

Council's Response - Index of Documents Submitted by Cranbrook Basements, RBKC, April 2014

Ref	Name	Response
74	Timothy Comyn – Law/Policy Submission on behalf of Cranbrook Basements (on July 2013)	The Council has sought its own legal opinion which supports the Council's view that the proposed Policy CL7 is sound.
75	Cranbrook Basements – Executive Summary – Comments on Basement Publication Planning Policy	See Council's Response to Cranbrook Basements Executive Summary
76	Feb 14 - Response and Analysis - RBKC Proposed Basement Planning Policy	See Council's Response to Cranbrook Basements - Response and Analysis document, RBKC, April 2014
78	Bell Cornwell – Planning Comments on RBKC Policy July 2013	It should be noted that this response is on the July - September 2013. Response has been made in Council's Response to Representations submitted on behalf of Cranbrook Basements on Planning Matters by Bell Cornwell LLP, RBKC, April 2014
	Exec Summaries	
79	Waterman Energy	These are comments on the 2010 Report. The Council accepted that this report had some arithmetical errors, it was out of date and relied on a small number of case studies. As a result this report was superseded by Life Cycle Carbon Analysis, Eight Associates, Feb 2014 report.
80	MES Energy	These are comments on the 2010 Report. The Council accepted that this report had some arithmetical errors, it was out of date and relied on a small number of case studies. As a result this report was superseded by Life Cycle Carbon Analysis, Eight Associates, Feb 2014 report.
81	BBS Energy	These are comments on the 2010 Report. The Council accepted that this report had some arithmetical errors, it was out of date and relied on a small number of case studies. As a result this report was superseded by Life Cycle Carbon Analysis, Eight Associates, Feb 2014 report.
82	Environmental Protection Group - Report on Hydrology and SuDS	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
83	Waterman Transport	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
84	MMP Structural Design	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
85	Barrell Tree Consultancy	See Council's Response to Arboricultural Issues raised by Cranbrook Basements and Basement Force, RBKC, April 2014 and Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
86	Gilchrist Horticulture	Council's Response to Arboricultural Issues raised by Cranbrook Basements and Basement Force in the July/September 2013 Publication Consultation, RBKC, April 2014
87	Taylor Williams Daley Chartered Surveyors	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
88	24 Acoustics	See Council's response to Noise and Nuisance Issues raised in Cranbrook Basements (Documents 53 and 54) Representation, RBKC, April 2014

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89	ADC Acoustics	See Council's response to Noise and Nuisance Issues raised in Cranbrook Basements (Documents 53 and 54) Representation, RBKC, April 2014
90	Adonis Ecology - Biodiversity	Please refer to Response to consultation responses for "The potential impact of basement excavation on biodiversity: a paper for the RBKC Planning Department, April 2014.
91	AMEC Environmental & Infrastructure UK Ltd - Biodiversity	Please refer to Response to consultation responses for "The potential impact of basement excavation on biodiversity: a paper for the RBKC Planning Department, April 2014.
92	Forbes Laird - Arboriculture	See Council's Response to Arboricultural Issues raised by Cranbrook Basements and Basement Force, RBKC, April 2014
93	Jeff George - Heritage	See Council's Response to Cranbrook Basements comments related to Listed Buildings, RBKC, April 2014, Council's Response to Cranbrook Basements Document 60 by Jeffery W George and Associates, RBKC, April 2014 and Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014,
94	Watermans Energy Environmental & Design Ltd - Carbon	Response is provided in Technical Review, RBKC - Basements Policy Public Consultation Response Waterman Energy Report, Eight Associates, April 2014
95	Waterman Transport - Traffic and Highways Report	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
Document 1	RBKC Response to Freedom of Information Request (1)	No comment.
Document 2	RBKC - Non Material Planning Issues - Issues Not Affecting Grant of Planning Consent	This is an extract from the Council's website which stated 'disruption and disturbance from building work' as non-material planning consideration. Response - This page predates the increased prevalence of basement applications in the Borough and was generally the case for small scale applications not involving basements. However the nature and scale of basement development is such that construction impacts are a material planning consideration in these applications. Planning permissions for basements are normally granted with a condition requiring a Construction Traffic Management Statement (CTMP). This is also explained in para 34.3.49 of the Submission Basements Planning Policy, April 2014.
Document 3	Arup Geotechnics - RBKC Town Planning Policy on Subterranean Development	This is a document prepared for the Royal Borough by Arup in 2008. No comment.
Document 4	RBKC Basement Publication Planning Policy July 2013	No response required.
Document 5	Judicial Review Judgement - Mr Justice Underhill - Szpiro Vs RBKC - 3rd May 2012	This is JR case decided in favour of the Council. Text is highlighted to show that Justice Underhill considered that the development would cause real disruption to neighbours but it is not a reason for refusing the grant of planning permission. The Council did not in this case consider construction impacts to be of such magnitude as to support refusing the application. Each case is different and the relevance to the proposed policy is unclear. The proposed policy is based on a range of issues and construction impact is one of them.
Document 6	Waterman Transport - RBKC Basement Policy Review	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014

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Document 7	Waterman Energy Environment and Design - Report on RBKC Planning Policy	These are comments on the 2010 Report. The Council accepted that this report had some arithmetical errors, it was out of date and relied on a small number of case studies. As a result this report was superseded by Life Cycle Carbon Analysis, Eight Associates, Feb 2014 report.
Document 8	BRE - Controlling Particles, Vapour and Noise Pollution from Construction Sites	Guidance document - no comment
Document 9	MES Energy - Carbon Emissions Report - RBKC Basement Planning Policy	These are comments on the 2010 Report. The Council accepted that this report had some arithmetical errors, it was out of date and relied on a small number of case studies. As a result this report was superseded by Life Cycle Carbon Analysis, Eight Associates, Feb 2014 report.
Document 10	BBS Energy Consultants - Report on Carbon Calculations - RBKC Basement Policy	These are comments on the 2010 Report. The Council accepted that this report had some arithmetical errors, it was out of date and relied on a small number of case studies. As a result this report was superseded by Life Cycle Carbon Analysis, Eight Associates, Feb 2014 report.
Document 11	Barrell Tree Consultancy - Arboricultural Report	See Council's Response to Arboricultural Issues raised by Cranbrook Basements and Basement Force in the July/September 2013 Publication Consultation, RBKC, April 2014
Document 12	BRE - Control of Dust from Construction & Demolition Activities	Good practice guidance note. No response required.
Document 13	RBKC -Trees and Development SPD Adopted April 2010	Council's SPD. No response required.
Document 14	Best Practice Guide - GLA - The Control of Dust and Emissions from Construction and Demolition	Good practice guidance note. No response required.
Document 15	Photographs of Front and Rear Garden Spaces in RBKC before Basement Construction	The Council is aware gardens can be paved. Submission Basements Planning Policy, April 2014 recognises this at CL7j. 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.
Document 16	Alan Baxter Associates - Basement Study Report - March 2013	This forms part of the Council's supporting documents. No response required.
Document 17	Letter to Greater London Authority Clarifying Paragraph 3.5 of London Plan	No response required.

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Document 18	Greater London Authority - Clarification on London Plan Paragraph 3.5	The email supports the Council as it states with reference to London Plan policy 3.5 <i>"The policy enables boroughs to introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified. In its local application it will be for boroughs to determine whether it should also apply to commercial development on back gardens in light of their local circumstances. Further guidance on implementing the policy can be found in the Housing SPG para 1.2.17- 1.2.24, recognising the important role back gardens play in London and strategic policy concerns which should be taken into account when protecting them (our emphasis). Para 1.2.25 deals with strategic issues which may bear on subterranean extensions."</i> The relevance of 'commercial development' in the response from GLA to Cranbrook basements is unclear. However, the response is clear that it is for the boroughs to determine how the policy applies depending on local circumstances. It should also be noted that in the legal opinion for Cranbrook basements by Timothy Comyn at para 25 this email is interpreted as stating <i>"In addition, CL7 does not 'take into account the London Plan' policy 3.5 (RJ 34.3.54). As stated to CB by Jennifer Peters, a strategic planner at the GLA, policy 3.5 does not relate to subterranean construction."</i> This is factually incorrect.
Document 19	The London Plan 22 July 2011	No response required.
Document 20	Environmental Protection Group - Review of Drainage and Flooding of Basements in RBKC	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
Document 21	The London Plan - Supplementary Planning Guidance	No response required.
Document 22	RBKC Basement Neighbours Survey Report	This forms part of the Council's supporting documents. No response required.
Document 23	MMP Structural Engineers RBKC Planning Report for Cranbrook	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
Document 24	Dept of Communities and Local Govt - Party Wall Guidance	CLG document, no response required.
Document 25	Communities and Local Government -Planning Aid - Non Material Planning Considerations	Planning aid/CLG document, stating problems arising from construction period are non-material planning considerations. The nature and scale of basement development is such that construction impacts are a material planning consideration in these applications. Planning permissions for basements are normally granted with a condition requiring a Construction Traffic Management Statement (CTMP). This is also explained in para 34.3.49 of the Submission Basements Planning Policy, April 2014.
Document 26	RBKC Tree Strategy	Council's Tree Strategy. No response required.
Document 27	The Influence of Soils and Species on Tree Root depth - The Forestry Commission	Forestry Commission document. No comment required.

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Document 28	RBKC Statement - Planning Consent in Context of Alternative Legislation	This is an extract from the Council's website, text is highlighted <i>"This is an oversimplified context as there are other important pieces of legislation too, but it serves to illustrate the complement of legislation and the separate roles that each piece of primary legislation has. The courts have made it very clear that authorities implementing controls under one piece of legislation should not attempt to emulate, influence, or over-write, controls laid down under other legislation; attempting to expand control beyond the proper remit of a particular Act would be 'ultra-vires'."</i> The proposed planning policy is not attempting to emulate, influence, or over-write, controls laid down under other legislation. Para 34.3.49 and 34.3.50 of the Submission Basements Planning Policy, April 2014 set out why construction impacts are a material planning consideration. CL7n requires basements to be designed to safeguard the structural stability as this has a bearing on the appearance of built environment in the Borough (70% of which is within conservation areas).
Document 29	Taylor Williams Daley -Chartered Surveyors - Report on Party Wall Implications - RBKC Planning	Comments are made on para 34.3.72 of the Submission Basements Planning Policy, April 2014 which states <i>"Applicants wishing to undertake basements are strongly advised to discuss their proposals with neighbours and others, who will be affected, commence party wall negotiations and discuss their schemes with the Council before the planning application is submitted."</i> Requiring applicants to commence party wall negotiations prior to planning application are states a completely impractical. Response - This is an advisory note in the reasoned justification not a policy requirement. It is also noted in the representation that the Party Wall Act adequately deals with any perceived risks or problems with basement construction. As set out in the response from Alan Baxter and Associates this is not always the case and also does not cover neighbours who are not immediately adjoining the development site.
Document 30	David Gilchrist Horticultural Report - RBKC Basement Policy	Council's Response to Arboricultural Issues raised by Cranbrook Basements and Basement Force in the July/September 2013 Publication Consultation, RBKC, April 2014
Document 31	British Standard - BS5837-2012 - Trees in Relation to Design, Development and Construction	British Standard. No response required.
Document 32	English Heritage Practice Guide - Alteration to Listed Buildings	See Council's Response to Cranbrook Basements comments related to Listed Buildings, RBKC, April 2014
Document 33	Lord Denning - Statement on Planning Conditions	Please refer to 'RBKC Response to Cranbrook Response and Analysis - April 2014'.

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Document 34	Planning Case Officer Decision Report Analysis - Basements and Associated Projects	This is an analysis of planning officer's reports tabulating the number of consultees, objections and support on each application between 2007 and 2013. The summary table at the end amongst other statistics states that in the 513 planning applications 1,364 objections were received. This is considered a high proportion. Data is not summarised for letters of support but it is evident that very few letters of support were received. It is noted that in some instances no objections were received. The analysis does not look at the wider issues in each case which would influence the number of objections. This would include but is not limited to the extent of the proposals, the occupancy levels of nearby properties, design of the proposals etc.
Document 35	RBKC Consultation Response to Draft Policy - March 2013	Highlights text from Council's Consultation Response to Draft Policy - March 2013 document. The first comments highlighted are by Alan Baxter and Associates stating that <i>"the rule of thumb is only that"</i> . The Council's policy is based on a range of issues and not just on the recommendations in the Alan Baxter Associates Basements Report (Mar 2013) related to surface water drainage. The second set of highlighted text relates to the Council noting <i>"it is extremely rare for a basement to be dug in isolation, with the vast majority of such projects being associated with the refurbishment of the wider building."</i> The relevance of the highlights is not clear.
Document 36	Circular 11-95 - Use of Conditions in Planning Permission	This is in relation to the policy <i>"To require that loading and unloading, and the parking of vehicles, shall not take place on the highway at the front of the premises."</i> (see Council's Response to Cranbrook Basements - Response and Analysis document, RBKC, April 2014, Ref 118) - <i>The policy does not require loading/ unloading to take place on the highway outside the application premises.</i>
Document 37	RBKC Gardens Visual Evidence Report - With Comments	See Council's Response to Cranbrook Basements' documents on Visual Evidence, RBKC, April 2014
Document 38	Angus Morrison - Notes Agreeing to Tree Tunnelling - 10 Kensington Palace Gardens -	Steve Fuller
Document 39	Visual Evidence Reports Analysis	See Council's Response to Cranbrook Basements' documents on Visual Evidence, RBKC, April 2014
Document 40	RBKC Brief to Alan Baxter Associates	Text from the Council's brief is highlighted.
Document 41	RBKC - Planning Case Officer Decision Notes - 5 Wallgrave Road SW5	Text is highlighted in relation to condition related to construction process. The relevance of the highlighting is unclear as it is not cross referred elsewhere. The Council conditions CTMPs and is likely to do so in relation to most basement proposals.
Document 42	RBKC - Listed Building Planning Approval Analysis - 2011 to 2013	See Council's Response to Cranbrook Basements comments related to Listed Buildings, RBKC, April 2014

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Document 43	MES Energy - CO2 Energy Calculation for Basement Water Pump	The document submitted provides a useful basis but cannot be applied generally for all basements. The required capacity and number can vary significantly depending on the height of the water table, the soil make-up, local drainage characteristics and the size of the basement. It is common to have at least 2 pumps (excluding a backup) for basements over 50m2. More detailed water volumes and flows calculations would be needed for specific case studies to determine the related emissions with any level of accuracy.
Document 44	Freedom of Information Request to RBKC - 19.08.13 – Unanswered	No response required.
Document 45	English Heritage Statement Confirming that PPS5 Practice Guide remains a Valid Document	No response required.
Document 46	Gateshead Metropolitan Borough Council v Secretary of State for the Environment	The relevance of this case regarding a waste incinerator which needed a separate authorisation from HM Inspectorate of Pollution (HMIP) to carry on the process of incineration to the basements policy is not clear.
Document 47	Earls Court - Draft Framework Construction Logistics Plan (FCLP)	The relevance of this document to the basements policy is not clear.
Document 48	Critical Analysis - RBKC Visual Evidence	See Council's Response to Cranbrook Basements' documents on Visual Evidence, RBKC, April 2014
Document 49	RBKC Neighbour Survey Questionnaire 28.08.12	No comment.
Document 50	RBKC Formal Replies to Information Request - Evidence Basements Publication Planning Policy	No further comment.
Document 51	ARUP Associates – Hydrologic Review of RBKC Basements Publication Planning Policy	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
Document 52	RBKC - Confirm Baxter Report Authors Potentially Unqualified	No comment.
Document 53	ADC Acoustics - Noise & Vibration Report	See Council's response to Noise and Nuisance Issues raised in Cranbrook Basements (Documents 53 and 54) Representation, RBKC, April 2014
Document 54	24 Acoustics - Noise and Vibration Report	See Council's response to Noise and Nuisance Issues raised in Cranbrook Basements (Documents 53 and 54) Representation, RBKC, April 2014
Document 55	Barrell Tree Consultancy - Arboricultural Report - 03.14	See Council's Response to Arboricultural Issues raised by Cranbrook Basements and Basement Force, RBKC, April 2014
Document 56	Forbes Laird Arboricultural Consultancy - Tree Report - 03.14	See Council's Response to Arboricultural Issues raised by Cranbrook Basements and Basement Force, RBKC, April 2014
Document 57	Adonis Ecology Consultancy - Biodiversity Impact Review - 03.14	Please refer to Response to consultation responses for "The potential impact of basement excavation on biodiversity: a paper for the RBKC Planning Department, April 2014.
Document 58	AMEC Ecology Consultancy - Technical Review - 14.03	Please refer to Response to consultation responses for "The potential impact of basement excavation on biodiversity: a paper for the RBKC Planning Department, April 2014.
Document 59	Waterman Energy Environment and Design - Carbon Report - 03.14	Response is provided in Technical Review, RBKC - Basements Policy Public Consultation Response Waterman Energy Report, Eight Associates, April 2014

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Document 60	Jeffrey George Associates - Historic Buildings Consultancy - Listed Buildings Opinion	See Council's Response to Cranbrook Basements comments related to Listed Buildings, RBKC, April 2014, Council's Response to Cranbrook Basements Document 60 by Jeffery W George and Associates, RBKC, April 2014 and Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014,
Document 61	David Gilchrist-Horticultural Review - 03.14	Council's Response to Arboricultural Issues raised by Cranbrook Basements and Basement Force in the July/September 2013 Publication Consultation, RBKC, April 2014
Document 62	Bell Cornwell - Law and Policy - Unsoundness of Partial Review Policy CL7	See Council's response to Cranbrook Basements Document 62 by Bell Cornwell, RBKC, April 2014
Document 63	MMP Chartered Structural Engineers - RBKC Planning Report - 03.14	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
Document 64	Environmental Protection Grp - Review of Drainage & Flooding	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
Document 65	Waterman Transport - Fuel Consumption Data - RBKC Carbon Data	Response is provided in Technical Review, RBKC - Basements Policy Public Consultation Response Waterman Energy Report, Eight Associates, April 2014
Document 66	Part 1 - Alan Baxter - Listed Building Design - 40 Egerton Crescent SW3	The structural engineering designs for 40 Egerton Crescent, SW3 were carried out by the Alan Baxter Partnership based in Kent. This company is unrelated to Alan Baxter and Associates.
Document 66	Part 2 - Alan Baxter - Listed Building Design - 40 Egerton Crescent SW3	The structural engineering designs for 40 Egerton Crescent, SW3 were carried out by the Alan Baxter Partnership based in Kent. This company is unrelated to Alan Baxter and Associates.
Document 67	Part 1 - Alan Baxter - Listed Building Design - Park House SW3	Park House, Onslow Square is not listed. Cranbrook Basements comments are not relevant to the issue of listed buildings.
Document 67	Part 2 - Alan Baxter - Listed Building Design - Park House SW3	Park House, Onslow Square is not listed. Cranbrook Basements comments are not relevant to the issue of listed buildings.
Document 67	Part 3 - Alan Baxter - Listed Building Design - Park House SW3	Park House, Onslow Square is not listed. Cranbrook Basements comments are not relevant to the issue of listed buildings.
Document 67	Part 4 - Alan Baxter - Listed Building Design - Park House SW3	Park House, Onslow Square is not listed. Cranbrook Basements comments are not relevant to the issue of listed buildings.
Document 68	Alan Baxter - Listed Building Design - 23 Devonshire Place W1	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014
Document 69	Underpinning Listed Building Analysis with Structural Engineers Details	This is a list of 20 listed building consents with the names of structural engineers. Michael Barclays Partnership comes up frequently.
Document 70	25 Ovington Street SW3 - Planning Committee Report	This is a LBC where the basement would begin directly under the rear wall of the listed building. The CMS confirms that the basement construction would not cause any differential settlements. The proposed policy CL7g states " <i>basement development should demonstrate there is no harm to the special architectural and historic interest of the listed building when proposed in the garden</i> ". Therefore the relevance of this submission is unclear.
Document 71	RBKC - Refusal to Provide Carbon Calculations - Eight Associates	This is the Royal Borough's response to a FOI request and is self-explanatory.
Document 72	John Booth Chartered Arboriculturalist - Technical Report	See Council's Response to Arboricultural Issues raised by Cranbrook Basements and Basement Force, RBKC, April 2014

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Document 73	Critical Analysis Baxter Basements in Gardens - Listed Buildings	See Response to Consultation Comments prepared for RBKC by Alan Baxter and Associates, Apr 2014