

| Document Ref. | Respondent Name                               | Comment  | Council Response  |
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|               |   |  | <p>on surface water run-off. Therefore a proportion of the garden should remain free of development to enable water to drain through to the 'upper aquifer'. As a 'rule of thumb' the Alan Baxter's report (Dec 2012) states that where the sub-soil is gravel 25% of the garden and where the sub-soil is clay between 25% to 50% of the garden should be left free of development (para 9.8.3 and 9.8.4).</p> <p>3. Requiring a reasonable proportion of private garden space free of any development allows flexibility in planting major trees and maintaining a natural landscape.</p> <p>Based on the above reasons the Council has decided to revise the policy to restrict basements to a maximum of 50% of each garden within a property.</p>  |
| CL7 a         | Marrina Murray                                | <p>In particular, I do not find the 75% figure reasonable at all and, like Libby and Clive, do not see why it should exceed, at most, the "permitted development" amount that you now recognise. I am also puzzled why the 75% figure should have been chosen when I thought you had been considering a very much smaller figure/percentage only a few weeks ago.</p>  | <p>Noted. The extent of basements that can be built under gardens is based on a number of reasons set out below:</p> <ol style="list-style-type: none"> <li>1. There has been a significant increase in the number of basement proposals in the borough. This has resulted in a disproportionate impact on the residential amenity of the borough due to construction impacts.</li> <li>2. Basements (or any development) can have a negative impact on surface water run-off. Therefore a proportion of the garden should remain free of development to enable water to drain through to the 'upper aquifer'. As a 'rule of thumb' the Alan Baxter's report (Dec 2012) states that where the sub-soil is gravel 25% of the garden and where the sub-soil is clay between 25% to 50% of the garden should be left free of development (para 9.8.3 and 9.8.4).</li> <li>3. Requiring a reasonable proportion of private garden space free of any development allows flexibility in planting major trees and maintaining a natural landscape.</li> </ol> <p>Based on the above reasons the Council has decided to revise the policy to restrict basements to a maximum of 50% of each garden within a property.</p> |
| CL7 a         | Norland Conservation Society (Libby Kinmonth) | <p>Soakaway, hard standings and garden coverage<br/>The proposal is now to restrict the size of basements under gardens to no more than 75% (or 50% depending on ground conditions). This is based on what Baxter proposes as a "rule of thumb" i.e. not much more than a wet finger exercise.</p> <p>First question: Why 75% or 50%? Why any more than what is currently Permitted Development? ie 3m out from rear wall of house. If the Council can arbitrarily decide 75% or 50%, why not restrict basements to the maximum?</p> <p>The point is made that the policy has to be evidence-based. The 75% or 50% is put forward by Baxter as "a rule of thumb". What evidence is put forward to support this "rule of thumb"?</p> <p>Perhaps Baxter should be required to support this "rule of thumb" with substantive evidence. Otherwise it seems every bit as open to dispute as the 85%.</p> <p>Second question: 75% or 50% of what? In some cases, gardens already contain garages or other sheds on hard standings that reduce the available soakaway. In other cases, the garden can already be wholly or partially paved. IN the interests of soakaway (and reduced demand on sewerage), the aim should be to get rid of impermeable surfaces, not add to them by allowing basements occupying 50, or even 75% of the garden area. Surely any hardstanding or garage or shed should count as part of the "allowance"?</p> | <p><b>Alan Baxter and Associates response:</b></p> <p>The rule of thumb is only that! It is difficult to argue the limits on the size of a basement from a structural engineering import. They key issues are:</p> <ul style="list-style-type: none"> <li>- Allow some garden area to drain any rainwater to the Upper Aquifer.</li> <li>- Allow space to grow major trees</li> <li>- Townscape, streetscape issues</li> <li>- Area/volume debate.</li> <li>- Construction impact on residential amenity.</li> </ul> <p>The 50% garden coverage figure is being used by other Boroughs, so this on its own will help to justify this as a figure which is generally acceptable.</p> <p>The application to construct a basement in gardens should only be permitted if there is a zero increase in the rate of surface water run off to sewers.</p> <p>The purpose of the 1m of soil is to:</p>  |

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|               |                                      |  | <p>circumstances of a building will be considered where relevant. This is integral to the planning system, and as such should not be added to each individual policy. This is particularly the case when the building in question is not residential, and where other environmental standards may be more appropriate.</p>  |
| CL 7 h        | Shrimplin Brown (Robert Shrimplin)   | <p>1. Moreover, it is clear from the fact that restrictions are being proposed on basement development that do not apply to other forms of extensions to houses, for example to improve the sustainability performance of the rest of the house or to improve the character of the building, that the intention of the guidance is indeed to frustrate basement development. This is contrary to people's right, appropriately controlled by the planning, to seek to improve and extend their houses.</p>   | <p>The function of the policy is not to "frustrate basement development", with owners remaining able to "improve and extend their homes." The intention of the policy is to ensure that the environmental impact of the basement is properly taken into account when the "improvement" takes place. The steady increase in applications granted and being implement since the adoption of the original policy in December 2010 shows that the policy is not so draconian as to stifle such development.</p>   |
| CL 7 h        | Shrimplin Brown (Robert Shrimplin)   | <p>1. It is entirely inappropriate to seek revisions to the performance of other parts of a building which are entirely unrelated to the basement. This approach does not apply to extensions to houses and is clearly designed to frustrate basement development.</p> <p>1. The policy is imprecise as it does not specify what the "high level" of performance it is seeking to achieve.</p>   | <p>The Council recognises that, over the lifetime of the building, the carbon emissions associated with the construction of a typical basement extension are significantly greater than those of a typical above ground extension. This relates to increased transportation of soil, the embedded CO2 associated with the use of large quantities of concrete, as well as the need for continued mechanical ventilation and pumping. It is, therefore, appropriate to develop a policy which takes the particular environmental impacts of basement development into account, and to attempt to mitigate this impacts as far as possible. The retrofitting of the entire building is considered to appropriate, as it is only by taking a property wide approach can the carbon emissions associated with the new basement be properly mitigated.</p> <p>This approach is not taken for all extensions – as conventional above ground extensions do not have the same carbon footprint, and as such do not require the same mitigation measures. As such the intension is not merely to "frustrate basement development". The steady increase in applications granted and being implement since the adoption of the original policy in December 2010 shows that the policy is not so draconian as to stifle such development.</p> <p>The policy and its supporting text must be read together. It is therefore clear that the standard sought is BREEAM Domestic for Refurbishment "very good".</p> |
| CL 7 h        | Cranbrook Basements (Kevin O'Connor) | <p>CL7.h This policy is unreasonable. It is not within the powers of the Local Planning Authority to require the existing building which is unaffected by the proposed basement to be upgraded to meet a higher level of thermal performance to satisfy an arbitrary carbon emission target.</p> <p>Appeals to the Planning Inspectorate have demonstrated that the Local Authority does not have the powers to impose any such condition and planning consent has been granted on appeal.</p> <p>It is unreasonable to require a domestic householder to carry out significant alterations to the existing building which is otherwise unaffected by the works particularly when these improvements to thermal performance and the like are not required under the statutory process or the Building Regulations.</p> | <p>The Council recognises that, over the lifetime of the building, the carbon emissions associated with the construction of a typical basement extension are significantly greater than those of a typical above ground extension. This relates to increased transportation of soil, the embedded CO2 associated with the use of large quantities of concrete, as well as the need for continued mechanical ventilation and pumping. It is, therefore, appropriate to develop a policy which takes the particular environmental impacts of basement development into account, and to attempt to mitigate this impacts as far as possible.</p> <p>The retrofitting of the entire building is considered to appropriate, as it is only by taking a property wide approach can the carbon emissions associated with the new basement be properly mitigated.</p> <p>The Council also notes that 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. There will,</p>  |