

REVISION OF BASEMENT POLICY: SALIENT ISSUES

At the last Vanguard meeting it was not possible, as originally hoped, to table the current draft of the revised basement policy. Since by the time of the next meeting the policy is likely to be out for consultation we thought it apposite to prepare a short list of some of the points that we see as particularly important:

Balance of interests

The Vanguard Project is about finding ways to reconcile the interests, on the one hand of those wishing to carry out major alterations, and on the other of residents wishing to enjoy the amenities of their home. In the context of basement developments there remains a strong perception that the system is biased in favour of developers. The new policy needs to do much more to safeguard the right of residents to quiet enjoyment of their properties (including, but by no means limited to, complying with the Human Rights Act).

Environmental impact

There is currently a substantial imbalance between the requirement to retrofit the building to high environmental standards and the impact of long and onerous works. The full environmental impact of the construction and occupation of any proposed basement extension needs to be properly assessed.

Structural stability

Structural stability is an issue which is only dealt with in part by the Party Wall Acts. The Council has a duty to ensure that neighbouring properties are safeguarded and this is currently reflected in Policy CL2(g)(i) and in UDP policy CD32 which is embedded in the existing SPD. Structural problems in neighbouring properties is one of the biggest causes of current discontent. The existing policy needs to be clarified and made to work more effectively. A failure to address the issue, and especially any attempt by the Council to shirk its responsibility in this area, would seriously prejudice the position of residents.

Construction Methods Statement

Many constructive suggestions have been made for requiring the CMS pre-validation. For these to be effective it is necessary that the CMS is more than a mere indication that it is possible to carry out the works in a satisfactory way, which leaves the applicant free to follow the CMS or not at his discretion. That would be little short of an invitation to unscrupulous developers to cut corners and use deficient methods, which would leave the Council open to ridicule.

Construction Traffic

The Construction Traffic Management Plan is needed pre-validation and should be enforceable. It should specifically address problems of access and the potential cumulative effects of other nearby works. Thought is needed as to how the Highways team can adapt to this new role.

Demolition

Applicants should be required to define pre-validation the demolition involved in the development, both to enable proper assessment of the environmental and conservation impact, and to discourage covert demolition.

Size

It is not possible to produce a single rule which is appropriate for all cases, except for limiting to a defined single storey depth. The context and the setting are relevant and have to be taken into account in each case. It is clear that the current 85% rule is excessive and it is desirable to move away from a maximum which is interpreted as permissive.

Process and enforcement

The case studies have revealed some shocking failures of process. These cannot be brushed over but must be used to ensure that the way in which policies are applied in the planning process is improved. This includes the provision on information, consultation, consideration of comments and objections and the transparency of the whole process. It is also necessary to ensure that adequate enforcement procedures are in place and are applied.

Terence Bendixson

Marina Murray

John Simpson

Nick Tarling

20 November 2012