) causes unwarranted disruption/disturbance to the adjoining houses and often over lengthy periods of time. The subsequent foundation problems will not necessarily be known for some years, but could have environmental ramifications.</p> <p>The Policy is SOUND.</p>	Comments noted.	No change.
	Denzil Fernandez	<p>My wife and I have been residents of the Borough for over forty years. We are becoming extremely concerned about the impact that the construction of basements has on the environment and quality of life in residential areas.</p> <p>We applaud the initiatives taken by the Council and are of the opinion that the policies set out in the above publication are sound in every respect.</p>	Noted.	No change.
	Gayle Verdi	<p>Good that listed buildings cannot be excavated and good that consideration is given to large trees. No mention of flood risk though.</p>	Policy CE2 of the Core Strategy relates to flooding and this is acknowledged in paragraph 34.3.71 and CL7o).	No change.
	Sam Gordon Clark	<p>The policy is sound because it is positively prepared, justified, effective, consistent with national policy and legally compliant.</p> <p>(Previous Response) Of course the policy is sound. The Council has consulted widely and has uncovered innumerable examples of doubtful practice. The proposals are measured and practical and take sensible account of the interests of residents, and the wiser developers who are not proposing excessive excavation, likely to damage the fabric of conservation areas. I have had personal discussions with councillors who have demonstrated that they have taken the positions of all parties into account.</p>	Noted.	No change.
	Martin	<p>a) It would be a shame to lose already limited green spaces / wildlife habitat from such a built-up area. There are also drainage considerations b) Limiting the expansion is a sensible suggestion c) Prevent people gradually expanding requests - need to be honest about proposal up-front. d - i) Notting Hill is a conservation area. This policy should reflect that. Excavations could damage the root systems of protected trees j) Drainage considerations very important, as mentioned above, particularly in light of recent events l) There is already a lot of congestion in the area m) Noise is very important - there are a lot of people working from home, and excavation is very noisy. n) I also worry about the effect of the vibrations through the ground on foundations of other buildings o) Very important</p>	<p>Comments noted.</p> <p>The Borough's Conservation Areas are considered and acknowledged in 34.3.63 and CL7e).</p> <p>Vibration is incorporated in consideration of the construction impact (CL7m) and should be reduced through limiting the size of basements (34.3.53).</p>	No change.

	Patrick Foster	I believe the policy to be sound on all grounds	Noted.	No change.
	Foo	I support in particular paragraphs 34.3.49 to 34.3.59	Noted.	No change.
	Andrew Rose	The Council have listened to the basement constructors, and have made some changes to accommodate their points. They have obviously consulted carefully and widely. Response to July 2013 consultation: It addresses issues that I am experiencing that have potential to damage the fabric of our local society, the fabric of our buildings and the safety of our residents. I am currently facing possible closure of my NHS general practice as a result of a local possible development. I am concerned about the fabric of walls being maintained at another local site and I am particularly concerned about safety of residents when this sort of work is happening. This policy addresses all these issues.	Noted.	No change.
	Pamela Rose	The policy is sound. The Council have listened to the basement constructors, and have made some changes to accommodate their points. They have obviously consulted carefully and widely	Noted.	No change.
	Maggie Macfarlane	The residents of RBKC are desperate for the Council to initiate a policy which will effectively check the proliferation of basements which negatively impact so many of our homes and our lives. I welcome limiting basement development to one level, and limiting the amount of garden under which one can build, but I would like to see far more consideration given to the negative and long lasting impact on the immediate community so many of these projects cause, and see the Planners pass much fewer of them.	The policies take account of the impact of the construction process on local amenity and living conditions (CL7L, 34.3.48)	No change.
	Radnor Walk Residents' Association (Charles Lynne)	I believe this proposed policy reflects the views of by far the majority of residents. RBKC works on behalf of its residents and their voice should be heard. The process that RBKC have been through to establish the policy is in my opinion very thorough. (Previous Response - Late) It has been well research, well publicised, and the proposals are sensible.	Noted.	No change.
	Celeste and Victor Haghani	(Previous Response) The current policy does not adequately protect adjoining or adjacent neighbours, or the neighbourhood in general from overdevelopment and its multiple, pernicious effects on the rights of other residents to enjoy their lives and for their property to be protected. The proposed policy will go some way towards improving matters and is sound. It will help to preserve the character of our conservation area, which is not adequately protected under current policy. We would like to add that our home, 45 Phillimore Gardens, was severely and structurally damaged by the subterranean development of 44 Phillimore Gardens, and the Party Wall protocols did not give us adequate protection. Even after receiving a settlement for the damage caused, we were considerably worse off in the matter when taking account of the loss of enjoyment of our home in the state it had been in before the subterranean excavation work. This was the case for four years while the Party Wall process contentiously and expensively wound its way to an inadequate conclusion. We understand that we are far from the only residents to have suffered in this direct	Noted. NPPF para 120 states that planning policies should prevent unacceptable risks from land instability. CF7(n) states that basements must "be designed to safeguard the structural stability of the application building, nearby buildings and" The Council does, however, recognise (34.3.70) that, "the structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues." The proposed policies are considered to be appropriate for the planning process.	No change.

		manner, and that others have experienced far worse.		
	Victoria McNeile	(Previous Response) The policy is a pragmatic reconciliation of the need to develop further residential space in the Borough and protect the amenity of residents and neighbourhood groups, as expressed in consultation, during the construction process (Paras a,b,c) . The policy applies protection to trees (para d) and heritage assets as widely defined (paras e,f,g,h). It acknowledges wider environmental responsibilities during basements' construction and occupation phases (paras i,j,k,l,m,n)	Noted.	No change.
	Brompton Association (Joanna Goodwin)	Response to July 2013 consultation: Entirely satisfied that the Council has consulted residents and that these limited changes in policy will help mitigate some of the considerable misery residents have suffered for the decade or so subterranean. development has been prevalent.	Noted.	No change.
	Bruce Fair	The policy is sound. The Council has once again listened to basement constructors and the supporting parties and have made some changes to accommodate their points. The Council has consulted widely and diligently.	Noted.	No change.
	Vance	In proposing its policy, it appears that the Council has taken into account a wealth of evidence regarding the impact of basement construction, in particular the impact on neighbouring properties, the environment and the local character of streets and gardens. The proposed policy strikes a balance between residents affected by the construction of basements, preservation of neighbourhood characteristics and owners wishing to construct basements. As such, it is positively prepared, justified, effective and consistent with national policy. I would, however, have liked to see the Council challenge the position that structural integrity issues are the sole responsibility of Building Regulations. It seems to me that concerns over degradation of ground stability go to the heart of what planners should be entitled to consider.	NPPF para 120 states that planning policies should prevent unacceptable risks from land instability. CF7(n) states that basements must "be designed to safeguard the structural stability of the application building, nearby buildings and" The Council does, however, recognise (34.3.70) that, "the structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues." The proposed policies are considered to be appropriate for the planning process.	
	David Lacey	The council have consulted appropriately and made changes to accommodate the basement contractors.	Noted.	No change.
	Eva and Fred Firmenick	Of course the policy is sound (Previous Response) Have lived next door to neighbours making basements since 2009. Terrible noise all day and dust. Very afraid of the "soundness" of the walls. These Regency houses were not made for excavations of these proportions.	Noted. Issues relating to stability are discussed within the reasoned justification and CL7n).	No change.
	West London Residents Association (Gordon Taylor)	The Council's planning policy strikes a good balance between protecting the heritage of the borough whilst at the same time allowing basement development under controlled conditions which should minimise environmental nuisances to neighbouring properties.	Noted.	No change.
	Anthony Coyle	I AM STRONGLY OPPOSED TO THE PRESENT LAX RESTRICTIONS ON BASEMENT DEVELOPMENT IN THE BOROUGH. The Councils new restrictions on this type of unsuitable development are sound and will protect our Borough from undesirable basement development	Noted.	No change.
	Robert Morris	For the reasons detailed in my previous comments, see Q1 above. (previous response) Policy CL7	Noted.	No change.

		<p>As someone living adjacent to RBKC who has been affected by basement developments I would like to comment on this document.</p> <p>I believe that it seeks to address, ameliorate and largely overcome the problems experienced by residents with the large number of basements that have been developed over the last 5+ years and the increasing number that continue to be applied for. It recognises the effect that these developments have on the quality of life of residents particularly as they typically take between one year and 18 months to complete the building stage. They create problems with traffic, dust, dirt and noise. In addition there is no certainty of the long term cumulative impact that these excavations will have on structural stability or the water environment.</p> <p>In my short street of some 50 houses over the past 5+ years there has been 12 basement extensions plus a further 2 in the pipeline. This has degraded my quality of life during this period.</p> <p>I fully support the Council's efforts to achieve a balanced approach on these developments so ensuring that residents have an acceptable quality of life.</p>		
	Mr Kalveks	Control of basement developments is necessary to stop the creeping undermining of the character and indeed the foundations of the many listed buildings in the Royal Borough. The building in which I live is presently under threat from a neighbouring basement development. I believe that the proposed planning policy would provide an improved level of protection for residents and their homes.	Noted.	No change.
	Rachel Palmer	yes, agree with soundness of new policy	Noted.	No change.
	Russell Levinson	Basement excavation and construction has become a big issue in RBKC. Near me, 1 Wallgrave Road had a big excavation project. Basement work in Kenway Road is concerning neighbours as the houses have shallow foundations and they are concerned about basement work leading to their houses becoming unstable. More widely, the excavation work is causing a lot of disruption including one street reported by the Press to have several basement excavations by the single owner of multiple properties, causing many problems for other residents. The proposed policy seems a proportionate response to the issue.	Noted.	No change.
	Michael Stock (Michael Stock)	I support Local Plan Policy CL7: Basements and consider that it is sound. RBKC Neighbours Basement survey 2012 makes clear that basement diggers cause great harm in the short and long term. This policy is positively prepared, justified, effective, consistent with national policy and will help limit this harm. The local MP Sir Malcolm Rifkind has written extensively in support of this proposed RBKC policy as striking the right balance.	Noted.	No change.
	Stuart bates	<p>I support the soundness of the planning policy because I consider the Council has consulted widely and carefully.</p> <p>In particular CL7 m. to " ensure that construction impact such as noise, vibration and dust are kept to acceptable levels for the duration of the works"</p>	Noted.	No change.
	Mark Katzenellenbogen	The current SPD governing basement development has resulted in blight and lasting damage to many communities within RBKC. The current SPD has also caused environmental degradation, social dislocation and actual harm to the appearance and amenity of the built environment. The new proposal is balanced and still provides for new basements, but with some modest safeguards to protect neighbours and residents. While it does not go far enough to protect communities, it is much better than the existing SPD.	<p>Footnote 14 of the Publication Policy provides the definition of a heritage asset. The impact of development on these heritage assets are assessed on their own merits.</p> <p>With regard to ceiling heights, the Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not</p>	No change.

		<p>Clarification of certain clauses is needed , in particular :</p> <p>34.3.60 needs to cite both listed buildings and conservation areas</p> <p>34.3.62 ceiling heights should be specified and also subject to agreement with independent engineers appointed by neighbours:</p> <p>34.3.69 Traffic management plans should be subject to an environmental test - failure to meet the threshold should qualify as a reason for permission to be refused</p> <p>Lightwells should not be permitted in Communal Gardens, particularly those which are listed.</p> <p>Rules governing lightwells at the "front" should be systematically applied to lightwells backing on to communal gardens.</p> <p>Changes in level of back gardens should not be permitted on listed communal gardens</p>	<p>be capable of horizontal subdivision.</p> <p>Control of pollution from construction traffic is discussed in para 34.3.69 and footnote 21.</p>	
	James Best	It will restrain irresponsible and anti-social development.	Noted.	No change.
	Sarah Curtis	The consultations about the policy have been widespread and well publicised, approved by experts as well as residents' associations and many residents.	Noted.	No change.
	Thurloe Residents Association (Traci Weaver)	The policy is sound because it does not allow excavation under listed buildings, takes into consideration the amenity of neighbours (traffic congestion, noise, nuisance, dust), supports the need for the sustainability of buildings, deals with drainage problems by not allowing the entire garden to be excavated.	Noted.	No change.
	Khalid Khan	I am concerned that any changes to the local plan will have an adverse effect upon the area including, increased population, increased traffic both pedestrian and vehicular, increased pollution (both noise and carbon emissions), even greater price inflation in property values due to speculators and finally pressure on the infrastructure of our borough.	Noted.	No change.
	Oakley Street Residents Association (Tim Nodder)	<p>The policies in CL7 are supported as sound; we strongly support the policies to limit the scale of basements and to reduce their impact on neighbours' amenities and quality of life. They should be effective in relation to the circumstances of this street. But some strengthening and clarification would be helpful.</p> <p>We draw on the experience of residents affected by a recent local development and suggest that the Document: Basement works: the impact on residents understates the effects in certain respects.</p> <p>We would like to see the policy deal more robustly with cumulative impacts:</p> <p>i) an important factor to recognise in any assessment of these policies is the LENGTH of time during which neighbours' quality of life is affected. There is much disturbance AFTER the basement is finished as the remaining parts of the property are refurbished - the local example has taken 24 months in total.</p> <p>ii) Basement developments undertaken simultaneously or in succession in neighbouring streets multiply the impacts, especially traffic in any principal street such as ours- so that the cumulative effect on the amenity of a whole area is far from preserving the character of the conservation area.</p> <p>CL7 a is sound. It will be helpful in maintaining quality green space behind the</p>	<p>Noted.</p> <p>Given the different circumstances and restraints surrounding of development on different sites, it is not considered expedient to attempt to control the length of the construction process under planning.</p> <p>While the timing of developments similarly could not reasonably be controlled, the CTMP would require consideration of other nearby developments.</p> <p>Control of pollution from construction traffic is discussed in para 34.3.69 and footnote 21.</p> <p>All other comments are noted.</p>	No change.

		<p>terraces of this street. They do not have front gardens and the depth of the back gardens is generally less than the footprint of the building. The practice hitherto of allowing up to 80% of garden for basement excavation makes too great an inroad on the green corridor behind the terraces.</p> <p>CL7 c is sound in respect of the types of case mentioned but could be clarified as applying to cases where basements had been built originally with the houses.</p> <p>CL7 d is sound. The presence of large mature trees is of great amenity value especially when there are many apartments in the upper floors of 4 or 5 floor terraces whose residents look out upon them.</p> <p>CL7 l is sound. The policy to control traffic and construction activity will be helpful as this street is a busy B road carrying much traffic including heavy goods vehicles and coaches throughout the day and at commuter hours. The lack of any front garden space here has meant that in one recent instance a skip occupied highway parking space for months; skips are charged by noisy conveyors running across the footway; skip remains in place and the contents are taken out several times through the day by a grab mounted on a haulage lorry drawn up alongside. This narrows the highway further. This is not mentioned in para 4.3 of the Document above mentioned.</p> <p>It is not only the volume of soil excavation and new structural work below ground that causes these traffic problems; projects frequently include substantial demolition and removal of waste and arrival of construction materials. In this street a whole dwelling was demolished and after excavation of a large basement was rebuilt over many months, including concrete deliveries and crane work to place the steel joists for the roofs.</p> <p>We should like to see the policy strengthened so that the cumulative traffic effects of several nearby developments can be taken into account.</p> <p>CL 7 m is sound. In the Document Basement works: the impact on residents paras 4.1-4.6 helpfully describes the sort of impacts experienced in this street where a basement development extended below one house and behind 10 others in a 4 storey terrace occupied by around 50 residents. The noise of machinery including earth moving machines and dumper trucks was experienced as continuing and intrusive for many weeks and affected neighbours well beyond the immediate party wall occupiers ; noise came through the air and not only transmitted through the ground, as is suggested in 4.1 and 4.2 of the Document.</p> <p>Airborne sound from vehicles and generators and compressors is amplified by the height of surrounding buildings and seriously disturbs residents at a considerable distance. Pollution from fumes and dust caused some to alter their living arrangements, and was a particular problem for those e.g. with small children who were at home through the day, and requiring windows to be shut and additional cleaning routines.</p> <p>We should like to see the policy strengthened so that the cumulative impacts of several nearby developments can be taken into account.</p>		
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	BIRD	I CONSIDER IT TO BE POSITIVELY PREPARED, JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY.	Noted.	No change.
	Tarling	I believe the policy to be sound and to have been the subject of full and adequate consultation.	Noted.	No change.
	Simpson	I believe the policy to be sound. The policy has evolved as a result of very lengthy and well publicised consultation.	Noted.	No change.
	Greg Hammond	The policy is positively prepared, justified, will be effective and is consistent with national policy, so far as I can judge. I particularly believe that the policy is consistent with attaining sustainable development, which the present construct does not allow.	Noted.	No change.
	Richard Henschley	Because of the impact on the quality of life of basement construction and the inconvenience caused by traffic and construction activity	Noted.	No change.
	Mr Garston	34.3.48, 34.3.49, 34.3.50, 34.3.69, I reside at 4 Campden Hill Gardens W8 7AY, the granting of permissible development authority and subterranean planning extension (double basement) adjoining and abutting us at 3 Campden Hill Place W11 3RJ covering works that will take significantly excess of two years constant from September 2013, with all works access approved adjoining our building (to the total exclusion of alternative and main service access available in Campden Hill Place roadway where the residence has its front) has severely depleted our quality of life and quiet enjoyment and inundated us with constant excessive and unreasonable levels of noise and nuisance, as well as health difficulties and monopolistic traffic management encumbrance (I've seen up to five separate deliveries for this single project on a single day covering grab lorries, skip deliveries, equipment supply and service supply needs. we've had scaffolding lorries blocking the road for up to 5 hours solid (all that has been lodged with RBKC Highways) and I'm holding photographic evidence of all this. As residents (on 5 floors where a minimum 3 sets of residents work from home at any one time we repeatedly experience difficulties in focus, concentration, communication and other - we can not work for days at a time. It's effectively a state of living in a building site. I personally have lost 27 working days since 1st December 2013, regularly suffer chronic headaches and have had in the absence of considered developer-provided solution to get my health checked out by my GP. I don't smoke, I am a relatively light drinker and I exercise four times a week, no health issues known, no medication taken, but on visitation to my GP 13th March 2014 my blood pressure was taken at 170 over 105. RBKC Planning has been sent a copy of my GP's opinion dated 19th March 2014.	Noted.	
	C.W.I Owens	(Previous Response) - Previously selected policy is 'sound'. Whole submission. The proposal seeks a modest restraint on the intensively disruptive process of basement development and is welcome. A balance is struck where neither respectable developers nor those less well endowed will have anything to fear or legitimate reason to complain. It is positively prepared using a reasonably comprehensive evidence base and therefore the restraint can be considered justified though the justification is incomplete and inconsistent. In particular no evidence is presented that even attempts to justify the need for	It is not for the role of the planning system in this instance to assess the need for subterranean developments. With regard to bias, the Council has commissioned reports which form the evidence base for the policy, to supplement public consultation. Other comments are noted.	No change.

		<p>basement development. A significant omission given that it is a desire not a need, the number of citizens that benefit extremely small, the number disadvantaged moderately large, and the ability of the environment to absorb the process unscathed in densely populated areas of old buildings extremely limited.</p> <p>Further, discretion is proposed to allow relaxation of the proposed constraint for larger dwellings and commercial premises. No such discretion is proposed that allows tightening of the constraint where the situation involves small old buildings in congested areas and where the activity is impractical if not dangerous.</p> <p>Nothing other than qualitative comment is presented to quantify the disadvantages, disruption and cost the process confers on Third Parties. The bias of disadvantage against Adjoining Owners and the General Public remains obvious yet totally unaddressed.</p> <p>My own experience involves 5 years of stress and anxiety, a threat of litigation for over £20,000 for fees in dispute, an incomplete arbitration process, about 400 e-mails with 5 kg of hard copy, a house with permanent loss of amenity value through the proximity of forced 24hr ventilation and still in need of substantial repair and me several thousands of pounds out of pocket through no fault of my own.</p>		
	Gerard Legrain	<p>The current SPD governing basement development has resulted in blight and lasting damage to many communities within RBKC. The current SPD has also caused environmental degradation, social dislocation and actual harm to the appearance and amenity of the built environment. The new proposal is balanced and still provides for new basements, but with some modest safeguards to protect neighbours and residents. While it does not go far enough to protect communities, it is much better than the existing SPD. Clarification of certain clauses is needed , in particular :</p> <p>34.3.60 needs to cite both listed buildings and conservation areas</p> <p>34.3.62 ceiling heights should be specified and also subject to agreement with independent engineers appointed by neighbours:</p> <p>34.3.69 Traffic management plans should be subject to an environmental test - failure to meet the threshold should qualify as a reason for permission to be refused</p> <p>Lightwells should not be permitted in Communal Gardens, particularly those which are listed.</p> <p>Rules governing lightwells at the "front" should be systematically applied to lightwells backing on to communal gardens.</p> <p>Changes in level of back gardens should not be permitted on listed communal gardens</p>	<p>Footnote 14 of the Publication Policy provides the definition of a heritage asset. The impact of development on these heritage assets are assessed on their own merits.</p> <p>With regard to ceiling heights, the Council considers that there should be a degree of flexibility to design a single storey as required. The text is clear that it should not be capable of horizontal subdivision.</p> <p>Control of pollution from construction traffic is discussed in para 34.3.69 and footnote 21.</p>	No change.
	Wendy Woolf	<p>Having read the documentation provided by the Council, it seems to provide a reasonable balance between future needs and current residents, and between the desires of an often wealthy overseas owner, or property developer trying to maximise profit and the well-being of a neighbourhood during the development and for the future. Over development with no limitation and with consequent effects on drainage, sewage and stability of the adjacent buildings is a terrifying concern.</p>	Noted.	No change.
	Stefan Tietz	<p>While experience may suggest further improvement to the regulations over time, the current proposals will do much to reduce the hazard which construction of deep basements could create through lack of adequate controls. In my opinion they meet</p>	Noted.	No change.

		the criteria listed on page 2, are sound and badly needed.		
	Alastair Walton	A lot of work and thought has gone into this, there has been wide consultation, and the product is first class and balanced. The objections to it are self-interested and tasteless. It is clear, reasoned, based on evidence and compelling in its conclusions. Those conclusions are themselves moderate, indeed modest. We believe permitted development should be removed and basements should not extend beyond 50% of a garden. These measures seem to us both sensible and required for the protection of others. Indeed it is a pity you do not have the powers to go further.	Noted.	No change.
	Jessica Arah	Although I live just over the border from Kensington and Chelsea and am actually in Westminster, I support the policy as it seeks to limit the threat posed by massive basement excavation projects to the streetscape in which most of my life is lived and the peace and safety to which those of us who live and work here are surely entitled.	Noted.	No change.
	Michael Spencer-Smith	I hope that this will prevent the plague of 'iceberg' houses from spreading all over the borough, and will lessen all the noise, dirt, and inconvenience that we have to put up with.	Noted.	No change.
	Natural England (Piotr Behnke)	Natural England does not consider that this Basements Publication Planning Policy poses any likely or significant risk to those features of the natural environment ¹ for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.	Noted.	No change.
	Peter Huhne	However, we confirm our support of the following sound policies	Noted.	No change.
	Nicolas Rouveyre	Overall I strongly support the direction of travel of this policy set which it considers sound, even though we have proposals for improving the policy still further. The Core Strategy policy CL2(g) and CE1, have proved to be unfit for purpose. We strongly support the proposal to limit the scale of basements and to reduce their impact on amenity, neighbours and on sustainability.	Noted.	No change.
	Anthony Temple	GENERALLY - The limited extent of this submission should not obscure the strength of local support for the new policy and our upset that a very vocal group of construction companies has delayed the introduction of the new policy. I attended one of the policy consultation meetings at the Town Hall and was surprised at the aggressive approach some of the companies adopted towards the residents. I respectfully suggest that the views of many residents have been correctly captured	Noted.	No change.

Ref	Name	Question:Q5 CL7 General	Council's Response	Recommendation
	Mark Nichols	Whilst I support the basic policy to be totally appropriate I find para. n does not go far enough to protect local environment. Experience on our street indicated very clearly that no basement development operation looks after a person for proper reimbursement of amenities and a new York stone pavement which is destroyed by trucks delivering and removals. Nor is local parking and access/ passing properly dealt with in what is one street and quite narrow.	<p>Compensation for damage caused to paving by contractors is beyond the remit of the submission policy.</p> <p>The intension of part (l) of CL7 is to ensure that traffic and construction activity is properly managed. This will be achieved, in part, through the submission of a CTMP with the planning application.</p>	No change.
	Name	Q7 CL7 General Unsound		
		by the new policy and that, overall, the rationales for the policy elements are supported by the experience of residents – such as our family - with practical experience of living in the Borough.		

General comments received relating to policies being un-sound

	<p>Mark and Sophie Fitzgerald</p>	<p>CL7 a: The evidence RBKC claim to support this policy is simply just not there. For example:</p> <ol style="list-style-type: none"> 1) Where is the evidence to support the claim construction impact is a factor? Just stating this is not real evidence. 2) Where is the evidence to support the drainage argument? The Alan Baxter & Associates report uses a rule of thumb to support their 50% figure. No real evidence to justify the drainage argument has been provided. 3) Where is the evidence to support why planting on basement roofs is not possible? There is planting on roofs throughout the borough and London. Examples of roof planting are the Kensington Roof Gardens and the roof of Westminster Underground Station where there are several large mature trees inside the MP's building, Portcullis House. <p>Given the lack of supporting evidence the policy is not justified.</p> <p>CL7 b: Again, the evidence RBKC claim to support this policy does not exist:</p> <ol style="list-style-type: none"> 1) Where is the evidence to show basement development takes longer than for above ground extensions? 2) No evidence has been provided to support only single level basements from an engineering perspective. 3) The Alan Baxter & Associates report does not recommend or state the basements should be limited to a single storey. <p>Once more, given the lack of supporting evidence the policy is not justified</p>	<p>RBKC's report, Basement Works – Impact on Residents 2014 provides evidence that basement construction may have a detrimental impact upon the amenity of residents. This is supported by the results of the residents surveys carried out in August/ September 2012.</p> <p>The restriction of basement development to less than 50% of the garden is based on a number of issues not just surface water drainage. The objective is to retain a significant proportion of gardens in their natural form to allow natural processes to take place and allow sustainable development.</p> <p>Please refer to the Policy Formulation Report, RBKC, Feb 2014 which comprehensively presents the issues the policy has had regard to.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> ▪ “defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics, ▪ Providing safe, secure and sustainable environments and play spaces, ▪ Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and ▪ Enhancing the distinct character of suburban London.” <p>Para 1.2.22 of the London Plan Housing SPG further states “Gardens can clearly be very much part of form, function and structure which warrants respect and protection.”</p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant proportion to be retained in its natural form.</p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p>	<p>No change.</p>
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Ref	Name	Question:Q9 CL7 General	Council's Response	Recommendation
	Austin Mackie	<p>In relation to the proposed basement policy review, our principle concerns relate to the restrictive and inflexible approach that the policy adopts. In seeking to address temporary and generic amenity 'concerns' (rather than permanent site or development specific 'impacts') through an arbitrary approach to all schemes, the policy offers no scope for applications to be considered on the basis of their individual merit. Such an approach is contrary to the principles of the NPPF and the wider tests of soundness.</p> <p>The policy adopts a presumption against any basement development that would exceed what are very limited parameters and prevents, for example, an impact assessment-led approach that would allow each scheme to be considered on its merits. To apply such an approach to subterranean development, when for example, no such equivalent applies to above-ground works, demonstrates that the policy approach proposed is unnecessarily restrictive. Many of the concerns raised in the LPA's evidence base are not planning matters and could and should be addressed through other legislation. To seek to control such impacts through a rigid and inflexible imposition of planning policy is not appropriate. The proposed policy approach denies the opportunity for an applicant to demonstrate that a scheme's potential impact is acceptable or can be mitigated through, for example, planning conditions and the management of temporary construction phase impacts. For example, it fails to allow basement works to be considered against wider construction activity within any development or location.</p>	<p>The Council recognises that the impact of construction activity upon those living in the vicinity of a development is material in determining an application. The impact is often greater for basement developments, and hence the need for specific reference to these matters within the draft policy.</p> <p>The approach taken by CF7 and the supporting text is neither "arbitrary" nor "unnecessarily restrictive". It strikes the appropriate balance which allows the creation of basements where they do not have unacceptable impacts on the surrounding area or nearby occupiers.</p>	No change.
	Mark and Sophie Fitzgerald	<p>No clear evidence exists to support the claims made by RBKC for restricting basements to 50% of gardens or a single storey. The SEA / SA does not show an improvement with the proposed policy over the existing policy.</p>	<p>The restriction of basement development to less than 50% of the garden is based on a number of issues not just surface water drainage. The objective is to retain a significant proportion of gardens in their natural form to allow natural processes to take place and allow sustainable development.</p> <p>Please refer to the Policy Formulation Report, RBKC, Feb 2014 which comprehensively presents the issues the policy has had regard to.</p> <p>The London Plan Housing SPG (para 1.2.18) further amplifies the roles that gardens play including</p> <ul style="list-style-type: none"> ▪ "defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics, ▪ Providing safe, secure and sustainable environments and play spaces, ▪ Supporting biodiversity, protecting London's trees, 'green corridors and networks', abating flood risk and mitigating the effects of climate change including the 'heat island' effect, and ▪ Enhancing the distinct character of suburban London." <p>Para 1.2.22 of the London Plan Housing SPG further states "Gardens can clearly be very much part of form, function and structure which warrants respect and protection."</p> <p>Basements can impact on the natural character of garden, and create issues relating to drainage which are linked to flood risk, restrict flexibility in planting and have an impact on biodiversity. Therefore it is reasonable to expect a significant</p>	No change.

			<p>proportion to be retained in its natural form.</p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p> <p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p>	
	Gayle Verdi	Should not some reference be made to flood risk?	Policy CE2 of the Core Strategy considers flooding. It states that self contained dwellings will not be appropriate in areas lying within Flood Risk Zone 3.	No change.
	Geordie Greig	<p>I am concerned that there is inadequate protection for the neighbours of anyone preparing to dig sub basements. There has been evidence in Belgravia of a house collapsing in on itself after a neighbour dug out its basements and in Ladbrooke Gardens, where flooding and cracks and disputes over such damage extended over 2 years due to the digging. There seems to be inadequate research on the long term effects of these structural changes and with the recent extraordinary weather with the soil being wetter than ever before due to the excessive rain, the implication for the safety of buildings and their foundations is now unclear. I would like to see neighbours of buildings already developed as sub basements called to testify to the damaged caused short term and over the long term.</p> <p>I would urge the council to make an environmental study of the damage caused by sub basements. There is also inadequate protection for the neighbours as so often these excavations are made by developers who then sell on and the chain of responsibility becomes unclear and leaves the owner of the houses either side vulnerable to damage with no recourse for retrieving any compensation.</p> <p>I'm also concerned that these excavations take far longer and are far more damaging to the adjoining properties of the developing house and there is no restriction on timing, with some of these projects taking more than 2 years and forcing residents to either suffer or to move out due to excessive and constant noise. The use of the party wall agreement is the sole protection and residents are left feeling vulnerable as the council feels unable to do anything but grant applications and offer no protection or reassurance for any problems that occur.</p>	<p>The Council currently and will continue to require construction method statements to be submitted as part of the planning application. It is acknowledged that basement development can affect the structure of existing buildings, and the submission policy CL7 n) requires the basement development to be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway.</p> <p>The Para 120 in NPPF states "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."</p> <p>The Party Wall Act is more suited to dealing with damage related issues, if these are have occurred, than the Planning Act.</p>	No change.
	Mark Nichols	Whilst I support the basic policy to be totally appropriate I find para. n does not go far enough to protect local environment. Experience on our street indicated very clearly that no basement development operation looks after a person for proper reimbursement of amenities and a new York stone pavement which is destroyed by trucks delivering and removals. Nor is local parking and access/ passing properly dealt with in what is one street and quite narrow.	<p>Compensation for damage caused to paving by contractors is beyond the remit of the submission policy.</p> <p>The intension of part (l) of CL7 is to ensure that traffic and construction activity is properly managed. This will be achieved, in part, through the submission of a CTMP with the planning application.</p>	
	Rutter	the recommendations in paragraph 34.3.72 should be mandatory not just advisory and then the policy will be sound.	There is no requirement under the Planning Acts for applicants to have to communicate with their neighbours before submitting an application. A change to the Planning Acts is beyond the remit of the review.	No change.

	Russell Levinson	<p>I would like to see the 34.3.69 clarified. It refers to taking the "cumulative impacts of other development proposals into account" but it should be clarified that this means other development proposals in the same street. Also the policy CL7m is too weak as it does not refer to the cumulative impact of other developments.</p> <p>I would like to see 34.3.70 strengthened. The applicant should not only investigate the impact on the stability of other buildings and demonstrate how the work can be done while maintaining stability; there should also be a strict requirement on him to actually undertake these measures Planning requirements and controls are often evaded and in these cases it could lead to serious expensive and potentially unsolvable problems for his neighbours which Planning Enforcement may be unable to compel the developer to solve.</p> <p>Furthermore, the requirement should be tightened to ensure no impact (other than an improvement) on the structural stability of his neighbours.</p> <p>The commentary mentioned Building Control and the Party Wall Act as holding sway over different aspects and there is a real risk of neighbours having to try to solve problems under an overlapping system of controls - Planning, Building Control and Party Wall Acts - all of which have different perspectives and rules, some of which can be very expensive to use (particularly Party Wall work) and there is no single framework that can help them.</p>	<p>"Cumulative impacts of other development proposals" will, by definition, include those within the same street.</p> <p>It is beyond the remit of the planning regulations to require building works to be carried out in a particular way. This would fail the tests of reasonableness as set out in the "Use of Planning Conditions" as set out in the NPPG.</p> <p>The Council currently and will continue to require construction method statements to be submitted as part of the planning application. It is acknowledged that basement development can affect the structure of existing buildings, and the submission policy CL7 n) requires the basement development to be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway.</p> <p>The Para 120 in NPPF states "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."</p> <p>The Council notes the overlapping nature of the various systems of controls. This is unavoidable.</p>	No change.
	Stuart Bates	<p>Response to July 2013 consultation Policy CL7(l) states "ensure that construction impacts such as noise, vibration and dust are kept to acceptable levels for the duration of the works."</p> <p>With the experience of living next to 42 Palace Gardens Terrace where subterranean excavation has been going on to close to two years and is still unfinished, We know from bitter experience that the above requirement cannot be met. The health and wellbeing (34.3.52) of people living next to these projects is definitely adversely affected. 34.3.50 acknowledges the "serious impact a quality of life of neighbours."</p> <p>The planning policy is therefore unsound and not justified because it cannot fulfil the stated requirements.</p>	<p>The policy is proposing limiting the size of basements that can be built. This will reduce the construction impact. The additional measures of vetting the CTMP and DCMP before the planning application is submitted will improve the standard of information submitted. It will also allow neighbours/residents to comment on the practicality of implementing these.</p>	No change.
	Wurtzburg	<p>It has loopholes. It should be made absolutely watertight so no getting around any paragraph.</p>	<p>Noted.</p>	No change.
	E Eisenberg	<p>34.3.51: This statement is a summary which relies upon the argumentation in paragraphs 34.3.53-55. None of these paragraphs meets the standard of being justified, so this statement is also not justified. I have separately provided my rationale for each of those paragraphs. Most importantly, this policy is contradictory to the National Planning Policy Framework as published in 2012.</p> <p>The policy framework document is clear throughout that councils should consider housing affordability and price signals, and should start with a presumption in favour of sustainable development. The council acknowledges that it is extremely dense (34.3.49) and extremely expensive (35.1.1). Basement construction costs approximately £300 per square foot while property prices in the council can exceed</p>	<p>It is not the Council's intention to stop residents from extending their homes. It is, however, our intention to only allow extensions where there are of an appropriate nature. This is the case for all extensions be these "conventional" or subterranean.</p> <p>The impact of the construction process upon the amenity of neighbours is material in the determination of the application. As such it would be reasonable to refuse an application on the basis of the initial impact, even where the finished development to be acceptable.</p> <p>Limiting basements to a single level will reduce construction impacts and limit carbon emissions.</p>	No change.

	<p>£2000 per square foot. Prohibiting people from adding space to homes limits their ability to provide space on an affordable basis. The council seeks to limit development in response to overwhelming demand for lower cost space on the basis of very poorly justified evidence. The council has not convincingly proven that basement development is not sustainable.</p> <p>34.3.53: The council does not provide any proportionate evidence to support its claim that restricting the size of basements will limit the extent and duration of the construction process. Given the substantial site set-up, preparation, and completion time associated with basement preparations, it cannot be clearly assumed that Basement A which is twice the volume of Basement B will take twice as long to build. The Alan Baxter report does not seem to have considered this most basic question which is one of the main drivers of the limit on basement scale proposed by the council. The council has provided no analysis of a typical basement construction time scale, and the drivers behind that time scale.</p> <p>The council seeks to permanently restrict a property owner's development opportunity due to the temporary inconvenience that such development may cause to neighbours. According to the National Planning Policy Framework as published in 2012, the council should consider housing affordability and price signals, and should start with a presumption in favour of sustainable development. The council acknowledges that it is extremely dense (34.3.49) and extremely expensive (35.1.1). Basement construction costs approximately £300 per square foot while property prices in the council can exceed £2000 per square foot. Prohibiting people from adding space to homes limits their ability to provide space on an affordable basis. This does not seem to be a reasonable restriction on property owners to deal with a temporary condition.</p> <p>The council also actively contradicts itself by requiring a metre of soil above basements, forcing them to be deeper than they otherwise might be. If the council is so concerned with a potential link between basement depth and construction time, why does it not promote alternative drainage arrangements other than the 1 metre of soil?</p> <p>34.3.54: The objective of mitigating climate change has to also be balanced with economic considerations and the council's other objective of providing more affordable housing (see chapter 35 of the existing core policy). The council acknowledges that it is extremely dense (34.3.49) and extremely expensive (35.1.1). Basement construction costs approximately £300/sq foot while property prices in the council can exceed £2000 per square foot. Prohibiting people from adding space to homes limits their ability to provide space on an affordable basis. There is a real cost to the policy of limiting the scale of below-ground basements in favour of much more expensive above-ground options to reduce climate impact. There is no economic analysis provided for the implicit cost of carbon avoided and how that might compare with other energy saving initiatives. Nothing in the National Planning Policy Framework as published in 2012 implies that the burden of mitigating climate change should fall upon householders seeking to improve their properties. Pages 22-25 focus on new developments and energy production sites.</p> <p>34.3.55: The council's objective of maintaining green tranquil garden spaces is</p>	<p>Further information on carbon footprint of multi-storey basements is presented in the Life Cycle Carbon Analysis, Eight Associates, Feb 2014 (pg 26 and 27) and Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014 shows that larger basements in general have a greater rate of excavation (m3 per week) than smaller ones (para 6.3). There is also a good correlation between the volume of excavation and the total number of lorry movements (para 6.4).</p> <p>The 1 metre of soil above a basement is considered an important part of an effective SuDS, as well as supporting the long term future of shrub and other garden planting.</p> <p>It is not immediately apparent how the submission policy will have a detrimental impact upon the provision of affordable housing.</p> <p>The Council's current approach to requiring the provision of 1 metre of soil above a basement has been upheld at appeal.</p> <p>CI7(j) of the submission policy does recognise that there are circumstances where methods other than the provision of a metre of top soil may be appropriate to create an effective SuDS.</p> <p>The Council is of the view that the proposed policy, and limiting of basements to 50% of a given garden, is not arbitrary but based upon the evidence which accompanies the submission.</p> <p>The Council is aware of APP/K/D/11/2162153. The Council is also aware of a number of other appeals where the Council's position with regard to the maintenance of undeveloped garden space is upheld.</p> <p>The Council is of the opinion, that development beneath a listed building will in itself harm the hierarchy of historic floor levels and harm the building's historic integrity. As such it is appropriate to have a presumption against such development.</p> <p>The NPPF states that the more important the asset, the greater the weight should be to its conservation. The submission policy attaches a proportionate weight to the significance of listed buildings.</p> <p>An applicant will have the opportunity to argue the exceptional case where they consider one exists.</p> <p>Para 36.3.62 is concerned with the creation of basement extensions within the gardens of listed buildings. The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Given the particular impact that the creation of a basement beneath a listed building has on the integrity of the building, CF7(f) is considered appropriate. It supplements CL4 and adds clarity.</p>	
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	<p>laudable. However the blanket approach to limiting basements to 50% of the area of a garden is arbitrary. The justifications given by the council (allowing planting, space for trees, etc.) needs to be weighed against the current state and size of a garden before an application. A very small and/or entirely paved courtyard garden could never fulfil the council's lofty ambitions for planting or trees, so enforcing a 50% restriction upon such a garden is arbitrary and achieves no policy objective. In appeal APP/K5600/D/11/2162153, a national planning inspector found the policy in the 2009 Basement SPD requiring 1 metre of soil above garden basements should not apply to the specific appeal case (a paved urban courtyard garden) because the resulting basement would not diminish the Borough's leafy appearance and the underlying policy aims; the same principle should apply to this proposed policy. The policy should be flexible to allow the council to consider each case individually or provide more clear exceptions for cases where the existing garden state could not possibly meet the policy objectives.</p> <p>34.3.60: This paragraph leads to the very likely situation where similar listed building consent applications will be treated differently. The National Inspectorate's guidance on appeals indicates that councils should decide like cases in a like manner. Basement applicants will have to incur extra cost and go to extra effort to identify the significance of heritage assets, while other listed building consent applicants do not need to do this. Very similar cases could then be treated differently. Imagine two neighbours proposing the same above-ground works, but one neighbour also proposes a basement. The neighbour with the basement application would need to commission a heritage study covering the works in the entire application, while the other neighbour would not need to do this. Existing policy CL4 already gives the council plenty of scope to protect the special interest of listed buildings.</p> <p>34.3.61: This paragraph leads to the very likely situation where similar listed building consent applications will be treated differently. The National Inspectorate's guidance on appeals indicates that councils should decide like cases in a like manner. Adoption of this paragraph will result in a different and broader definition of listed building special interest for basement applications than for other listed building consent applications (which would be governed by policy CL4 and paragraphs 34.3.42-44 of the reasoned justification) – this definition for example includes foundations and fabric while CL4 does not. Let me provide a direct example from my listed terrace, where half of the houses had no basements and half had original basements. A neighbour in a house with an original basement applied for permission to extend the existing basement into the existing lightwell, requiring underpinning of the original foundations. We applied to excavate a basement in the garden of our house which did not have an original basement (but not under the house itself), and also applied to underpin the existing house's foundations. The council very strongly took the position that we could not do this due to policy CL2g prohibiting excavation under a listed building (which they considered to include underpinning), even though the exact same underpinning was not seen as problematic in the neighbour's application which did not involve excavation. Adopting this paragraph will cement differences into the treatment of listed building consent applications. The council could then argue that existing foundations are sacred to basement applicants, while applicants proposing extensions which also impact upon foundations would be free to make alterations. It is also worth noting that in the appeal case APP/K5600/E/13/2194655, the national planning inspector did not find special interest in the foundations or original</p>		
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	<p>basement floors as long as the original floor hierarchy was respected. Existing policy CL4 already gives the council plenty of scope to protect the special interest of listed buildings.</p> <p>34.3.62: In trying to argue that basements pose structural risks to listed buildings, the council in the 2nd sentence of this paragraph refers to a source (note 15) which is nearly 20 years old and which itself does not cite any technical research or evidence. The council itself acknowledges that the accumulated experience of basements under terraced houses in London, in RBKC and other London councils, has exploded in the last decade. The council's basis for the claim that a basement would harm the structural integrity of a listed building is based upon very weak and unsupported evidence and ignores the benefit of substantial accumulated experience, as well as improvements in materials and methods in the last 20 years. A government body should provide higher quality evidence to justify its reasons for limiting activity – this source can reasonably be considered to support or justify the council's claim. The input from the Alan Baxter reports represent just one structural engineering firm's perspective. Our structural engineer at Michael Barclay Partnership, another eminent London structural engineering practice which has overseen many successful basement projects around London, thought that it would be very unwise to NOT underpin the existing house when building a garden basement because load surcharges of the main house could cause settlement and damage to the house façade. The council is treading into territory where it has no expertise and has not carried out a broad or considered survey of varying technical opinions. The whole purpose of this paragraph is to ban underpinning of listed buildings in association with garden basements – a recent bugbear of the conservation department – and the council is trying to argue that this is in order to protect the structural stability of the listed building. They have provided no recent or technical assessment to support their position other than the opinion of one engineering firm whom they have paid. In the minutes of the planning committee of 14 January 2014, the committee members note "...the importance that basement projects were carried out by construction companies with the requisite experience and expertise and that to date no major problems from basement developments had come to light in the borough." Having an experienced technical expert involved in a project is key – these experts should be left to use their discretion and judgment about a particular building and site without having an approach forced onto them.</p> <p>CL7a: I refer to my comments on paragraphs 34.3.51&53-55. The reasoned justification for this policy is not justified so this policy is not justified. It is arbitrary and based on poor evidence. It also fails to be consistent with national policy. While the council prudently allows for consideration of the character of the existing garden in policy CL7j, it fails to include a similar acknowledgement in CL7a making the policy unacceptably rigid.</p> <p>CL7b: I refer to my comments on paragraphs 34.3.51& 53-55. The reasoned justification for this policy is not justified so this policy is not justified. It is arbitrary and based on poor evidence. It also fails to be consistent with national policy.</p> <p>CL7f: This policy could be interpreted as not allowing the deepening of vaults. Pavement vaults offer valuable space which can enhance the usefulness of a listed building. Lowering the floor level of existing vaults is an important way for families to add useable space. The council to date has generally considered this to be an acceptable modification to listed buildings and there are many examples where this</p>		
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		<p>has been allowed since the 2010 core strategy was adopted. What has changed to make lowering vault floors now unacceptable? The remainder of the sentence is duplicative with policy CL2g, making it unnecessary. Page 6 of the national planning policy framework (2012) says that heritage assets should be conserved “so that they can be enjoyed for their contribution to the quality of life of this and future generations” would be more consistent with allowing vaults to be adapted for modern use.</p> <p>CL7g: The council already has the ability to protect listed buildings through policy CL4. This clause can be used to require basement applicants to have to provide more analysis of the special interest of their building than other listed building applicant, and is likely to result in like cases being treated in a dissimilar manner. There is no need for this clause given policy CL4. I refer to my comments on paragraphs 34.3.60-62.</p> <p>CL7k: In appeal case APP/K5600/D/11/2162153, the national inspector found that the council's existing basement SPD, which has a similar policy to require the entire building meet higher environmental credentials following the completion failed the test of being relevant to the development to be permitted, as set out in Circular 11/95, as any deficiency in relation to the dwelling as a whole already exists and would not be a consequence of the current proposal.</p> <p>CL7l: In appeal case APP/K5600/D/11/2162153, the national inspector found that the council's existing basement SPD, which required basement applicant to submit Construction Traffic Management plans, to not be reasonable. He noted that the Council's generalised concerns about traffic impact did not warrant such detailed control of the construction process, and highlighted that there are controls under other legislation. The council disingenuously here, in note 22, defers specify how it will take action on this policy by referring to some future, undefined supplementary planning document. But this policy will most likely be used to implement something similar to the 2009 SPD policy which was not considered well justified in the recent past.</p> <p>CL7m: If the council wants to more tightly control traffic related to construction work, it should do it in a holistic way rather than solely targeting basement developments. You can see a likely outcome where similar applications will be subject to different requirements due to this policy only applying to basements.</p>		
	Michele Hillgarth	I cannot recall the paragraph number, but I can recall our personnel experience, of our neighbour having been given permission for building 1 basement and without any further consent built 2 basements without the interference of Building control or Planning and this is despite the present National Policy. Will be very happy to give further evidence.	Noted. This illustrates the need for effective enforcement.	No change.
	Brompton Association (Ms Whewell)	<p>34.3.46 - this para is not sound as the policy does not make clear what is or is not a basement, thus creating the possibility of sub-basements to sub-basements. In order for policies to be effective, they need to be clear as to their purpose and to be specific and testable - the policy is not sound as it lacks this clarity.</p> <p>34.3.52 - policy is not sound as it does not make clear what is the expected height of a basement storey. A basement in my vicinity has sought to win permission for a single story basement so tall that it would be possible to sub-divide the single floor horizontally later into 2 floors. Without a definition of the height of a story the policy</p>	<p>The definition of basement development as set out in para 34.3.46 of the Submission policy is, “the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property.” This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development</p> <p>34.3.52 includes a definition of a single storey basement, “one that cannot be subdivided in the future to create additional floors”, (or 3 to 4 metres floor ceiling</p>	No change.

		<p>would have a major loop hole and as a result the policy is neither effective nor justified. There is also no justification for encouraging creation of swimming pools (with the capacity to cause more disruption and noise to neighbours than a plain residential floor) by approving up front a deeper basement when the purpose is for a pool.</p> <p>34.3.69 I am a resident living next to not 1 but 2 basement developments. In neither case was I allowed to comment on the proposed traffic management plans, both of which were factually incorrect and misleading as to the site and how deliveries could be managed. I have subsequently had to address the chaos resulting through health and safety legislation and enforcement intervention. A policy which does not require such a key issue as the CTMP to be submitted with a planning application and consulted upon as part of the planning consideration is neither effective nor justified and as such it is not sound. We consider the policy should also require CTMPs to minimise disruption for neighbours.</p>	<p>height.</p> <p>There is no evidence that an internal swimming pool will have a particular impact upon the amenity of its neighbours.</p> <p>Submission policy CL7(l) seeks to ensure that traffic and construction activity is properly mitigated. The tool to achieve this is through the submission of a CTMP. The details required within the CTMP is not the subject of the submission policy.</p>	
C.W.I Owens	<p>RBKC seeks to be able to reduce the scale (volume) of basements to otherwise mitigate their impact without preventing their development altogether.</p> <p>Extensive data and objective independent opinion now confirm incontrovertibly that the act of basement development can have a significant and deleterious impact on:</p> <ol style="list-style-type: none"> 1. The Environment (including Energy/Climate considerations) 2. Adjoining Buildings their Owners and the General Public <p>Policy CL7 is sound with reference to mitigation of impact on 1. It is unsound (not justified) in precluding reference to 2. Despite the unique properties of the Borough it passes the reference standard to National Planning Policy. A more equitable and responsible relationship between the activity of basement development, adjoining owners and the general public should be sought without delay but now unfortunately as a separate Policy.</p>	<p>The Submission policy does not "preclude reference" to the "deleterious impact" of basement developments on adjoining buildings and their owners. CL7(l) seeks to ensure that traffic and construction activity is properly mitigated, with (m) seeking to ensure that construction impact are kept to acceptable levels. (n) requires that the structural stability is safeguarded.</p>	No change.	
Ladbroke Association (Sophia Lambert)	<p>Policy CL7h refers only to the front or the side of the property. This area has many houses backing onto communal gardens which are semi-public. The backs can therefore be as visually import to any as the fronts and sides. This paragraph needs to reflect this fact by giving similar protection to the back of the property.</p>	<p>Draft Policy CF7(i) requires basements (and their external manifestations) to maintain the character of the building and the wider area. This is supported by CL3 of the CS. These allow a council to resist a light well when not considered to be appropriate.</p>	No change.	
Alan Marchant	<p>In Policy CL7 (a) "Basement development should not Exceed a maximum of 50% of each garden".</p> <p>Alan Baxter (2013) report suggests a reduction of the 85% should be done on an individual case, this refers to soil conditions.</p> <p>The proposed policy will discourage owners from building basements as it is a big chunk of the development being lost.</p>	<p>The Alan Baxter Report (2013) recognises that the impact of an excavation upon drainage may vary with soil conditions, although recommends a 50% limit. This limit is also considered necessary in order to maintain the nature and character of the gardens and to support the growth of mature trees in the future.</p>	No change.	
Martin Peach	<p>The Policy is unsound for lacking clarity -</p> <ol style="list-style-type: none"> (a) as to what constitutes a basement (34.3.46); (b) in the provision made regarding impact on "nearby" buildings (34.3.50); (c) as to what is to be the appropriate floor to ceiling height of a basement, particularly where a swimming pool is proposed (34.3.52); (d) in the provision made in respect of garden basements close to listed buildings (34.3.62); and (e) as to the need for construction management plans to be an integral part of the 	<p>The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property."</p> <p>This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.</p> <p>Para 34.3.52 considers a single storey basement to be one with a floor ceiling height of 3 to 4 metres, with a "small extra allowance" for a swimming pool. Again this is considered to be sufficiently clear.</p>	No change.	

		<p>application (34.3.69).</p>	<p>Para 34.3.62 sets out the Council's position with regard to the creation of basements within the gardens of listed buildings.</p> <p>Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p> <p>Cf7(l) requires that traffic and construction activity does not cause significant congestion. The CTMP will be the principal tool. The detailed requirements of a CTMP will form part of a basements SPD as contain detail not suitable for a Core Strategy.</p>	
<p>Miranda Fenton</p>		<ol style="list-style-type: none"> 1. There should be a clear definition of what constitutes a basement (questions of ground level etc.) 2. There should be clear definition of the floor to ceiling height of the proposed basement 3. Greater clarity should be made with regard to the impact on listed buildings of basement developments 4. More clarity is required regarding the traffic management policy 	<p>The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property."</p> <p>This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.</p> <p>Para 34.3.52 considers a single storey basement to be one with a floor ceiling height of 3 to 4 metres, with a "small extra allowance" for a swimming pool. Again this is considered to be sufficiently clear.</p> <p>Para 34.3.62 sets out the Council's position with regard to the creation of basements within the gardens of listed buildings.</p> <p>Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p> <p>Cf7(l) requires that traffic and construction activity does not cause significant congestion. The CTMP will be the principal tool. The detailed requirements of a CTMP will form part of a basements SPD as contain detail not suitable for a Core Strategy.</p>	<p>No change.</p>

Flanagan	<p>1. There should be a clear definition of what constitutes a basement (questions of ground level etc.)</p> <p>2. There should be clear definition of the floor to ceiling height of the proposed basement, especially in relation to swimming pools</p> <p>3. Greater clarity should be made with regard to the impact on listed buildings and conservation areas of basement developments</p> <p>4. More clarity is required regarding the traffic management policy</p>	<p>The definition of basement development as set out in para 34.3.46 of the Submission policy is, "the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property."</p> <p>This is considered to be sufficiently clear to allow officers to make an on-site assessment as to what constitutes a basement development.</p> <p>Para 34.3.52 considers a single storey basement to be one with a floor ceiling height of 3 to 4 metres, with a "small extra allowance" for a swimming pool. Again this is considered to be sufficiently clear.</p> <p>Para 34.3.62 sets out the Council's position with regard to the creation of basements within the gardens of listed buildings.</p> <p>Basements in the gardens of listed buildings (unlike adding a new floor underneath a listed building) are not considered in all cases to harm the architectural or historic significance of listed buildings.</p> <p>The Council's supporting document Basements in Gardens of Listed Buildings, Alan Baxter and Associates, Feb 2014 sets out other structural issues that need to be considered when basements are proposed in the gardens of listed buildings.</p> <p>It concludes that the structural integrity of the parent building may not be harmed where the basement is structurally independent of the adjoining house and executed with special care.</p> <p>Para 34.3.62 of the reasoned justification of the Submission Basements Policy, RBKC, Apr 2014 provides further detail on this issue.</p> <p>Cf7(l) requires that traffic and construction activity does not cause significant congestion. The CTMP will be the principal tool. The detailed requirements of a CTMP will form part of a basements SPD as contain detail not suitable for a Core Strategy.</p>	No change.
Chris Jermyn	<p>The revisions to Policy CL7: Basements. These are a move in the right direction. However, as a totality the policy is unsound.</p> <p>we support the following sound policies:</p> <ul style="list-style-type: none"> - No excavation under listed buildings - limit of one storey under gardens - protection of trees - limit of garden basement to 50% of garden - the requirement for sustainable urban drainage schemes - the need for keeping nuisances - noise, vibration and dust - to acceptable levels. <p>However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed:</p> <ul style="list-style-type: none"> - clearer definition of what constitutes a basement (34.3.46) - clarification of likely impact on "nearby" buildings (34.3.50) - greater clarity about the appropriate floor to ceiling height, including structural depth of a basement. - no basements under gardens of listed buildings - with no exceptions to large sites. - much greater clarity about the proximity of garden basements close to listed buildings (e.g. Holland Park Mews, where garden basements may seriously 	Please see the response made to the Kensington Society's representation.	No change.

		<p>endanger the structural stability of these houses.)</p> <ul style="list-style-type: none"> - a requirement that construction traffic management plans be an integral part of the application, prior to a decision. - drainage schemes should also require rainwater run off to be contained within the site, not just to attenuate run-off into the sewer system - traffic management plans should minimise the scale and duration of parking suspensions and skips. <p>I look forward to hearing that these requirements to make the policy a sound one have been put into effect.</p>		
	Mr Alexandre	Please refer to the recommendation of the Kensington Society	Please see the response made to the Kensington Society's representation.	No change.
	Garden Square News (Holly Smith)	I believe the proposed Basement Publication Planning Policy is generally aimed in the right direction, but would be enhanced by the recommendations proposed by the Kensington Society in their official submission. I endorse all the points made by the Kensington Society.	Please see the response made to the Kensington Society's representation.	No change.

Comments relating to structural stability

	Name	Question:Q5 RJ ref 34.3.70 Add comment	Council's Response	Recommendation
	A. H. Harper	<p>I tried so hard to stop the dangerous excavations act 48- 50 Palace Gardens Terrace such as protests, hope then with several others resulted in damaging work to this house being allowed.</p> <p>This house (51) has moved considerably following the excavations went down and my flat shows much evidence of this; I see that flat 1 can also show some of the movement.</p>	<p>Noted. The Council currently and will continue to require construction method statements to be submitted as part of the planning application. It is acknowledged that basement development can affect the structure of existing buildings, and the submission policy CL7 n) requires the basement development to be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway. The Para 120 in NPPF states "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."</p>	No change
	S Ganesh	Sections 34.3.69 and 34.3.70 fully address the impact of basement extensions on neighbouring residents and the structure of neighbouring properties.	Support noted.	No change
	Richard Price	Need to be more explicit about need to ensure structural stability	<p>Noted. The Council currently and will continue to require construction method statements to be submitted as part of the planning application. It is acknowledged that basement development can affect the structure of existing buildings, and the submission policy CL7 n) requires the basement development to be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway. The Para 120 in NPPF states "To prevent unacceptable risks</p>	No change

			from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”	
Kay. M Broadbent	It is claimed that, if properly designed and executed, basements even of more than one level, can cause little or no damage to neighbouring properties. But there are two problems with this:- - Subterranean development beneath 19th C brick terraces, most of which have little or no foundations and are built on clay (which includes 80% of RBKC) does not have a long history, and we do not really know the long term structural impact upon neighbouring properties. Given the known problems with flooding and the difficulties for ground water drainage caused by subterranean structures, it is prudent to restrict excessive development. - It is accepted that most things that go wrong with these complex building projects relate to failures of execution, whether by contractors or sub-contractors. When damage occurs, it is normally handled through Party Wall Agreements. These agreements are private undertakings and therefore there is no publically accessible record of how many and how bad such damage is, nor what the nature of the damage is. This is a major difficulty in accessing the potential long term damage of subterranean basement development within RBKC.		Noted	No change
Pascale Rouveyre	34.3.70 The Party Wall Act only deals with the immediate adjoining properties. This should be made clear and as stated at the lecture last month only relates to the Party Wall and may not apply to other structures.		Noted. The Party Wall Act rather than Planning policy is better suited to contain this detail of these issues as it is the official legislation	No change
ESSA (Anthony Walker)	34.3.70 Party Wall procedures only relate to the wall between the two parties. Where there is potential risk to other nearby properties (such as terraces) which as noted above are covered by the reasoning then the applicant should enter into an agreement to protect those other properties.		Noted. The Party Wall Act rather than Planning policy is better suited to contain this detail of these issues as it is the official legislation	No change
Nicolas Rouveyre	The Party Wall Act only deals with the immediate adjoining properties. This should be made clear and as stated at the lecture last month only relates to the Party Wall and may not apply to other structures. The importance of identifying buildings of importance in the new Conservation Area Appraisals is confirmed in footnote of the Basement policies as it refers to buildings formally identified by the LPA.		Noted. The Party Wall Act rather than Planning policy is better suited to contain this detail of these issues as it is the official legislation	No change
Graham Child	We also note that paragraph 34.5.50 refers to “concerns over the structural stability of adjacent buildings”. We would point out that in terraces in our area there have been cases of damage to buildings two or even three away from the property in which the works are taking place – in one fully documented case a houses two doors away needed £30,000 to rectify the damage. Such damage is not covered by the Party Wall Act, and emphasises the need for the structural implications of basements to be controlled through the planning system. We also believe that the policy should make clear that developments should be designed to cause no more than “very slight” damage to neighbouring properties – something that the basement development companies said (in the working group meetings organised by the Council) was possible.		Noted. The Council currently and will continue to require construction method statements to be submitted as part of the planning application. It is acknowledged that basement development can affect the structure of existing buildings, and the submission policy CL7 n) requires the basement development to be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway. The Para 120 in NPPF states “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to	No change

			adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”	
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	Name	Question:Q5 CL7n	Council's Response	Recommendation
	The Markham Square Association (David Cox)	Agreed.	Support noted	No change
	Stefan Tietz	Para m aims to maintain the structural integrity and limit damage to buildings and relevant infrastructure within the area at risk by the new construction (Comment based on 2013 policy- this is now point n)	Noted	No change
	Pascale Rouveyre	I strongly support this policy and consider it sound.	Support noted	No change
	ESSA (Anthony Walker)	n We consider this sound	Support noted	No change
	Nicolas Rouveyre	I strongly support this policy and consider it sound.	Support noted	No change

	Name	Question:Q7 RJ ref 34.3.70	Councils Response	Recommendation
	Sue Whittle	Structural stability is surely already controlled by Building Regulations and the requirement for engineering drawings and calculations to be approved by Building Control? If so then they should continue to be the department that decides what is acceptable and enforce this. If things need to be improved / tightened up then this is the department that should do it. If the problem is with Building Control failing to control structural stability then surely the right thing to do is to improve the performance of the Building Control department rather than for planning to try to manage this? More rules, more layers of regulation and council involvement, more expense for the council tax payer and less efficient council.	Yes, it does cover these issues but the impacts are dealt with as part of the planning process as they are linked to a development.	No change
	Friends of Portobello (Robina Rose)	Long term impacts, particularly the displacement, settlement and movement of London Clay (due to Crossrail detailed knowledge exists none of which has been referred to).	Noted.	No change
	C.W.I Owens	Alan Baxter et al confirm this to be a serious issue. The industry claim (without formulated argument) that any attempt to formalise arrangements further will lead to constraints that are too onerous, that it is inappropriate territory for Planning Authorities and that current legislations is adequate. I cannot find any objective evidence in the submission for the disadvantage the industry would suffer as a result of more equitable terms. Further Baxter et al note that the Party Wall Act pre-dates the basement development era and contains little or no reference to it or the situations that may arise from it. Throughout, formulation of disputes becomes protracted and dogged with matters of	Noted. The Council cannot prepare new legislation rather it can draft planning policies within the remit of existing legislation. The draft policy is written within this remit. The Council currently and will continue to require construction method statements to be submitted as part of the planning application. It is acknowledged that basement development can affect the structure of existing buildings, and the submission policy CL7 n) requires the basement development to be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway. The Para 120 in NPPF states “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure	No change

		<p>definition and recourse to law is seldom an option since judgements are uncertain, costs enormous and must be born initially by the aggrieved (innocent) party who may not be in a position to act. For example an Adjoining Owner may become liable for unpaid, say Surveyors, fees in the event of default or be expected to bear the cost of Court Proceedings to address shortfalls in a process that they neither instigated nor could control.</p> <p>Given the heritage, density of population, density and age of its buildings and its ability to successfully claim exemption from Government Policy to permit housing development from commercial premises it is unsettling that when it comes to mitigating the significant distress caused by basement development in an area that is 'predominately residential' RBKC chooses to use National Policy for sustainable development as a yardstick.</p> <p>No adequate justification is presented for failing to consider mitigation of impact for this group and in this respect the proposal is unsound</p>	<p>that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”</p>	
	ESSA (Anthony Walker)	<p>34.3.48 and 34.3.50 refer to the structural stability of nearby buildings and adjacent buildings respectively. We consider that this could lead to dispute and that the term nearby should be used in both paragraphs.</p>	<p>Noted. The working is considered appropriate in its current form.</p>	No change
	Valerio Bardi	<p>34.3.70 Structural danger to adjoining houses – party wall agreements inadequate and in many cases useless – developer and/or owner often an overseas company/ non-UK national – unaffordable for many residents to deal with the legal costs of supporting a claim -builders can go into liquidation if a claim seems likely – therefore RBKC planning policy must be more robust to protect residents. There is a problem that K+C planning does not cover structural stability - highly disagree with the council failing to protect its residents in this way</p> <p>34.3.69 Disruption – noise, dirt, traffic flow and parking – can go on for several years – great disruption to neighbourhood particularly housebound people and those who work from home who cannot escape. Skip -never exceptional -there has been a skip in Stanley Crescent +/- every year in last 20 yrs. The applicant must demonstrate that these impacts are kept to acceptable levels under the relevant acts and guidance21 Not acceptable for a resident living and working in their own home a basement construction is the destruction of a possible way of life until the work is finished. Basement construction can cause nuisance and disturbance for neighbours. Can cause should be altered to does</p> <p>34.3.38 if this is so then when a building already has a basement, even if built at the time of construction of that building, why is it acceptable to allow planning permission to build of a sub basement?</p> <p>34.3.55 The townscape of the Borough is urban and tightly developed in character. It was!</p> <p>This lack of planning control has altered irrevocably the nature of the borough. K+C have allowed the borough to become ‘the ghost-town of the super rich’ 21/3/14 Evening Standard. 1700 properties were declared empty! In the same basement policy K+C casually write It is generally about 3 to 4 metres floor to ceiling height but a small extra allowance for proposal with a swimming pool may be permitted. Why? Are swimming pools essential? No,they just add value to the portfolio of the super - rich, compounding inequality in the borough and how about the carbon emission and extra lorries involved?</p> <p>34.3.47 Basements are a useful way to add extra accommodation ...Whilst roof extensions add visibly to the amount of built development. Many properties in the</p>	<p>Noted. The Council currently and will continue to require construction method statements to be submitted as part of the planning application. It is acknowledged that basement development can affect the structure of existing buildings, and the submission policy CL7 n) requires the basement development to be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway. The Para 120 in NPPF states “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”</p>	No change

		area added roof extensions until this was limited by the council -it has no impact, as not visible on a 6/7 storey house and residential disturbance is minimal and therefore should be reconsidered.		
	Name	Question:Q7 CL7n	Council's Response	Recommendation
	Mr Page	It is not just a matter of "structural stability". An applicant for permission to construct a new basement should be required to demonstrate that neither the construction process nor the finished product will unreasonably risk damaging or hazarding neighbouring properties and that the applicant will effect appropriate insurance against such damage.	Noted. The Council cannot prepare new legislation rather it can draft planning policies within the remit of existing legislation. The draft policy is written within this remit. The Council currently and will continue to require construction method statements to be submitted as part of the planning application. Para 120 in NPPF states "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."	No change
	Sue Whittle	Structural stability is surely already controlled by Building Regulations and the requirement for engineering drawings and calculations to be approved by Building Control? If so then they should continue to be the department that decides what is acceptable and enforce this. If things need to be improved / tightened up then this is the department that should do it. If the problem is with Building Control failing to control structural stability then surely the right thing to do is to improve the performance of the Building Control department rather than for planning to try to manage this If this is the case this policy should be removed.	Yes, it does cover these issues but the impacts are dealt with as part of the planning process as they are linked to a development.	No change

Comments relating to sustainability

Question:Q5 RJ ref 34.3.59 Add comment

Ref	Name	Comment	Council's Response	Recommended Change
	Andrea Morante	Be more explicit about the need to: ensure that buildings are adapted to a higher level of performance in respect	The reasoned justification at para 34.3.68 is considered explicit enough.	No change.

		to energy, waste, and water consumption.		
	Richard Price	Need to be more explicit about the need to ensure that buildings are adapted to a higher level of performance in respect to energy, waste and water consumption,	The reasoned justification at para 34.3.68 is considered explicit enough.	No change.
	C.W.I Owens	The proposal to limit the size of basements in consideration of carbon offsetting appears to be sound	Support for a single storey restriction based on carbon emissions is noted.	No change.

Question:Q5 CL7k

Ref	Name	Comment	Council's Response	Recommended Change
	The Markham Square Association (David Cox)	Agreed.	Noted.	No change.
	Stefan Tietz	Para j supports national policy in reducing the waste of energy, water and the risk of pollution from waste. (Comment based on 2013 policy- this is now point k)	Noted.	No change.
	Pascale Rouveyre	I strongly support the requirement to increase the sustainability of buildings where basements are excavated, constructed with large amounts of concrete and require major energy consumption for cooling and ventilation. This approach is sound and is in accord with the London Plan, which is an integral part of the development plan for Kensington and Chelsea. The reasoned justification para 3.4.3.69 should refer to the relevant London Plan policies for sustainability and basements - it is far more than footnote 20 suggests.	Support to increase sustainability noted. The policies in the London Plan are part of Royal Borough's development plan and its policies are taken as read. It is not feasible to include all relevant London Plan policies across the Core Strategy as a consistent approach needs to be followed.	No change.
	ESSA (Anthony Walker)	k We consider this sound	CL7K noted as sound.	No change.
	Nicolas Rouveyre	I strongly support the requirement to increase the sustainability of buildings where basements are excavated, constructed with large amounts of concrete and require major energy consumption for cooling and ventilation. This approach is sound and is in accord with the London Plan, which is an integral part of the development plan for Kensington and Chelsea.	Support to increase sustainability noted.	No change.
				No change.

Question:Q7 RJ ref 34.3.68

Ref	Name	Comment	Council's Response	Recommended Change
	Paula McPherson	With reference to the Alan Baxter and Associates report where it says 'once constructed, basements tend to perform much better in environmental terms than above ground construction'. This fact has been completely ignored and should be mentioned. Carbon emissions from basements must be considered throughout the useful lifespan of the basement, not just the construction phase. You are implying basements are poor in terms of carbon emissions without looking at the complete picture by selectively ignoring this statement. The justified reasoning here is invalid.	The evidence base that comprehensively covers this issue is Life Cycle Carbon Analysis, Eight Associates, Feb 2014. This looks at the carbon emissions of different types of basements and above ground extensions during their life cycle including materials, construction and operational use.	No change.

Q7 CL7k

Ref	Name	Comment	Council's Response	Recommended Change
	Sue Whittle	<p>Does this rule intend that the whole property has to be upgraded even if only a cellar is being renovated? This does not seem sensible, fair or presumably consistent with the council's intention that planning be within the financial reach of all its residents, not just those with deep pockets.</p> <p>The new part that is being built should have to meet high green standards but not the rest of the house. This also conflicts directly with the limits the council is seeking to put on 'heritage' assets. If the environment is so important then let listed buildings owners put in double glazing!</p> <p>If this is so important then this rule should be introduced for all building works that need planning permission – so any new extension or loft conversion should require the whole house to meet these environmental performance levels. Again, a lack of consistent policy aimed solely at limiting basement conversions.</p>	<p>Planning policies are written with the view of applying to the large majority of cases. Renovation of a cellar may not need planning permission if the building is not listed, therefore the policy will not apply. The policy is not intended to apply to minor alterations to existing basements or cellars.</p> <p>Basements have a higher carbon embodiment during their life cycle in comparison to other above ground extensions. Therefore these requirements do not apply to other types of extensions. Please refer to the evidence base that comprehensively covers this issue is Life Cycle Carbon Analysis, Eight Associates, Feb 2014. This looks at the carbon emissions of different types of basements and above ground extensions during their life cycle including materials, construction and operational use.</p> <p>The standards have been set at a level which would generally allow listed buildings to be upgraded to similar level. Please refer to Evidence Base for Basements and Policy CE1: Climate Change, Eight Associates, July 2013. However, the Council also has a duty to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." (section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore a balance has to be struck where listed buildings are concerned.</p>	No change.

	Rebecca Gibson	CL7k: In general I do not think that the council has provided sufficient evidence that basement construction causes so much construction impact that a policy can be introduced that will be an effective ban in some areas. This part of the policy looks like it will have the power to be a ban on basements in all but name. Q9 CL7k Add comment	The policy will not ban basements from any part of the Borough but restrict the scale to under the entire footprint of an existing dwelling, a maximum of 50% of the garden and to a single storey. Please refer to the Policy Formulation report, RBKC, Feb 2014 for detailed description of the evidence. The documents Basement Surveys (neighbours and residents) Responses, Aug/Sep 2012, Various consultations (including public events) on the emerging basements policy, Case Studies of Basement Excavation, Alan Baxter and Associates, Jan 2014, Basement Works - Impact on Residents, Feb 2014, Population and Household Density, Feb 2014 and Background Report 01 (Urban Design Strategy), Urban Initiatives, Jul 2006 all indicate the construction impacts of basements in this densely built up borough.	No change.
	Stefan Tietz	The issues addressed in paras. e, j, l and m augment requirements of Building Regulations and the London Building Act, safeguarding our heritage and supporting legislation aimed to avoid the waste of energy. They also take note of the nuisance resulting from excessive noise and pollution. (Comment based on 2013 policy- paragraph numbers amended)	Noted.	No change.

Comments setting out general concerns

Question:Q5 RJ ref 34.3.50

	Name	Question:Q5 RJ ref 34.3.50 Add comment	Council's Response	Recommended Change
	Jill Freinberg	I would like further clarification on the following: • Need for clarification of the likely impact on "nearby" buildings (34.3.50)	The "zone" which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the "adjacent" to a wider area or the "nearby". This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and "nearby" buildings.	No change.
	Kay. M Broadbent	All basement development causes massive disturbance to neighbours and risks damaging neighbouring properties. While neither of these are not in themselves 'planning issues', nevertheless, builds of 18months and upwards which entail major disruption in terms of noise and traffic come close to depriving nearby householders of their right to unhindered enjoyment of their home. By restricting basements to a single level, the duration of the project is, to some extent, contained.	Support for resisting multiple basements noted.	No change.
	Osra (john fitzgerald)	The policies in CL7 are supported as sound in so far as they go but could be further improved & strengthened to limit the scale of basements and to help reduce their adverse impact both on the neighbourhood when the development is completed but equally importantly on the impact on the neighbourhood its amenities and the quality of life during the period of their construction which is usually very lengthy	Noted. One of the purposes of the submission policy is to limit the extent of basements in order to reduce impact.CF7(m) requires construction impacts to be kept to acceptable levels.	No change.

	Pascale Rouveyre	<p>Need for clarification of the likely impact on "nearby" buildings. 34.3.50 Line 5 refers to 'adjacent' property. Paragraph 34.3.48 line 5 refers to 'nearby' buildings. Why is there a difference? Adjacent is often defined as having a common boundary or being contiguous. I think that nearby is more appropriate since we have seen problems with buildings which are near but not necessarily contiguous.</p> <p>Line 8 refers to long term harm. What is the definition of long term in planning? I would suggest that it is at least many years and that the effects of even multiple excavations might not fall within that definition. I can understand that it may not be possible to deal with daily issues but at least medium term should be included on the basis that something lasting a year is taken into account.</p>	<p>The "zone" which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the "adjacent" to a wider area or the "nearby". This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and "nearby" buildings.</p> <p>There is no planning definition of "long term". In the context of the policy long term is considered to span a longer period than the construction period its self.</p>	No change.
	R M Swann	<p>Basements Policy, Clause 34.3.50</p> <p>The policy is "justified" as it seeks to control what amounts to a completely inappropriate new use of buildings in quiet residential areas. This paragraph policy points out that multiple serial basement excavations have "a serious impact on the quality of life" with "long term harm to residents' living conditions" and that this amounts to "a permanant inappropriate use". This is quite correct and most certainly "justifies" the restrictions proposed.</p>	Support noted.	No change.
	Christopher Hunt	<p>The massive basement project next door to my terrace home is the perfect example for why limiting basements to one storey is needed. The property next to me was purchased by an off-shore company and the owner has never lived there. They proposed a project that would go down 10 metres and exploit literally every centimeter of the property footprint to build a basement of obscene proportions to the benefit of no one but themselves. The project would create severe problems for nearly 150 neighbours as we live in an extremely tight cul-de-sac / mews with very bad acoustics and tight access limitations. Construction will require at least 2-3 years of heavy industrial scale activity during which time my family, as well as others, will be driven from our homes. Of course, the Owner will be far from the chaos and suffering the project will cause. The long term consequences for my home, and those of the others that direct attach this property, are unknown to even the most experienced engineers.</p> <p>We tried many times to engage with the owner to discuss a compromise solution but were rebuffed each time. The owner knew, because he was advised by his architects and builders, that the Planning Department was afraid of an appeal by the Inspectorate and would roll over and grant them the right to build the multi-storey project. And because there is so much profit at stake, the well-funded off-shore entity will no doubt spend whatever money as is necessary to limit neighbours protections under the Party Wall Act and will simply spend surrounding residents into a dire situation.</p> <p>To prepare for Party Wall negotiations, we conducted a survey of all basements completed on a few streets near our home. Of the 19 basement projects we found, 6 had serious failures that resulted in significant property damage and could have potentially had fatal consequences. That represents a failure rate of nearly 30%. Most of these basements were single storey and not anywhere near as large, complex and dangerous as the multi-storey proposals being proposed today.</p> <p>The circumstances of each of these cases can easily be confirmed with specific addresses and I am happy to provide the details directly to the Inspectorate. The basic summary are:</p> <ol style="list-style-type: none"> 1. Case #1 (W8 – Phillimore Estates area) – Basement excavation at a project site led to a major structural failure and total abandonment of the neighbouring home. Following a protracted legal case, the neighbouring home is now requiring major rebuilding. 2. Case #2 (W8 – Phillimore Estates area) – Basement excavation caused a catastrophic collapse of the side wall of the neighbouring property, resulting in 	Support for restriction of basement extensions to a single storey noted.	No change.

massive repair costs and the relocation of the family for an extended period. The collapse was so bad that had the family been next to the collapsing wall at the time of the accident, serious injuries or fatalities could have occurred.

3. Case #3 (W8 – Palace Gardens Terrace area) – Basement excavation caused the homes on either side of the terrace house to buckle inward. Emergency crews were called in to remove the roof and to shore up the homes on either side. Had the problem not been detected, serious damage and fatalities could have occurred. As it was, several residents were stuck in their homes as the shifting prevented the opening of doors or windows. Remedial works are on-going.

4. Case #4 (W8 – Phillimore Estates area) – A home undergoing a basement excavation caught fire and extensive damage occurred. The cause is not yet clear or reported. Both homes on either side incurred substantial damage and one remains abandoned to this day, in addition to the subject property itself. Two residents narrowly escaped with their lives and could have easily been killed or suffered serious injury.

5. Case #5 (W8 – Palace Gardens Terrace area) – Basement excavation resulted in extensive flooding and property damage that is currently the subject of a major lawsuit.

6. Case #6 (W8 – Phillimore Estates area) – A major lawsuit will be launched soon regarding major damage at another property in the study area. For legal reasons, the owner has requested that this information be kept confidential for the time being.

Collectively, these cases have caused millions of pounds of property damage and tremendous impacts for surrounding residents. Four of these got precariously close to fatalities.

All but one of these was for a single storey basement. Had these problems occurred on multi-storey excavations, the consequences and risks to life would have been magnified exponentially.

The Inspectorate surely must recognize that multi-storey projects are of an industrial scale yet they are being built by under-supervised residential builders under a residential monitoring scheme that is nowhere near capable of handling such cases (let alone the sheer volume of cases). Many contractors lack the experience and controls necessary for such large projects. And the Borough lacks the necessary resources and capabilities to effectively monitor and control industrial scale projects. In their current form, the Party Wall Act and Building Regulations simply cannot provide adequate controls and it is criminal for the planning system to rely solely on them when it is abundantly clear that neither will provide the necessary controls.

The Health and Safety Executive released a report indicating that more than half of the basement sites in RBKC were unsafe. Figures by the National House Building Council (NHBC) support the data suggesting that a large number of basement projects have already resulted in claims, while noting that most basements are still early in their 10-year warranty period and that figure would be expected to go up over time. Alarming, this is primarily for smaller basements. The likelihood for damages and the resulting consequences for multi-storey basements will magnify these issues exponentially. With a safety and completion record this poor, allowing basements to continue with multi-storeys when it cannot even do single stories effectively is irresponsible and dangerous.

The Inspectorate must recognize the political reality when considering the dynamics of the proposed policy. I, and other residents, have seen many occasions where the planning leadership has deprioritized very valid concerns raised by residents and approved projects because they are afraid of an appeal to the Inspectorate. Rather than focus on the welfare of the residents they are supposed to serve, the Council has repeatedly taking the position that “their hands are tied” by the Inspectorate and they simply refer residents to the Party Wall Act and Building Regulations, knowing full well that neither are capable of providing sufficient protections or assurances of safety.

		<p>If the Inspectorate does not approve the new basement restrictions, emboldened developers will propose even larger and more dangerous basements and the planning leadership will simply rubber stamp them. Eventually, one of these will go terribly wrong. We are but one phone call away from learning of a tragic fatality to a poor neighbour who simply had the misfortune of living next to a greedy developer. When the dust settles, all eyes will be on the Inspectorate and questions will be raised as to why such an obviously out-of-control situation was allowed to go unchecked.</p> <p>We ask that the Inspectorate please consider the safety and welfare of law-abiding residents who are being put in danger and having their properties damaged. Multi-storey basements are inappropriate for Central London and the proposed policy represents a fair compromise. Please approve the restriction of basements to a single storey.</p>		
Julia Swann	34.3.50 You say that developments close by can have “a serious impact on the quality of life”. This is absolutely true. We have suffered 6 years of basement excavations close to us, and now there is a new double-storey basement proposed opposite us, in our tranquil, narrow, court. When the first basement was being dug, I was not able to work at home, and was forced to have my business meetings in a nearby cafe because of the noise. When the second basement starts, that will be several years more of hell, and again I will not be able to invite people to my house in working hours during the excavation, soil removal and concrete pumping phases. You are correct to call this “the equivalent of having a permanent inappropriate use in a residential area”, and it has certainly “caused long-term harm” to the living conditions of myself and other residents nearby.	Comment noted.	No change.	
Nicolas Rouveyre	Need for clarification of the likely impact on "nearby" buildings. Line 5 refers to 'adjacent' property. Paragraph 34.3.48 line 5 refers to 'nearby' buildings. Why is there a difference? Adjacent is often defined as having a common boundary or being contiguous. I think that nearby is more appropriate since we have seen problems with buildings which are near but not necessarily contiguous. Line 8 refers to long term harm. What is the definition of long term in planning? I would suggest that it is at least many years and that the effects of even multiple excavations might not fall within that definition. I can understand that it may not be possible to deal with daily issues but at least medium term should be included on the basis that something lasting a year is taken into account.	<p>Para 34.3.50 refers to the particular potential impact of a basement on the structural stability of an adjacent building. However, whilst structural impact is likely to reduce with distance, the Council does recognise that it is theoretically possible that a poorly designed and implemented basement may have implications beyond its immediate neighbours. Policy CF7(n) reflects this and requires that basements must be designed to safeguard the structural stability of the application building and “nearby” buildings.</p> <p>There is no planning definition of “long term”. In the context of the policy long term is considered to span a longer period than the construction period its self.</p>	No change.	

Question:Q7 RJ ref 34.3.50

Name	Question:Q7 RJ ref 34.3.50	Council’s Response	Recommended Change
Keith Gallon	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • clarification of likely impact on "nearby" buildings (34.3.50)	The “zone” which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the “adjacent” to a wider area or the “nearby”. This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and “nearby” buildings.	No change.
Jill Freinberg	Need for clarification of the likely impact on “nearby” buildings	The “zone” which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the “adjacent” to a wider area or the “nearby”. This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and “nearby” buildings.	No change.
Rosamond Clayton	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • clarification of likely impact on "nearby" buildings (34.3.50)	The “zone” which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the “adjacent” to a wider area or the “nearby”. This is reflected by CF7(n) which requires that basements	No change.

			must be designed to safeguard the structural stability of the application building and "nearby" buildings.	
	F Page	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • clarification of likely impact on "nearby" buildings (34.3.50)	The "zone" which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the "adjacent" to a wider area or the "nearby". This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and "nearby" buildings.	No change.
	Holland Park Residents' Association (Kathryn Michael)	However, before the totality of the policy can be considered as sound, there are certain clarifications and improvements which are needed: • clarification of likely impact on "nearby" buildings (34.3.50)	The "zone" which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the "adjacent" to a wider area or the "nearby". This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and "nearby" buildings.	No change.
	Sheila Law Robertson	Structural Stability While RBKC does ask for details of the methodology to be used Planning Officers are not qualified to assess the feasibility of the methods to be adopted. Structural danger to adjoining houses – party wall agreements in adequate and, in many cases useless, - developer often overseas company – non-UK owners – builders easily go into liquidation if they see a claim coming. The rash of applications to dig out sub-basements has grown out of control – long term impact unknown – past planning policy never envisaged what has happened in the past few years and the whole approach to such applications needs to be reviewed and more stringent constraints than those proposed at present implemented. Many people applying to create sub-basements do not need the extra space but are merely cashing in to enhance the sale value of their house. The majority of long term residents are opposed to such work. If new buyers want a bigger house they should look for one elsewhere. Therefore RBKC should be more robust when considering planning applications to protect resident.	Noted.	No change.
	Stanley Crescent Garden Committee (Sandra Kamen)	Danger to adjoining houses. Digging out of a basement could have a serious effect on the foundations of adjoining houses as the entire terrace is built on London clay. This is compounded by an underground stream that flows down the hill feeding into the Westbourne river that is now diverted into the sewage system. Party wall agreements. The party wall agreements are inadequate and in many cases do not protect the neighbours. Consideration of residents. The majority of our community are long term residents who are unified in opposition to this sub-basement proposal. These type of developments have spiralled out of control in our borough in recent years. More often by overseas developers, taking advantage and profiting from our rising house prices with no concern or regard for rate paying long term residents. My final concern is regarding a tree that has a conservation order on it located directly outside the proposed excavation site which will almost certainly die as a result of losing half its roots.	Noted. The Council currently and will continue to require construction method statements to be submitted as part of the planning application. It is acknowledged that basement development can affect the structure of existing buildings, and the submission policy CL7 n) requires the basement development to be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway. The CMS should consider local hydrological and geological conditions. The Para 120 in NPPF states "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."	No change.
	Anselm Frost	clarification of likely impact on "nearby" buildings	The "zone" which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the "adjacent" to a wider area or the "nearby". This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and "nearby" buildings.	No change.
	Patti White	clarification of likely impact on "nearby" buildings	The "zone" which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the "adjacent" to a wider area or the "nearby". This is reflected by CF7(n) which requires that basements	No change.

			must be designed to safeguard the structural stability of the application building and "nearby" buildings.	
	Holland Park Residents' Association (Nancy Mitchell)	clarification of likely impact on "nearby" buildings	The "zone" which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the "adjacent" to a wider area or the "nearby". This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and "nearby" buildings.	No change.
	Elizabeth Erickson	clarification of likely impact on "nearby" buildings	The "zone" which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the "adjacent" to a wider area or the "nearby". This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and "nearby" buildings.	No change.
	Jennifer Freeman	My own view is that the building of many-storeyed basements creates an enormous amount of noise and disturbance while the job is ongoing. We have noticed this in Kensington Gate where I live. Although some neighbours may be offered some financial compensation (it is rumoured ! !) those further away often have to put up with hideous noise from drills etc. for months at a time, sometimes at weekends. All this disruption is truly anti-social, being more of a problem than the usual building work one expects.	Support for resisting multi storey basements noted.	No change.
	Peter Huhne	2. CLARIFICATION OF LIKELY IMPACT ON NEARBY BUILDINGS	The "zone" which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the "adjacent" to a wider area or the "nearby". This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and "nearby" buildings.	No change.
	Ann Hutchinson Guest	- clarification of likely impact on "nearby" buildings (34.3.50)	The "zone" which has the potential to be (structurally) affected by a basement will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site. It may extend beyond the "adjacent" to a wider area or the "nearby". This is reflected by CF7(n) which requires that basements must be designed to safeguard the structural stability of the application building and "nearby" buildings.	No change.
	John Thacker	<p>Surrounded as we are by basements under construction and planned to be under construction we consider your planning policy on basements to be unsound.</p> <p>There is scant regard for the lives of residents who live adjacent to or near to the proposed basement excavations whose enjoyment of the amenities of living in the borough are put at nil.</p> <p>Old Church Street has become a development site with basement developments being carried out along its length. Disruption to traffic flows, noise pollution, air pollution by endless dust none of which appears to be taken into consideration whilst the requirements of developers and house owners anxious to cash in on the astronomical rise in house prices are seemingly encouraged by the Borough. The folklore in Chelsea suggests that with the cost of building a basement to a house at £100,000.00 and the increase in value of the property at £200,000.00, it is easy to see the motivation of the developers. The Borough through the Planning Department is the guardian of all that is good about the Borough and they do appear to have lost their way as far as basement developments are concerned.</p> <p>The policy should put at the forefront its desire that the residents of the Borough should not be denied the right to live a reasonable lifestyle and if that means that people who find that their present property does not meet their space aspirations then they should be advised move to a larger house elsewhere.</p> <p>There are also sound reasons for rejecting basement applications on the basis</p>	The submission policy is considered to strike the appropriate balance between the owner's right to develop and the residents' right to the quiet enjoyment of their own homes.	No change.

		of structural integrity in the case of terrace houses, damage to existing trees and the long term issue related to the level of the water table.		
	Marion Gettleon	Need clarification of the likely impact on "nearby" buildings and what constitutes "nearby." It must be far wider than adjoining properties, perhaps 100 metres, particularly on hills (34.3.50);	A "nearby" building may, or may not, be a building which is immediately abutting a basement development. The potential impact, and therefore its spatial extent, will depend on , for example, the scale of the proposed build, the methodology used as well as the geological and hydrological conditions of the site.	No change.

Question:Q9 RJ ref 34.3.50 Add Comment

No comments were made.

Comments concerning legal compliance

	Gayle Verdi	Trust it is.	Noted	No Change
	Patrick Foster	I believe the policy is well grounded legally	Noted	No Change
	Foo	We, as RBKC residents are SICK to death of constant construction, noise pollution and poor traffic management caused by builders (road tarmac surfaces have suffered from heavy trucks transporting waste materials away from site). Inconsiderate, selfish neighbours are jeopardising the whole terrace they live on, without bearing responsibility for damage caused, particularly when these effects could take a long time to manifest.	Noted	No Change
	Andrew Rose	Response to July 2013 consultation It seems to relate directly to the existing legislation and address some of the principle issues arising from the existing legislation.	Noted	No Change
	Radnor Walk Residents' Association (Charles Lynne)	(Previous Response (Late) The proposal is in the best interests of residents of RBKC, is fair and is reasonable.	Noted	No Change
	Celeste and Victor Haghani	(Previous Response) Limitations of individual's property rights is legal when it is necessary to protect the rights of others who are having their rights infringed upon by dangerous and excessive development.	Noted	No Change
	Victoria McNeile	(Previous Response) Accords with the London Plan on climate change mitigation (paras a,b,c,i,j). Accords with the London Plan, NPPF & RBKC Core Strategy CR6 on preservation of trees and green space. Accords with NPPF and RBKC Core Strategy CR4 (g) on preservation of heritage assets. Accords with RBKC Core Strategy CE2 on Sustainable Urban Drainage, and with widely consulted environmental legislation on development impacts (paras j-n). The consultation process has been extensive and thorough.	Noted	No Change

Brompton Association (Joanna Goodwin)	Response to July 2013 consultation The polices have been prepared in accordance with legal requirements	Noted	No Change
Bruce Fair	The Council have gone to lengths to involve all interested parties and have sought expert advice.	Noted	No Change
Vance	I have no reason to think that the Basement Planning Policy is not legally compliant.	Noted	No Change
Eva and Fred Firmenick	(Previous Response) Time that these excavations are limited in size and depths! Very happy with the Council's initiative.	Noted	No Change
Anthony Coyle	My experience in dealing with the Council over many years leads me to believe that the Council is competent to follow all legal requirements.	Noted	No Change
Robert Morris	(previous response) But as a lay person I am unable to be sure that this is so.	Noted	No Change
Rachel Palmer	reasonable sound compromise	Noted	No Change
Michael Stock (Michael Stock)	RBKC has fully consulted on its proposed basements policy, CL7 etc including with professional engineers such as Alan Baxters Associates, RBKC residents and also basement diggers etc who have an understandable commercial interest.	Noted	No Change
Mark Katzenellenbogen	It brings the Core policy more into line with: - Environmental legislation and the control of Pollution act - the London Plan (Policy 7.4) which states that "Development should..... improve an area's visual or physical connection with natural features." - The NPPF Context, Planning Policy Statement 9 mentions "a strategic approach to conservation , enhancement ...and to recognize the contribution that sites, areas and features, both individually and in combination," make to conserving (biodiversity) resources. If the proposed policy is amended as proposed above, it would then comply. - Paragraph 129 of the NPPF provides that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraph 131 goes on to state that that in determining planning applications, local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and desirability of new development making a positive contribution to local character and distinctiveness. The new Core Policy should help RBKC comply with this requirement.	Noted	No Change
Sarah Curtis	All necessary steps have been taken with good legal advice	Noted	No Change
Michele Hillgarth	I do not believe that the present Planning Policy Documents are legally compliant .If they were Planning and Building Control would have had the power to issue an Enforcement Notice .	Noted.	No Change
Oakley Street Residents Association	We are not in a position to provide an opinion on the legality. However, there was attendance from this street at several of the consultations described in the RBKC Summary of Consultation; written comments were submitted at	Noted	No Change

	(Tim Nodder)	appropriate stages. It was useful to attend the event at which one could hear and question architects and property consultants. The process of consultation appeared to be fair.		
	BIRD	I CONSIDER IT TO BE LEGALLY COMPLIANT TO THE BEST OF MY KNOWLEDGE.	Noted	No Change
	Tarling	Please refer to the representation submitted by the Markham Square Association	Noted	No Change
	Simpson	I refer to the detailed submissions on the proposed policy made by the Markham Square Association	Noted	No Change
	Mr Garston	I do not consider it is for me to establish and confirm the validity of compliancy. That is assumed in making this statement.	Noted	No Change
	C.W.I Owens	Unsuitably qualified to select otherwise	Noted	No Change
	Alan Marchant	In Policy CL7 (a) The 50% restriction should only be used in certain circumstances.	Noted	No Change
	Miranda Fenton	I do not know	Noted	No Change
	Flanagan	I am not qualified to know if it is legally compliant or not.	Noted	No Change
	Chris Jermyn	I am not questioning Local Plan Policy CL7 on legal grounds, only on soundness	Noted	No Change
	Gerard Legrain	It brings the Core policy more into line with: - Environmental legislation and the control of Pollution act - the London Plan (Policy 7.4) which states that "Development should..... improve an area's visual or physical connection with natural features." - The NPPF Context, Planning Policy Statement 9 mentions "a strategic approach to conservation , enhancement ...and to recognize the contribution that sites, areas and features, both individually and in combination," make to conserving (biodiversity) resources. If the proposed policy is amended as proposed above, it would then comply. - Paragraph 129 of the NPPF provides that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraph 131 goes on to state that that in determining planning applications, local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and desirability of new development making a positive contribution to local character and distinctiveness. The new Core Policy should help RBKC comply with this requirement.	Noted	No Change

Ref	Name	Question:Q5 CL7 General	Councils Response	Recommendation
	Gayle Verdi	Trust it is.	Noted	No Change
	Patrick Foster	I believe the policy is well grounded legally	Noted	No Change
	Foo	We, as RBKC residents are SICK to death of constant construction, noise pollution and poor traffic management caused by builders (road tarmac surfaces have suffered from heavy trucks transporting waste materials away from site). Inconsiderate, selfish neighbours are jeopardising the whole terrace they live on, without bearing responsibility for damage caused, particularly when these effects could take a long time to manifest.	Noted	No Change
	Andrew Rose	Response to July 2013 consultation It seems to relate directly to the existing legislation and address some of the principle issues arising from the existing legislation.	Noted	No Change
	Radnor Walk Residents' Association (Charles Lynne)	(Previous Response (Late)) The proposal is in the best interests of residents of RBKC, is fair and is reasonable.	Noted	No Change
	Celeste and Victor Haghani	(Previous Response) Limitations of individual's property rights is legal when it is necessary to protect the rights of others who are having their rights infringed upon by dangerous and excessive development.	Noted	No Change
	Victoria McNeile	(Previous Response) Accords with the London Plan on climate change mitigation (paras a,b,c,i,j). Accords with the London Plan, NPPF & RBKC Core Strategy CR6 on preservation of trees and green space. Accords with NPPF and RBKC Core Strategy CR4 (g) on preservation of heritage assets. Accords with RBKC Core Strategy CE2 on Sustainable Urban Drainage, and with widely consulted environmental legislation on development impacts (paras j-n). The consultation process has been extensive and thorough.	Noted	No Change
	Brompton Association (Joanna Goodwin)	Response to July 2013 consultation The policies have been prepared in accordance with legal requirements	Noted	No Change
	Bruce Fair	The Council have gone to lengths to involve all interested parties and have sought expert advice.	Noted	No Change
	Vance	I have no reason to think that the Basement Planning Policy is not legally compliant.	Noted	No Change
	Eva and Fred Firmenick	(Previous Response) Time that these excavations are limited in size and depths! Very happy with the Council's initiative.	Noted	No Change
	Anthony Coyle	My experience in dealing with the Council over many years leads me to believe that the Council is competent to follow all legal requirements.	Noted	No Change
	Robert Morris	(previous response) But as a lay person I am unable to be sure that this is so.	Noted	No Change

	Rachel Palmer	reasonable sound compromise	Noted	No Change
	Michael Stock (Michael Stock)	RBKC has fully consulted on its proposed basements policy, CL7 etc including with professional engineers such as Alan Baxters Associates, RBKC residents and also basement diggers etc who have an understandable commercial interest.	Noted	No Change
	Mark Katzenellenbogen	It brings the Core policy more into line with: - Environmental legislation and the control of Pollution act - the London Plan (Policy 7.4) which states that "Development should..... improve an area's visual or physical connection with natural features." - The NPPF Context, Planning Policy Statement 9 mentions "a strategic approach to conservation , enhancement ...and to recognize the contribution that sites, areas and features, both individually and in combination," make to conserving (biodiversity) resources. If the proposed policy is amended as proposed above, it would then comply. - Paragraph 129 of the NPPF provides that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraph 131 goes on to state that that in determining planning applications, local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and desirability of new development making a positive contribution to local character and distinctiveness. The new Core Policy should help RBKC comply with this requirement.	Noted	No Change
	Sarah Curtis	All necessary steps have been taken with good legal advice	Noted	No Change
	Michele Hillgarth	I do not believe that the present Planning Policy Documents are legally compliant .If they were Planning and Building Control would have had the power to issue an Enforcement Notice .	Noted.	No Change
	Oakley Street Residents Association (Tim Nodder)	We are not in a position to provide an opinion on the legality. However, there was attendance from this street at several of the consultations described in the RBKC Summary of Consultation; written comments were submitted at appropriate stages. It was useful to attend the event at which one could hear and question architects and property consultants. The process of consultation appeared to be fair.	Noted	No Change
	BIRD	I CONSIDER IT TO BE LEGALLY COMPLIANT TO THE BEST OF MY KNOWLEDGE.	Noted	No Change
	Tarling	Please refer to the representation submitted by the Markham Square Association	Noted	No Change
	Simpson	I refer to the detailed submissions on the proposed policy made by the Markham Square Association	Noted	No Change
	Mr Garston	I do not consider it is for me to establish and confirm the validity of compliancy. That is assumed in making this statement.	Noted	No Change
	C.W.I Owens	Unsuitably qualified to select otherwise	Noted	No Change
	Alan Marchant	In Policy CL7 (a) The 50% restriction should only be used in certain	Noted	No Change

		circumstances.		
	Miranda Fenton	I do not know	Noted	No Change
	Flanagan	I am not qualified to know if it is legally compliant or not.	Noted	No Change
	Chris Jermyn	I am not questioning Local Plan Policy CL7 on legal grounds, only on soundness	Noted	No Change
	Gerard Legrain	It brings the Core policy more into line with: - Environmental legislation and the control of Pollution act - the London Plan (Policy 7.4) which states that "Development should..... improve an area's visual or physical connection with natural features." - The NPPF Context, Planning Policy Statement 9 mentions "a strategic approach to conservation , enhancement ...and to recognize the contribution that sites, areas and features, both individually and in combination," make to conserving (biodiversity) resources. If the proposed policy is amended as proposed above, it would then comply. - Paragraph 129 of the NPPF provides that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraph 131 goes on to state that that in determining planning applications, local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and desirability of new development making a positive contribution to local character and distinctiveness. The new Core Policy should help RBKC comply with this requirement.	Noted	No Change

	Kings Road Association of Chelsea Residents (James Thompson)	They have followed the law, consulted widely, and not just put forward the many proposals that residents had requested, aware that although they were reasonable, and would give us a greater degree of peace and quiet, they could not be obtained in the current national legislation.	Noted	No change
	Margaret Moore	The planning policy (basement publication planning policy) has been prepared in accordance with legal and procedural requirements as evidenced by the significant time given to the consultations and consideration of the responses. I consider it to be legally compliant.	Noted	No change
	Sydney St. & District R.A. (R. Alexander)	I am confident Policy CL7 is legally compliant because the Council has been thorough in consulting all parties concerned. This Policy has been drafted after much careful consideration.	Noted	No change
	Onslow Neighbourhood Association (Eva Skinner)	The Association considers that the Policy CL7 breaks the Listed Building Act 1990 sections 66 and 72, as it fails to give sufficient protection to the preservation of Listed Buildings, or to the protection of Conservation areas.	The Alan Baxter report 'Basements in Gardens of Listed Buildings' addresses the issue of basements and listed buildings. In terms of the impact upon Conservation Areas, CL7 e addresses the impact on heritage assets which includes Conservation Areas.	No change
	Basement Force (Simon Haslam)	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.	Noted, will be addressed by response to the separate representation document.	No change
	S Ganesh	I feel the policy CL7 is legally compliant, as it takes into consideration all building and environmental concerns under existing laws such as the Party	Noted	No change

		Wall Act 1996, Environmental Protection Act 1990 and Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001 and Control of Pollution Act 1974.		
Stefan Tietz		<p>I am not professionally qualified in law but have experience at drafting/ updating British and EU Construction standards, to take note of changing circumstances and new issues. The need for these new proposals is thus similar in addressing the change in circumstances where deep basements are to be constructed. I am aware of existing laws and regulations which aim inter alia to control construction, it's safe execution, the interests of neighbours, safeguarding the environment including its historic content allied issues. Just as there is a continuing need to keep British, Eurocode and various other Standards up to date, these proposals state what additional safeguards have become justified from the relatively recent desire to construct some deep basements within an existing environment. I do not believe that the requirements of the existing legislation are thereby negated. In my opinion these proposals are furthermore very necessary.</p> <p>Other paragraphs address other equally important issues, broadly envisaged in law but not specific to each change of circumstances. The proposals, backed by explanations, have become necessary because conditions arising through the numerous recent applications for constructing deep basements were not historically envisaged.</p>	Noted	No change
James Copinger-Symes		There is no evidence to support many of the proposed restrictions.	Noted. Refer you to the 25 evidence base documents produced by or on behalf of the Council which supports the submission policy.	No change
Alastair Walton		It is in accordance with the law.	Noted	No change
Kensington Society (Martin Frame)		<p>The policies are not unsound as they are proposed. There are changes which are required to strengthen, define and to make the sound the policies. It is important that a local, not a developer or a property speculator, represent what is needed in this Borough to allow both our life to be acceptable as well as our environment not destroyed.</p> <p>Basements: CL7 and Conservation and Design: CL1 to CL12 (excluding CL7)</p>	Noted	No change
R M Swann		<p>Note: The consultation process itself is "unsound" as it does not accord with "legal and procedural requirements" in that the adopted procedure is contrary to natural justice in one particular respect (see Clause 9 below).</p> <p>A serious "abuse of process" I consider that the consultation process itself is "unsound".</p> <p>I object to one particular aspect of the way in which this consultation is being conducted by RBK&C. Question 1 and Question 2 of this Response Form Public Consultation states that "If no response is provided the previous representation will not be taken forward."</p> <p>In my opinion this amounts to an abuse of process. It is clearly contrary to the</p>	It is not a requirement of the regulations that previous representations be carried forward to the submission stage. The Council has fulfilled its legal requirements in this regard.	No change

		<p>spirit of public consultation that comments made by members of the public at one stage of the consultation should be totally ignored when all relevant matters come to be considered by the Secretary of State and his inspector. This is plainly unjust. I do not know who is at fault here – RBK&C or the Secretary of State who, I imagine, may well dictate the process to be followed.</p> <p>I maintain that RBK&C should put forward to the Secretary of State all comments no matter at what stage of the consultation they may happen to have been made.</p> <p>Previously indicated 'Yes' to Q8 above. RBK&C has gone to great lengths to consult on this issue. I know as I have attended at least public consultation meetings. I recall that at one of these meetings, several developers were present and contributed their views to the discussion.</p>		
Julia Swann	<p>My comments are about the way that the consultation process has been presented.</p> <p>Firstly, I fear that you will receive rather few representations from the residents compared with what you will receive from developers. I hope you will not take this as being representative of the views of the residents because it is not. The reason is that the response form is far too difficult for the average person to be able to manage: it is so full of jargon and legalese that it will have baffled and deterred most residents from responding. The whole tenor of the consultation appears designed for developer and their lawyers. Moreover, we also need to have bought and installed the latest version of Microsoft Word even to be able to download the response form! (it being in .DOCX form). For example - should I tick "Sound" or "Not Sound", when I regard 95% of the policy as sound but 5% as unsound?</p> <p>I would like to remind you that in its Statement of Community Involvement, the Council describes itself as "committed to involving as many local people and organisations as possible ...particularly 'hard-to reach' groups such as young people, ethnic groups, disabled people, those with special needs...". These are rather empty words in this context.</p> <p>After careful reading, I also see that people who responded the first time must respond again for their views not to be disregarded by the inspectors. This is not acceptable.</p> <p>I hope that the inspector will understand that many, many residents are in agreement with the proposals to limit basements - but that their views will mainly have had to be presented via the Residents Associations etc, who are more able to understand and comply with the complex formal process.</p>	<p>The tests of soundness are set out in the NPPF and the plan making process is set out in the regulations, and as such not set by the Council.</p>	No change.	
Various Clients (Agent - Jones Lang LaSalle)	We consider the planning policy to be legally compliant.	Noted	No change	
Maripat Gilligan	I believe the policy is legally compliant.	Noted	No change	
Glenn Irvine	The creating or extending of basements in the RBKC will not provide additional accommodation for residents (unless one considers servant living in the basement) and in practice extending the basement may take 3 years in which time the property undergoing the work is usually empty and thus reduces the housing available. In addition, the noise, dirt and general disruption has forced owners of adjoining properties to be absent as much time as possible from	Noted.	No change	

		<p>their properties.</p> <p>Basement additions badly affect neighbours with noise, heavy vehicle traffic and dust. Thus I feel granting such approval is not effective toward promoting the availability of accommodation in the Royal Borough.</p>		
	Private individual (Patrick Hope-Falkner)	See earlier submissions		
	Kings Road Association of Chelsea Residents (James Thompson)	They have followed the law, consulted widely, and not just put forward the many proposals that residents had requested, aware that although they were reasonable, and would give us a greater degree of peace and quiet, they could not be obtained in the current national legislation.	Noted	No change
	Margaret Moore	The planning policy (basement publication planning policy) has been prepared in accordance with legal and procedural requirements as evidenced by the significant time given to the consultations and consideration of the responses. I consider it to be legally compliant.	Noted	No change
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	Basement Force (Simon Haslam)	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.	Noted, will be addressed by response to the separate representation document.	No change
	S Ganesh	I feel the policy CL7 is legally compliant, as it takes into consideration all building and environmental concerns under existing laws such as the Party Wall Act 1996, Environmental Protection Act 1990 and Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001 and Control of Pollution Act 1974.	Noted	No change
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		by explanations, have become necessary because conditions arising through the numerous recent applications for constructing deep basements were not historically envisaged.		
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	R M Swann	Note: The consultation process itself is “unsound” as it does not accord with “legal and procedural requirements” in that the adopted procedure is contrary to natural justice in one particular respect (see Clause 9 below). A serious “abuse of process” I consider that the consultation process itself is “unsound”. I object to one particular aspect of the way in which this consultation is being conducted by RBK&C. Question 1 and Question 2 of this Response Form Public Consultation states that “If no response is provided the previous representation will not be taken forward.” In my opinion this amounts to an abuse of process. It is clearly contrary to the spirit of public consultation that comments made by members of the public at one stage of the consultation should be totally ignored when all relevant matters come to be considered by the Secretary of State and his inspector. This is plainly unjust. I do not know who is at fault here – RBK&C or the Secretary of State who, I imagine, may well dictate the process to be followed. I maintain that RBK&C should put forward to the Secretary of State all comments no matter at what stage of the consultation they may happen to have been made. Previously indicated 'Yes' to Q8 above. RBK&C has gone to great lengths to consult on this issue. I know as I have attended at least public consultation meetings. I recall that at one of these meetings, several developers were present and contributed their views to the discussion.	It is not a requirement of the regulations that previous representations be carried forward to the submission stage. The Council has fulfilled its legal requirements in this regard.	No change
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		<p>this as being representative of the views of the residents because it is not. The reason is that the response form is far too difficult for the average person to be able to manage: it is so full of jargon and legalese that it will have baffled and deterred most residents from responding. The whole tenor of the consultation appears designed for developer and their lawyers. Moreover, we also need to have bought and installed the latest version of Microsoft Word even to be able to download the response form! (it being in .DOCX form). For example - should I tick "Sound" or "Not Sound", when I regard 95%of the policy as sound but 5% as unsound?</p> <p>I would like to remind you that in its Statement of Community Involvement, the Council describes itself as "committed to involving as many local people and organisations as possible ...particularly 'hard-to reach' groups such as young people, ethnic groups, disabled people, those with special needs...". These are rather empty words in this context.</p> <p>After careful reading, I also see that people who responded the first time must respond again for their views not to be disregarded by the inspectors. This is not acceptable.</p> <p>I hope that the inspector will understand that many, many residents are in agreement with the proposals to limit basements - but that their views will mainly have had to be presented via the Residents Associations etc, who are more able to understand and comply with the complex formal process.</p>		
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