Consultation Statement:

Revised Draft Basements Supplementary Planning Document – Consultation specifically on Section 6 (pages 36-38) and new Appendix 5, November 2015

Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012

The Council has prepared a Revised Draft Basements Supplementary Planning Document (SPD) - Consultation on Section 6 (pages 36-38) and new Appendix 5, November 2015. In accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012, this Consultation Statement sets out –

Regulation 12 (a) (i) the persons the local planning authority consulted when preparing the supplementary planning document

The Council has undertaken two previous consultations as follows –

(1) Draft Basements SPD - 6 week consultation between 18 February and 1 April 2015

(2) Revised Draft Basements SPD – 8 week consultation between 30 June and 11 August 2015.

For both of the above consultations the same consultation procedures were followed.

The Local Planning Authority has a Local Plan consultation database which has in excess of 2,000 consultees. A mail out was sent to all consultees on the Local Plan database notifying them of the consultation and inviting comments. The Council also sent a Planning Bulletin (which is open to anyone to subscribe) notifying and inviting comments on the consultation. The documents were also available on-line under ‘current consultations’ on the planning pages of the Council’s website and were open to anyone for comment. Documents were made available in all local libraries in the Borough for reference and hard copies were also available in Kensington Town Hall.

The Local Plan database includes ‘general’, ‘specific’, ‘prescribed’ and ‘local’ consultation bodies as required by legislation.
The ‘general consultation’ bodies include voluntary bodies such as Kensington Society, Chelsea Society and Tenants and Residents Associations, bodies which represent the interests of different racial, ethnic or national groups such as London Gypsy and Traveller Unit, bodies representing religious groups such as Church of our most Holy Redeemer, bodies representing the interests of disabled persons such as Action Disability Kensington and Chelsea and bodies which represent the interests of persons carrying out business in the Royal Borough such as KC Chamber of Commerce.

The ‘specific’ and ‘prescribed’ consultation bodies consulted included the Environment Agency; Natural England, Historic England, the Highways Agency, the Clinical Commissioning Group, Thames Water, the Homes and Communities Agency (HCA) and the Mayor of London (GLA).

The ‘local’ consultation bodies consulted included individual residents and persons carrying on business in the Royal Borough who signed up to the above database or Bulletin or visited the specific pages of the Council’s website.

**Basements SPD Working Group**

In addition to the formal 6 week consultation on the Draft Basements SPD the Council also set up a working group. The working group comprises representatives from a number of residents’ associations, a planning consultant and basement companies. The group met twice (on 15 January 2015 and 25 March 2015) at Kensington Town Hall and was chaired by the Executive Director for Planning and Borough Development. The minutes of these meetings have been recorded and published on the Council’s website.

**Regulation 12 (a) (ii) a summary of the main issues raised by those persons**

**(1) Draft Basements SPD**

The Council received 95 individual responses to the consultation on the Draft Basements SPD.

There was general support from residents and residents associations on the guidance provided in the Draft SPD. Some residents associations asked for further clarity regarding pre-application consultation. Many comments were received on the sections related to construction impacts. These did not alter the principles set out in the document but asked for further clarity on the details.
Many comments from all parties were received on making the requirements clear and the use of ‘should’ and ‘must’ in the document.

Some applicants and developers raised objections on the basis that the Draft SPD is setting out new and more onerous requirements than those set out in Policy CL7. Such comments related to most sections including those on pre-application consultation, design guidance and construction impacts.

Comments were received from planning consultants and others in relation to large sites. These were asking for further clarity in defining these. Some comments were made about removing or including specific sites in the document included as ‘large sites’. Some commented that setting a rule of thumb of 0.5 hectares was not helpful. The Council considered the representations received on the Draft Basements SPD and published a response to each representation alongside the consultation on the Revised Draft Basements SPD. These were produced in a tabular form for each section of the Draft Basements SPD.

(2) Revised Draft Basements SPD

The Council received 29 individual responses to the consultation on the Revised Draft Basements SPD.

In summary there was general support for the Revised Draft Basements SPD. The main issue following this consultation seems to be the process through which the Council seeks mitigation of noise, vibration and dust. The planning department of the Council carefully considered these responses alongside the environmental health department of the Council to ensure that the Basements SPD (once adopted) and the Code of Construction Practice worked together to address these issues. As a result substantive changes were made to the guidance on noise, vibration and dust in the Revised Draft Basements SPD. These aspects of the Revised Draft SPD will be consulted upon again.

Other comments reiterated the responses to the previous consultations and asked for more clarity.
Regulation 12 a (iii) how those issues have been addressed in the supplementary planning document

(1) Draft Basements SPD

The Council has tabulated all the responses received by collating them according to the various sections of the Draft Basements SPD and the questions in the accompanying response form. The Council’s response to each comment was presented in these tables and sets out how comments have been addressed. The Council’s responses were made available alongside the Basements – Revised Draft SPD consultation [https://planningconsult.rbkc.gov.uk/consult.ti/RevDraft_BAS_SPD/consultationHome](https://planningconsult.rbkc.gov.uk/consult.ti/RevDraft_BAS_SPD/consultationHome).

(2) Revised Draft Basements SPD

The Council has set out its response to all the representations received in a separate report on the Consultation responses which is published alongside the Revised Draft Basements SPD - Consultation on Section 6: Noise, Vibration and Dust and new Appendix 5, November 2015.

Regulation 12 (b) (i) Date for making representations

Consultation on Revised Draft Basements Supplementary Planning Document – Consultation specifically on Section 6: Noise, Vibration and Dust (pages 36-38) and new Appendix 5 is being undertaken for 4 weeks starting from 12 November 2015 and ending at 11.59pm on 10 December 2015.
Regulation 12 (b) (ii) Address to which responses must be sent –

Online – https://planningconsult.rbkc.gov.uk/

Email – planningpolicy@rbkc.gov.uk; or

Post –
Planning Policy Team
Planning and Borough Development
The Royal Borough of Kensington and Chelsea
Kensington Town Hall
Hornton Street
London W8 7NX

In addition to the Council’s website, in accordance with Regulation 35, the Revised Draft Basements SPD – Consultation on Section 6: Noise, Vibration and Dust (pages 36-38) and new Appendix 5, November 2015, accompanying response form and this consultation statement are also available for inspection during normal office hours at Kensington Town Hall and at the following locations:

• Kensington Central Library: Phillimore Walk, London, W8 7RX (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);

• Chelsea Library: Chelsea Old Town Hall Kings Road, London, SW3 5EZ (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);

• North Kensington Library: 108 Ladbroke Grove, London, W11 1PZ (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);

• Brompton Library: 210 Old Brompton Road, London, SW5 0BS (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);

• Notting Hill Gate Library: Pembridge Square, London, W2 4EW (Mon: 1pm - 8pm; Tues: 1pm - 7pm; Wed: CLOSED; Thurs: 9.30am - 1pm; Fri: 9.30am - 1pm and 2pm - 5pm; Sat: 9.30am - 1pm and 2pm - 5pm); and

• Kensal Library: 20 Golborne Road, London, W10 5PF (Monday: 1pm - 6pm; Tuesday: 1pm - 6pm; Wednesday: Closed; Thursday: 1pm - 6pm; Friday: 9.30am - 5pm; Saturday: 9.30am - 1pm, 2pm - 5pm)-