

building on success



Basements Draft Policy for Public Consultation and other matters

Partial Review of the Core Strategy

December 2012



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

This is a Local Development Document under the Town and Country Planning (Local Planning) (England) Regulations. This consultation relates to Regulation 18.

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Consultation arrangements

This document has been published for comments for an 8 week period from Thursday 6th December. During this period a meeting will be arranged to allow discussion of the draft document.

If you would like to send in comments on this document, please do so by Thursday 31st January 2013.

- By the dedicated consultation portal on our website
- By email to planningpolicy@rbkc.gov.uk
- By post to Planning Policy Team, Kensington Town Hall, Hornton Street, London, W8 7NX

It would be helpful if you could be as specific as possible with your comments, and where appropriate refer to the relevant paragraph or clause.

EXECUTIVE SUMMARY

Background

Many residents have expressed concern about basements, very largely during the construction phase, and in relation to the impacts on adjacent properties.

The current planning approach has been under review. This paper sets out the main proposals of that review.

The matter is complex, however, as there are a number of regulatory regimes that basements must fulfil. Planning cannot require matters to be dealt with that come under those different regimes – particularly in relation to structure.

Current Situation

The Council's approach towards basement development is set out in the Core Strategy¹ (2010) as well as a supplementary planning document (SPD)², adopted in 2009.

In summary, it allows basements, up to 85% of the gardens, without restrictions on the depth of basements. Controls in relation to construction traffic, noise etc are sought, but often by condition, once the principle of the development has been given planning permission.

Some basements can be built without the need to apply for planning permission.

Review

Alan Baxter Associates were commissioned to provide up to date evidence on a range of basement matters. The draft policy in this document is based on their report.

A questionnaire was circulated to gather residents' views of basements. The results of this questionnaire are on the Council's website. The main findings are appended to this report.

Council officers have also worked with a small group of residents in Chelsea through the Neighbourhood Planning Vanguard project, in developing new policy and procedures.

Proposal

Policy

The new policy does not propose to 'ban basements'.

It proposes to maintain the current position in relation to:

- listed buildings, where basements are permitted under the gardens of listed buildings (subject to various matters) but not under the building itself;
- sustainable urban drainage measures being required;
- light wells etc needing to be discreetly located; and

¹ The Core Strategy is the Council's main planning document. It contains the policies against which planning applications are determined. It forms part of the Development Plan, and has to be approved by a government inspector before being adopted by the Council.

² A Supplementary Planning Document provides more information and detail on policies in the Core Strategy, and is approved by the Council's Cabinet Member for Planning Policy.

- measures to limit carbon emissions being required.

It proposes to limit basements to:

- a single storey, defined as being of insufficient depth to allow horizontal subdivision in the future. This is on the basis that the larger the basement the greater the construction impact;
- under gardens to maintain natural drainage, for basements never to exceed 75% of a garden, and could be significantly less than that, depending on the surface water conditions on the site. Also associated structures (such as escape stairs, roof lights) are to be discreetly located, in order to protect the character of the garden. This may indirectly affect basement size.

It proposes to give more weight to construction impact issues (by putting material currently in the SPD into the Core Strategy), including:

- construction traffic;
- construction methods;
- hours that building work can be carried out; and
- how to safeguard the structural stability of neighbouring buildings, although the exact structure would not be required through planning, but dealt with through Building Regulations and the Party Wall Act, as now.

Procedures

It is proposed that applicants will be required to provide information at the time that the application is submitted (rather than related to a condition at the end of the process). On top of the existing requirements relating to Flood Risk and Carbon assessments, this will include assessments of:

- construction traffic
- how issues of noise, dust and vibration will be controlled during construction
- how the applicant intends to safeguard the structure of remaining properties on site and adjoining properties, which will have to have been independently assessed by a second firm of engineers, although, as stated above, the exact structure would not be required through planning, but dealt with through Building Regulations and the Party Wall Act, as now

Permitted development

The Council is considering removing permitted development rights from those basements that can currently be built without the need to apply for planning permission. This will be done through an 'Article 4 Direction'.

This is not to stop these basements taking place. They would be very likely to meet the criteria of the proposed policy set out above. Instead the purpose is to allow matters of construction impact – set out under procedure above – to be controlled. It could be done across the Borough, or it could be more specifically targeted in, for example, areas where streets are narrow or where construction is otherwise constrained. However, this has budgetary implications. When a planning application is required because permitted development rights have been removed, no fee is payable. This means the full cost of assessing applications must be carried by the Council. It is estimated that this cost, if Borough wide, is likely to be in the region of £65,000, though this could rise significantly were the number of eligible applications to increase.

1.0 INTRODUCTION

- 1.1 The Royal Borough of Kensington and Chelsea was probably the first local authority in the Country to produce a comprehensive set of planning policies to control basement development. The Council's current policies are set out in the Subterranean Development Supplementary Planning Document³ (2009) and within the Core Strategy⁴ (2010)
- 1.2 The Council recognises that it is now time to review the relevant policies, and the associated procedures, in the light of its experience in operating its current policies.
- 1.3 This review has taken a number of strands.
- A review of the Council's planning policy concerning basements, as set out within the Core Strategy (Section 2 below)
 - A review of the contents of the Council's guidance set out in the Subterranean Development Supplementary Planning Document, the document which puts flesh on the bones of the policies within the Core Strategy (Section 3 below)
 - A review of the nature and timing of the submission of the documentation that the Council will require to as part of a planning application for a basement; (Section 4) and
 - A review of the potential costs of bringing into planning control those basements that can at present be built without the need to submit a planning application (permitted development). (Section 5)

Timetable for the review

- 1.4 It is the review of planning policies in the Core Strategy that will largely drive the timetable as this is the starting point for determining planning applications.
- 1.5 The timetable for the review of the Core Strategy basement policy is set out below.

Issues and options	April/May 2012
Draft Policy (<u>this stage</u>)	December 2012/ January 2013
Publication	March/April 2013
Submission	June 2013
Examination in Public	September 2013

³ An SPD is a document prepared by the Council which provides greater detail on the policies within its Core Strategy.

⁴ The Core Strategy sets out the Council's vision and strategy for the Royal Borough and the core policies it believes are needed for that vision to be achieved. It forms the basis for the determination of planning applications.

- 1.6 This paper is the second stage in the review process. It follows on from the 'Basement: Issues' paper which was published and consulted on in April and May of this year.
- 1.7 When we have received your views on the draft policies set out in this paper, we will make changes to the proposed policies. These policies will then be the subject of an independent examination likely to take place in September 2013.
- 1.8 We expect to have a new set of adopted policies in the Core Strategy by the end of 2013.
- 1.9 An amended version of the Council's Subterranean Development Supplementary Planning Guidance will be drafted and consulted upon during 2013, to be adopted alongside the revised Core Strategy policies later in 2013.

What has informed the review?

Public consultation

- 1.10 Since the adoption of the Core Strategy, many residents have expressed concern about basement development. In order to allow these concerns to be more systematically considered, the Council has undertaken two strands of public consultation.
- 1.11 The first is the response to the basement issues paper of April/ May this year.
- 1.12 The second is a direct survey targeted at those living next to, or close to, properties that have benefitted from basement extensions in the last three years.
- 1.13 Both consultations indicate that there is concern from a number of residents and amenity groups that the implementation of basement developments is having an unacceptable impact upon the living conditions of those living nearby. Of the 1350 neighbours who responded to the survey between 50% and 60% were concerned about the impact of construction noise, vibration and dust. 53% were concerned about construction traffic and a little over half noted an impact on their own property. Further detail was provided by additional surveys completed by a number of residents' associations.
- 1.14 A lower proportion of neighbours appeared concerned about the impact of basement development on flooding and drainage, or indeed about the visual impact of completed basements beneath properties or their gardens.
- 1.15 The responses to the 'Issues' consultation earlier in 2012 raised similar issues.
- 1.16 Details of the responses for both the Issues consultation and the surveys are available on the Council's website. A summary of the survey is contained at Appendix D.

Sustainability Appraisal

- 1.17 Any policies within the Core Strategy must be prepared with a view to contribute to the achievement of sustainable development. New policies must also be subject to a Sustainability Appraisal.
- 1.18 Sustainability Appraisals incorporate the requirements of the EU Strategic Environmental Assessment Directive. To this end the Council has carried out a Strategic Environmental Assessment/ Sustainability Appraisal on these draft policies. This appraisal has helped guide the decision making process. The SEA/SA report is available on the Council's website.

Alan Baxter Associates: Basement Report

- 1.19 In the summer of 2012 the Council commissioned Alan Baxter Associates to prepare a report to consider the impact of basement development on the wider area. This included consideration of structural stability, of hydrology, of environmental sustainability, and of the impact of the construction phase of a basement development.
- 1.20 It sets out those issues and factors that need to be understood and considered when a basement is proposed if that basement is not to have a detrimental impact on the wider area.
- 1.21 The report in itself does not form part of the Council's policy. It has, however, been used to inform the policy and the associated process. It is also likely to be of value to those planning basements, and those who are neighbours of basement developments. It is available on the Council's website.

Basement development and the Planning regime

- 1.22 Planning is primarily designed to assess the final physical form and use of a proposed development. Construction impact is not normally regarded as a planning matter, but where basements are under construction in a residential street, the extent and duration of construction can have a major long term effect on residential living conditions. The Council exercises powers of control under environmental protection, control of pollution and highways legislation. It also attaches appropriate conditions to planning permissions to mitigate impact. Damage to a property by a neighbour is a civil matter and is normally dealt with through the Party Wall Act.
- 1.23 Planning applications cannot be assessed against criteria set out in other legislation.

2.0 REVIEW OF THE CORE STRATEGY

- 2.1 The existing policy from the Core Strategy relating to basements is shown at Appendix A.
- 2.2 Please note, the existing policy refers to 'subterranean development'. The revised policy and associated matters are using the term 'basement' in the interests of plain English. There is no difference of meaning between the two terms.

Draft Core Strategy

- 2.3 The adopted Core Strategy includes policies which are specific to the consideration of new basement development. These are:
- Policy CL2, “New Buildings, Extensions and Modifications to Existing Buildings” part (g) only
 - Paragraph 34.3.20 in support of CL2(g)
 - Policy CE1, “Climate Change” part (c) only
 - Paragraph 36.3.12 in support of CE1(d)
- 2.4 This policy review proposes to delete the specific parts of the policies and supporting paragraphs (listed above) that relate specifically to basements and replace them with a separate, new, basement policy, CL7, and supporting text.
- 2.5 The new policy will contain all matters which apply only to basement developments. Other policies may also be relevant to basement developments, and the plan should be read as a whole.
- 2.6 The rest of Policies CL2 and CE1, which are not specific to basements, will remain, and are not part of this review.
- 2.7 The text below is the proposed text to be included in the Core Strategy. It will be inserted into the third section of Chapter 34 of the Core Strategy.
- The first box sets out the supporting text, or reasoned justification, that explains or justifies the proposed policy
 - The second box sets out the proposed policy.

Please note, the paragraph numbering shows how this would slot into the existing Core Strategy. In the light of the current review looking at other policies in this chapter, this is subject to change.

Box 1: Supporting text

34. Renewing the Legacy

34.3. Policies

Basements

34.3.56. The term basement includes all forms of development that will take place below ground, whether under a building or a garden. The policy applies to all than the most minor of extensions to existing basements. The term garden is used to include front, side and rear gardens, and other private open areas that may not be in use as gardens, because, for example, they are related to commercial premises.

34.3.57. Basements pose particular problems not raised by above ground extensions and developments. Whilst largely out of sight, basements normally have some elements, for example roof lights or light wells, which individually and

cumulatively, can have an impact upon both the character or appearance of the property, townscape and garden. Where under gardens, basements can create an artificially level landscape. There are also concerns in relation to drainage and flooding and the considerable impacts that the construction process can have upon neighbours. Neighbours may also have concerns about the impact on the structural stability of properties in the vicinity. Basements can, however, provide benefits to residents, by adding extra living accommodation.

34.3.58. For all these reasons, there is a need for a bespoke basement policy. However, the plan must be read as a whole, and other policies will also be relevant to basement development.

34.3.59. Surface water drainage of gardens, allowing rain to drain naturally into the subsoil and the upper aquifer is important in mitigating climate change, and minimising the risk of flooding. In order to ensure that the status quo in relation to surface water drainage is maintained without increasing surface water flows onto adjoining properties, no basement should exceed 75% of the garden, and could be significantly less than this. The amount of land to be left unaffected will depend on the results of the analysis of the surface water conditions on site⁵. Other factors – set out below – may also result in the size of the basement being constrained to significantly below 75%.

34.3.60. The unaffected area of a garden needs to be in a single area, and when relating to a back garden it should normally be at the end of the garden. This has the advantage of being adjacent to other similar areas in other plots, and the cumulative size of these areas free of basements is important in their function to provide areas for natural drainage. This has the additional advantage of enabling larger scale planting.

34.3.61. Given the duration of building works for the construction of basements, the tight urban grain and the constrained nature of many of the Borough's roads, the impact of the construction phase of a deep basement can be tantamount to being a 'bad neighbour' use. Basements beneath existing buildings or their gardens, or in small scale developments, will therefore be limited to a single storey which is not of a depth that may be suitable for further horizontal subdivision in the future. Deeper basement extensions may be acceptable on larger sites which are less constrained where impacts can be successfully mitigated. In addition, in order to reflect the particular impact that the construction phase of a basement dig can have, the Council will normally limit the construction of proposals which include a significant element of basement development to weekdays only.

34.3.62. No mature trees should be removed, felled, uprooted, topped, damaged, harmed or put at risk in the long term to make way for a basement development. BS 5837 2012 indicates that tunnelling under trees can be an option. Whilst feasible, it will put the tree at risk, and the Council does not judge the benefits that may be gained from a larger basement outweigh the benefits of minimising the disturbance and risk to protected trees. This approach will therefore not be

⁵ This will form part of the Engineering Design and Construction Statement – see below, and details will be set out in the revised Basements SPD.

permitted. Otherwise works should be carried out in accordance with *BS 5837 2012* and the Council's Trees and Development SPD. All applications for basements where there are trees will be accompanied by a full tree survey and tree protection proposal. These must include consideration of the construction phase of the proposal as well as the completed development.

34.3.63. In relation to heritage assets⁶, there are a number of different factors. Archaeological remains are a finite and fragile resource. The conservation, protection or setting of such remains must not be threatened by development, directly or indirectly, to ensure the Borough's past is not lost forever.

34.3.64. For listed buildings, the addition of a new floor level underneath the original lowest floor, or the extension of an original basement, cellar or vault has a detrimental impact on the hierarchy of the historic floor levels, and the original building's historic integrity, scale and layout, harming its special architectural or historic interest. It is only in exceptional circumstances that this is not the case.

34.3.65. Basements beneath the garden of a listed building may, however, be acceptable where the impact on the character of the garden does not harm the setting of the listed building and where the connection to the listed building is of an insubstantial nature and of an appropriate design, located so that it does not harm the significance of the listed building.

34.3.66. In conservation areas, works inside buildings do not require planning permission or conservation area consent so basements may be constructed under buildings and gardens. However, the visual impact of a basement should preserve or enhance the character or appearance of the conservation area.

34.3.67. The impact of basements on other heritage assets and on non-designated heritage assets⁷ must be assessed on their merits to assess the level of harm, if any, to their significance.

34.3.68. The design of the externally visible elements of a basement – such as light wells, roof lights, railings, steps, emergency accesses and plant – is very important in minimising their impact both in the street scene, and in terms of the urbanisation of gardens, both individually and cumulatively. They must be constructed to a high standard of design and be of a scale that is sensitive to the character of the building and of the surrounding area. In some areas of the Borough, features such as light wells are part of the existing urban scene. However, that is not the case in all areas. Any externally visible elements need to be sensitively designed with close regard to the character and appearance of the existing townscape and garden areas.

⁶ A heritage asset is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. This definition will be included in the glossary of the Core Strategy.

⁷ In addition to the national and statutory designations, a local planning authority may formally identify heritage assets that are important to the area. Such a designation will be material when assessing an application. A non-designated heritage asset may also be of value, and make an important positive contribution to the environment. Guidance is available in English Heritage's practice guide to PPS5.

34.3.69. Externally visible elements should not be introduced to the front of the property where they are not already a feature visible from the street. They should not be based on examples elsewhere in the Borough or on general assumptions about what happens in the Borough as a whole.

34.3.70. Basements can have a significant impact on the character and quality of the garden. The townscape of the Borough is largely formal and urban in character, but rear gardens are often a complete contrast. Even if small they often have an informal picturesque and tranquil ambience in contrast to the busy city. Gardens above basements can result in the garden being artificially level. In addition there are external elements, such as light wells, roof lights, railings, steps, emergency accesses and plant. These have direct visible impacts, and indirect impacts such as light pollution. On a cumulative basis these lead to the incremental urbanisation of the informal garden character. To minimise this urbanisation if the external elements associated with a basement beneath a garden need to be discreetly located near the rear of the building. Whilst residents may introduce a formal character to their garden without a basement beneath, such a change is reversible. However, that consequent on the construction of a basement is permanent. Basement development must therefore be of a size that does not harm the character of the garden, the local environment, or preclude mature planting in the future.

34.3.71. In order to protect the long term future of shrub and other garden planting as well as reducing the amount and speed of water run-off to the drainage system, the Council will require the provision of a minimum of one metre of suitably drained permeable soil above a basement within a garden. In order to ensure that the character of the existing property is protected the original garden level should not be altered. Near the dwelling this permeable soil could be substituted for permeable paving to provide a patio area. This policy will be applied even if the garden is already hard paved, as the aim of the policy is to ensure that basement developments improve upon the existing amount and speed of water run-off.

34.3.72. In addition to the 1m permeable soil other sustainable urban drainage measures are likely to be required to reduce both the volume and speed of water run-off to the drainage system and ensuring that surface water run-off is managed as close to its source as possible required by Policy CE2.

34.3.73. The carbon emissions of basement developments are greater than the equivalent above ground development because of the excavation and transportation of spoil and the use of concrete. Given the nature of basement developments and the complexity of calculating and assessing CO₂ emissions and savings, the Council will take a pragmatic approach using the “very good” BREEAM Domestic for Refurbishment standard, or the equivalent BREEAM for non-residential uses, as a proxy to achieve energy savings across the whole building. Some flexibility will be allowed within a listed building, where it is demonstrated that the works needed to reach the necessary standard are incompatible with the special character of the listed building. In these cases applicants will be expected to demonstrate that every effort has been made to make the necessary carbon savings.

34.3.74. Construction traffic can cause nuisance and disturbance for neighbours and others in the vicinity. The applicant must demonstrate that an appropriate approach has been taken to reduce this impact to acceptable levels, taking the cumulative impacts of other development proposals into account. The Council would expect the applicant to demonstrate that the building compound and the skip location can be accommodated on site or in the highway immediately outside the application site.⁸

34.3.75. The methods used in construction can have a significant bearing on the quality of life of residents and businesses in the vicinity, in terms of issues such as noise, air quality, dust and vibration. The applicant must demonstrate that an appropriate approach will be taken, taking the cumulative impacts of other development proposals into account.⁹

34.3.76. The structural implications of the construction of basements below existing buildings, both on the site and nearby, are of particular importance to local residents. The applicant must demonstrate the ground and hydrological conditions of sites (including whether the surface subsoil is gravel or clay), how they intend to carry out the excavation, demolition, and construction work associated with their proposed development whilst safeguarding the structural stability of the buildings around it.¹⁰ The structural integrity of the development itself is not controlled through the planning system but through the Building Regulations and the Party Wall Act.

34.3.77. Given their nature, basements are more susceptible to flooding, both from surface water and sewerage, than conventional extensions, and applicants are advised to see Policy CE2¹¹. In particular,

- self contained basement dwellings are not permitted in Flood Risk Zones 3 of the Environmental Agency's tidal flood risk zones map¹².
- self contained basement dwellings in Flood Risk Zone 2 will only be permitted where they pass the 'exceptions test'. This is a test which forms part of the technical guidance on flooding¹³.
- a flood risk assessment will be required in Flood Zones 2 and 3, in Critical Drainage Areas/Local Flood Risk Zones, and for sites greater than 1 ha in Flood Risk Zone 1, demonstrating how the development will be made safe, and the flood risk reduced, and incorporating mitigation measures into the proposal. This will include the installation of a 'positively pumped device'¹⁴.

34.3.78. Applicants wishing to undertake basements are strongly advised to discuss the proposals with neighbours and others who will be affected. Plans should

⁸ The details of what is required will be set out in the Basements Supplementary Planning Document.

⁹ The details of what is required will be set out in the Basements and Transportation Supplementary Planning Documents.

¹⁰ The details of what is required will be set out in the Basements Supplementary Planning Document

¹¹ Further information will be provided in the Basements SPD

¹² <http://www.environment-agency.gov.uk/homeandleisure/37837.aspx>

¹³ Technical Guidance to the National Planning Policy Framework, CLG, 2012.

¹⁴ A positively pumped device is a non-return valve and pump device installed to prevent sewage back-surfing into basements in times of heavy rain and allow the property's sewage to flow properly into the sewer network.

be shared and party wall negotiations should be well underway with those affected before the planning application is submitted. Emerging proposals related to traffic and construction should also be shared with residents and businesses in the vicinity so that their local knowledge and their needs can be more readily taken into account.

Box 2: Proposed policy

Policy CL7

Basements

Basement development must be of the highest quality. The Council will require Basement development to adhere to the following requirements:

- a. The basement must not exceed 75% of each garden of the property. Where the findings of the analysis of the surface water conditions of the site demonstrate surface water drainage will not be maintained, this percentage will be reduced. The unaffected garden must be in a single area.
- b. The basement must not comprise more than one additional storey except on larger sites which are less constrained and where it can be demonstrated that traffic and construction impacts can be successfully mitigated
- c. There must be no loss, damage or long term threat to trees of townscape or amenity value, and the ability of future tree planting of a suitable size and scale both on site and in neighbouring gardens must not be prejudiced.
- d. The scheme must not cause substantial harm to heritage assets¹⁵.
- e. The development must maintain and take opportunities to improve the character of the building, garden or wider area, with external elements such as light wells, roof lights, plant and means of escape being sensitively designed and discreetly sited.
- f. The basement must not introduce light wells and railings to the front or side of the property which are visible from the street, where these are not a feature of that street.
- g. The development must include a sustainable urban drainage scheme including a minimum of one metre of permeable soil above any part of the basement beneath a garden.
- h. Where the basement is to be constructed under an existing building, the

¹⁵ A heritage asset is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. This definition will be included in the glossary of the Core Strategy.

dwelling or commercial property to which the basement relates must be adapted to a high level of performance in respect of carbon emissions and this must be verified at pre-assessment stage and after construction has been completed. Where a new building with a basement is proposed, the same applies to the entire building.

- i. The submitted application must demonstrate how traffic and construction activity will be organised so as not to harm road safety, significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living and working nearby.
- j. The submitted application must demonstrate how the construction will be carried out in such a way as to minimise potential impacts such as noise, vibration and dust for the duration of the works;
- k. The submitted application must demonstrate how it is intended to safeguard the structural stability of the application building and nearby buildings.

Applicants are also advised to look at policy CE2, Flooding, in considering basement proposals.

Other options

- 2.8 The Council has considered a number of further options as part of the formulation of this draft policy, options that have not been taken forward for a number of reasons. The principal alternative options and the reasons that they have been rejected are set out in Appendix B. These options have been considered as part of the Council's Sustainability Appraisal of the policy.

3.0 REVIEW OF THE SUBTERRANEAN DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT

- 3.1 The Council will review the contents of the existing Subterranean Development Supplementary Planning Document to reflect both the changes in the Core Strategy and the new requirements of the Basement Impact Assessment (see Section 4 below).
- 3.2 The intention is that the current structure of the document will remain in place.
- 3.3 The following sections are likely to remain largely as now, with some updating:
- Historic Environment;
 - Use, Comfort and Safety;
 - Flooding;
 - Environmental Sustainability;
 - Design, Trees and Landscaping and
 - Land Contamination
- 3.4 The following sections are likely to be considerably revised:
- Construction Method Statements – to be renamed ‘Engineering and Design Statement’;
 - Reducing the Impacts of Noise, Nuisance and Transportation; - to be split into two sections, one dealing with construction traffic, the other noise, nuisance etc related to demolition and construction.
- 3.5 Further information on the likely content of these proposed sections is set out in Appendix C.

4.0 REVIEW OF DOCUMENTATION

- 4.1 A range of information is currently required in the assessment of a basement application, such as the impacts of construction traffic, demolition and construction.
- 4.2 When planning permission is granted, conditions are often attached. These allow for further information to be submitted that does not affect the principle of the development.
- 4.3 Current practice in relation to basements is that much of the information related to the construction process is often sought through conditions. This is because this information was not seen as relating to the principle of the development.
- 4.4 This approach is beneficial to applicants, because the information required is detailed, and may, for example, need a contractor to be in place for some of the information to be provided. However, it is a significant source of concern for residents, because the information is not available in the public domain before the principle of the development is given permission.
- 4.5 The outcome of the review is that most of this information will be required 'up front': it will have to be submitted as part of the planning application. This has the advantage that it is in the public domain, and can be taken into account in assessing the principle of the development. It will, however, require those wishing to build basements to prepare their schemes to a greater level of detail before they know if the principle of the development is acceptable.
- 4.6 To help clarify what is required, the Council is drawing all the requirements together, calling them a 'basement impact assessment'.
- 4.7 The review has also considered what advice should be provided to applicants if they receive planning permission.

Requirements of the Basement Impact Assessment

- 4.8 Any planning application that includes a new basement will need to include a Basement Impact Assessment (BIA). A BIA comprises a number of elements, which are set out below. Further details of the nature of the documents required, and the key principles which must be addressed for each report/study are included in Appendix C.

Engineering Design and Construction Statement (EDCS):

- 4.9 To demonstrate how the applicants intend to construct the basement in order to safeguard the structural stability of the buildings around it and avoid long term harm to the character and quality of their local setting. This must be signed off by a qualified structural engineer, and checked by a second qualified structural engineer.

Demolition and Construction Management Plan (DCMP):

- 4.10 To set out the methodology the applicant (and in particular a contractor) intends to use to implement the permission. It is concerned with the effective mitigation of the

noise, dust and vibration associated with a development. This must be approved by the Bi-Borough Director of Environmental Health prior to being submitted with the planning application.

Construction Traffic Management Plan (CTMP):

- 4.11 To demonstrate how the applicant will minimise the impact of the traffic associated with the construction phase of a development. This must be approved by the Bi-Director of Transportation and Highways prior to being submitted with the planning application.

BREAAM for refurbishment assessment:

- 4.12 To demonstrate how entire property will meet the appropriate environmental standards in order to effectively mitigate/ off-set the Carbon Dioxide created by the construction and ongoing occupation of the basement.

Flood Risk Assessment:

- 4.13 To demonstrate how flood risk (from all sources of flooding) to both the development itself and to others, will be managed now, and taking climate change into account.

Sustainable Urban Drainage report:

- 4.14 To demonstrate that measures have been put into place which manage and reduce surface water run-off.

Arboricultural report:

- 4.15 To demonstrate that all trees of value, both in the application property and surrounding it will be protected both through the construction phase of the proposal as well as the completed development

Site Waste Management Plan:

- 4.16 For major developments and where required by the Site Waste Management Plans Regulations to demonstrate the efficient handling of construction, excavation and demolition waste and materials.

Pre-application consultation by applicants:

- 4.17 The Council has a responsibility to consult the public when a planning application is received, a responsibility set by statute. There are no similar requirements for applicants to consult those who may be affected, before the planning application is submitted. The National Planning Policy Framework does, however, strongly encourage pre-application engagement. Applicants are encouraged “to engage in the local economy before submitting their applications”. This early dialogue, if carried out positively, is seen as having the potential to reduce the impact of potentially high impact development on its neighbours.
- 4.18 The Council will, therefore, encourage, applicants to carry out effective consultation with adjoining owners and their representatives. This should explain the proposals to these third parties and set out what the implications of the works are likely to be.
- 4.19 The scale of this consultation should reflect the nature of the proposal. It will be advisable to consult beyond immediate neighbours where the nature of the proposal is such that it may have a wider impact.

- 4.20 The Council will encourage applicants to discuss the implications of the implementation of the project with those who may be affected, rather than simply the nature and impact of the completed project. This is therefore likely to include the contents of the Demolition and Construction Management Plan and Construction Traffic Management Plan if available. In addition the Council would encourage discussion of the Engineering Design and Construction Statement as appropriate.
- 4.21 Applicants should confirm this consultation has been carried out (or otherwise) and show evidence as necessary.

Party Wall Agreements:

- 4.22 It is not the role of the Royal Borough to be involved in the preparation, review or monitoring of any party wall award. The Council does however recognise that the Party Wall Act is the regime in place to control the affects of construction on neighbouring properties and recommends that the party wall process is initiated as close to the beginning of the process as possible.
- 4.23 To this end, the Council will ask applicants, through the BIA, to confirm that the relevant neighbours have been notified of the provisions of the Party Wall process. The Council also strongly encourages applicants to provide a copy of the EDCS to neighbours as part of any party wall discussions.

Advice

Informatives:

- 4.24 Informatives can be placed on a planning permission to inform those who have received the permission of their obligations under other legislation. An informative is not binding.
- 4.25 Two 'standard' informatives are considered appropriate. An informative which reminds applicants of their duties under the Party Wall Act will be added to all relevant permissions. A further informative reminding applicants of their obligations with regard preserving the special character of listed buildings will be used as appropriate.

The Council's website:

- 4.26 The Council's "advice to builders", which is available on the Council's website has pulled together a considerable amount of information with regard to who within the Council does what, what legislation is relevant, and what is expected of applicants/builders. The Council is committed to review and update this advice following the adoption of the new procedures. This review will include information on the Party Wall Act and a compendium of the relevant regulations which may be relevant for basement development and other high impact development.
- 4.27 This will form part of a wider review of the department's website which is considering how best it may provide information and otherwise communicate with our residents and applicants.

5.0 PERMITTED DEVELOPMENT

- 5.1 The Town and Country Planning (General Permitted Development) Order 2008 (GPDO) sets out certain categories of development that do not require planning permission. Enlargements of a certain scale to a single dwelling are permitted development. As basements are enlargements, these are therefore permitted. In essence a 'single storey' basement directly underneath the dwelling, which projects no more than 3 metres into the rear garden, does not require planning permission, and as such is exempt from the controls that the planning system can offer.
- 5.2 Bringing smaller basement extensions within the remit of the planning system would enable the Council to control the implementation stage in terms of construction method and construction traffic, and receive information relating to the structural impacts on the adjoining properties, for the neighbours to then take forward in their party wall agreements. It would also allow other aspects of the project to be assessed such as the visual impact of roof lights, whether land which is contaminated is effectively considered and to require sustainable urban drainage and carbon reduction measures to be implemented.
- 5.3 A local authority may make a direction under Article 4 of the GPDO to remove permitted development rights, thus bringing a category of development back under planning control. Where an application made necessary by the Article 4 direction is refused, compensation is normally payable, but the publication of the Town and Country Planning (Compensation) (England) Regulations 2012 has removed that burden as regards extensions, alterations and improvements to dwelling houses, subject to certain requirements.
- 5.4 Given the considerable benefits associated with bringing all but the most minor basements extensions under the remit of the planning system, the Council is considering making the use of Article Directions either across the Borough, or more specifically targeted on, for example, areas where streets are narrow or where construction is otherwise constrained. However, this approach is not without its costs as no planning application fee is payable to the local planning authority for an application made necessary by an Article 4 Direction. This cost, if across the borough, has been estimated to be in the region of £65,000 pa, though this could rise significantly were the number of eligible applications to increase. This cost will be ongoing.
- 5.5 A formal procedure must be undertaken were the Council to decide to implement Article 4 Directions. The Council would have to consult those affected for at least six weeks before deciding whether to confirm the Article 4 Direction or not. In order to avoid the payment of compensation the Council would then need to give at least twelve months notice of its plans to make the direction.

APPENDIX A: EXISTING POLICY

In December 2010 the Council adopted its Core Strategy. This included a number of policies that are specific to the consideration of new basement development.

Part (g) of Policy CL2, “New Buildings, Extensions and Modifications to Existing Buildings”

The Council will require it is demonstrated that subterranean extensions meet the following criteria:

- i. the proposal does not involve excavation underneath a listed building;*
- ii. the stability of the existing or neighbouring buildings is safeguarded;*
- iii. there is no loss of trees of townscape or amenity value;*
- iv. adequate soil depth and material is provided to ensure sustainable growth.*

The supporting text reads:

Para 34.3.20

Over the last five years, there has been a 70% increase in applications for subterranean developments, with over 200 planning applications submitted in 2008. Subterranean developments involve more challenging planning, environmental, engineering and construction issues than other conventional extensions. Given the high concentration of historic environments and assets within the Borough, controlling the impact of proposals for subterranean development is considered to be of strategic importance. Subterranean development may have minimal structural impact on the existing or adjoining buildings as long as they are designed and constructed with great care. The Council requires Construction Method Statements, signed by a Chartered Engineer or a Chartered Structural Engineer, to be submitted with all planning applications for subterranean development. These statements must set out clearly the potential impact, including cumulative impact, of the development on the existing, neighbouring or surrounding buildings, and the measures taken to mitigate these impacts having specific regard to ground conditions. Apart from the structural considerations, there is a particular concern regarding the impact of subterranean development on the special architectural or historic interest of listed buildings. In addition, to

ensure subterranean developments do not add to the impermeable surfacing of the Borough, Sustainable Urban Drainage Systems (SuDS) or other measures will be required. This also allows the green nature of the Borough to be maintained.

Part (c) of Policy CE1, “Climate Change”

The Council will require an assessment to demonstrate that the entire dwelling where subterranean extensions are proposed meets EcoHomes Very Good (at design and post construction) with 40% of the credits achieved under the Energy, Water and Materials sections, or comparable when BREEAM for refurbishment is published.

The supporting text reads

Para 36.3.12

Planning applications for subterranean development in the Borough are increasing, with 64 in 2003, 89 in 2004, 85 in 2005, 110 in 2006, 192 in 2007 and 212 in 2008. This type of development produces a significant amount of greenhouse gases through the excavation and transportation of spoil, use of concrete, ventilation and lighting. It is right for the planning system to address this environmental impact. Given the nature of subterranean developments and the complexity of calculating and assessing CO2 emissions and savings, as a proxy the Council will take a pragmatic approach, using EcoHomes, to achieve energy savings across the whole of the original building. In most circumstances this will secure a substantial carbon saving, while will not penalising the owners of properties that already have a low carbon footprint.

Part (a) of Policy CE2, “Flooding”

The Council will resist vulnerable development, including self-contained basement dwellings, in Flood Risk Zone 3 as defined in the Strategic Flood Risk Assessment.

APPENDIX B: CORE STRATEGY REVIEW ALTERNATIVE OPTIONS

In coming to the draft policies set out in Draft Policy CF7, the Council considered, and rejected, a number of alternative policies. These are set out below.

Not amend the existing policy

- B.1 The Core Strategy was adopted in December 2010. Whilst the intervening period has seen the whole scale re-writing government guidance through the National Planning Policy Guidance this does not render the existing policy out of date.
- B.2 However, two further years of basement construction across the Borough have highlighted that the policies (and associated procedures) have not always been as effective as intended. In addition research commissioned by the Council illustrates that some provisions of the existing policy should be updated. It is, therefore, now timely to review the policies used and the procedures associated with their effective implementation.

Resist the creation of basements within the curtilage of a listed building

- B.3 The Council will resist the creation of a basement beneath a listed building as such proposals, in all but in the most exceptional cases, harm the historic integrity, scale and layout of the original building. The same cannot necessarily be said for the excavation within the garden of a listed building. If sensitively designed, it is possible that the integrity and character of the listed building will not be harmed.

Resist all basement development within a conservation area

- B.4 The Council is of the view that basement development will not necessarily have a detrimental impact on the character and appearance of the conservation area in which it lies. Proposals must therefore be assessed on their merits, and a 'blanket ban' would not be appropriate.

Resist demolition which is carried out to assist in the implementation of a basement development

- B.5 The Courts have made it clear that it is only "substantial demolition" of a building in a conservation area that is not listed that requires consent. As such it is beyond a Local Planning Authority's remit to resist all demolition within a conservation area. The Council has the appropriate policies in place to assess applications for demolition when consent is required. Policy CL3 of the Core Strategy remains relevant, stating that the Council will resist substantial demolition unless it can be demonstrated that the part of the building makes no positive contribution to the character of the area, or if a scheme of redevelopment has been approved.
- B.6 Planning permission is not required for any demolition outside of a conservation area, unless relating to a building that is listed.

Set a limit of, for example 50%, as to the extent of development beneath a garden which will be permitted, in terms of visual impact/ opportunity for tree planting in the future.

- B.7 The limit of excavation beneath a garden proposed within the draft Core Strategy relates largely to the need for effective sustainable urban drainage. It also takes account of the provision of undeveloped space that may be suitable for mature trees in the future. As such this limit is not primarily concerned with the direct visual impact of the external parts of a basement, the Council choosing to control the undesirable 'urbanising' effect of such features by requiring sensitive design and location near the rear of the building. Ultimately a qualitative assessment will be made by the Council as to what the impact of roof lights and the like will have upon the property, its garden and upon the wider area.
- B.8 An alternative approach would be to introduce a figure with the inference that the visual impact any basement (be this direct or indirect) is likely to be acceptable as long as, for example, 50% of the garden remains undeveloped. This approach has the benefit of offering a degree of clarity for both those who want a basement and those living in the vicinity. There is however a danger that light wells and other such features may be permitted where the 'rule' is met, but where the impact is harmful.

APPENDIX C: REQUIREMENTS OF THE BASEMENT IMPACT ASSESSMENT

- C.1 The Council intends to amend the requirements on what information is necessary when an application for a basement is submitted. This information is set out on its Local List, and changes to that list will be notified in due course, once the feedback from this consultation has been assessed..
- C.2 The Council's intention is that any planning application that includes a new basement will need to include a Basement Impact Assessment (BIA). A BIA comprises a number of elements, which are set out below. Templates for the BIA will be able to be downloaded from the Council's planning website, for inclusion with applications. Its purpose is to require the applicant to confirm that the individual elements of the assessment are all included. A draft is included at the end of the Appendix.
- ENGINEERING DESIGN AND CONSTRUCTION STATEMENT (EDCS)**
- C.3 The Council recognises that the construction of basements in a dense urban environment is a technically challenging exercise that will require great care throughout the process. Such developments can carry a risk to both existing and neighbouring structures if ill planned, poorly constructed, poorly managed, or not properly considering local geology and hydrology.
- C.4 In order to minimise such risks, the Council will require applicants to provide a detailed EDCS before any application which includes an element of basement excavation is registered.
- C.5 The purpose of the EDCS is not to spell out one particular engineering solution. It is to demonstrate how the applicants intend to carry out the excavation, demolition, and construction work associated with their proposed development whilst safeguarding the structural stability of the buildings around it and avoiding long term harm to the character and quality of their local setting. The responsibility to ensure that the development is structurally sound remains that of the developer.
- C.6 It will also ensure that the applicant's approach is in the public domain, and thus neighbours can see exactly what is proposed, and, where appropriate, refer to the EDCS in any Party Wall Award.
- C.7 The detailed requirements for the EDCS will be set out within the Basement Development SPD. It is based upon the Basements report carried out by Alan Baxter Associates, for the Council. It must show how all relevant design issues have been addressed.
- C.8 The key principles will include:
- The EDCS will require a clear and unequivocal conclusion that the applicant's proposal, as outlined in the EDCS, would, if carried out in that manner, safeguard the structural stability of the buildings around it.

- The EDSC will require a clear sequence and method of construction to be developed that is specific to the project and that reflects its design. A generic EDSC will not be appropriate.
- The EDSC must be prepared and signed off by a Chartered or Civil Engineer, and further checked by an appropriately qualified independent third party.
- A Chartered or Civil Engineer must be retained to detail the structural works, review the contractor's proposals, method statements and temporary works proposals and monitor the construction

C.9 The EDSC will include:

- A **desk study** to establish the site history, age of property, topography, geology and ground conditions, rivers and watercourses whether existing or old, the ground water regime, flood risk issues and underground infrastructure.
- **Physical investigations**, clearly presented with accompanying drawings, with engineering interpretation of the results. This must include establishing the ground conditions including the geological strata and presence of the Upper Aquifer, ground water monitoring where the Upper Aquifer is present; trial pits on walls to be underpinned or to have piled walls built close to them to establish the details of the existing foundations and their condition.
- **An appraisal of the existing building structure and understanding of relation (and condition) of adjoining buildings.**
- Statement on **groundwater** when part of the proposal is below the water table. To include (as appropriate) consideration of cumulative impact and potential of new basement to cause a local rise in water level of Upper Aquifer.
- Consideration of how **the basement structure is likely to be built**. Include envisaged sequence of construction, temporary propping, how vertical and lateral loads are to be supported and what must be done to limit the movements of the existing structure and adjoining buildings.
- **Assessment of movements** expected and statement of how these will affect the existing property, adjoining buildings or other adjacent structures. To be based on calculations or empirical means with appropriate justification.
- Building **specific issues** that are relevant, such as adjoining properties that are particularly susceptible to movement, with proposals for their protection.
- Details of **movement monitoring** to be carried out during construction works including "traffic light" trigger levels and actions to be followed by the contractor.
- The engineering design has to be advanced to a "Detailed Proposal Stage", as set out in the Services ACE.

C.10 The Council will develop a pro forma, which will be included in the SPD to assist applicants in the production of a EDCS.

DEMOLITION AND CONSTRUCTION MANAGEMENT PLAN (DCMP)

- C.11 The implementation of any planning permission can disturb those living in the vicinity. This is particularly the case for basement development given the type of work, its duration and extent and the proximity of neighbours. Control of the noise, vibration and dust associated with the implementation of such a permission is addressed through the provisions of the Control of Pollution Act (1974) and Environmental Protection Act (1990).
- C.12 The Council will require the submission of a DCMP at validation stage which would set out the methodology the applicant (and in particular a contractor) intends to use to implement the permission. It will include consideration of the site and its setting, a description of the works, including timescales for demolition, piling (where used) and construction; details of the mitigation measures proposed and details of the proposed monitoring.
- C.13 The DCMP would be approved by the Bi-Borough Director for Environmental Health prior to being submitted with the planning application.
- C.14 The detailed requirements of the DCMP will be set out in the basements SPD. The key principles will include an agreement:
- that the contractor will abide by the Borough's working hours
 - that the best practical means are used for the construction works. These will include:
 - reference to the relevant Codes of Practice (BS 5228:1997 Code of Practice for Noise and Vibration Control on Construction and Open Sites, BS 7385:1993 Evaluation and measurement of vibration in buildings).
 - Identification of appropriate methods of piling that minimise noise and vibration
 - Identification potential mitigation measures (acoustic screening etc)
 - to register the site with the Considerate Contractors Scheme
 - to undertake a dust risk assessment in accordance with the Mayor for London's Best Practice Guidance Document 'Control of dust and emissions from construction sites
 - for larger sites, agree to consider the submission of a s61 application
- C.15 The DCMP will be enforced by planning condition. Where the applicant intends to amend its provisions from those submitted at the validation stage, an updated DCMP will be required.
- C.16 For the largest of proposals an applicant may seek a s61 "prior consent" Notice under the Control of Pollution Act rather than a DCMP. This enables a contractor to seek prior consent to conduct their works in a particular way. They must submit an application to the Council's Environmental Health department that sets out how the works will be completed and how noise will be minimised. Specifically, they include:

- Methods of work
- Plant to be used
- Noise emissions of such plant
- Estimates of noise produced
- Likely duration of each phase
- Mitigation

C.17 Once the Council is satisfied that the application contains sufficient information, it can issue the Prior Consent Notice with various conditions attached, which must be complied with. Applications are tailored for specific phases of development and consents must be issued prior to works commencing. If the works are carried out in accordance with the s61 consent the developer is immune from enforcement action relating to noise. If a s61 application is not requested by the Council, it is likely that a s60 notice (under COPA 1974) will be served instead. This will specify the Council's working hours and recommended best practicable means.

CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

C.18 In order to minimise the impact of the traffic associated with the construction phase of a development, the Council will require the submission of a CTMP at the validation stage of an application. This must be approved by the Director of Transportation and Highways prior to being submitted with the planning application. This will ensure that applicants consider how they intend to implement a scheme and service a site before permission is applied for.

C.19 The function of the CTMP is to ensure that construction traffic will not jeopardise road safety, will not significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living and working nearby.

C.20 The detailed requirements of the CTMP will be set out in the Basements SPD. They will be governed by the following principles.

- The routing of vehicles will be planned to ensure minimal disruption to residents and to avoid sensitive locations that generate large number of pedestrian or vehicle trips
- The size of vehicles used will appropriate for the streets within which the development is located
- Vehicles' access to the site will only be permitted between the hours of 10 and 4 pm
- Parking suspensions will be avoided unless absolutely necessary
- The building compound and the skip location should be accommodated on site or in the highway immediately outside the application site.
- The development works will be coordinated with adjacent development sites
- Local residents are kept informed of development works and complaints will be dealt with promptly and effectively

C.21 The CTMP will be enforced by planning condition. Where the applicant intends to amend its provisions, a further application will be required.

BREAAAM ASSESSMENT

- C.22 The construction and ongoing occupation of a basement can produce a significant amount of Carbon Dioxide, which contributes to climate change. The Council requires that this impact must be mitigated, with the chosen method of this mitigation being that the entire dwelling, following a basement development, meets the the “Very Good” BREEAM Domestic for refurbishment standard. This should apply at both pre-assessment and post construction stages.

FLOOD RISK ASSESSMENT

- C.23 The Council requires a site specific flood risk assessment for all development (including basements) in Flood Risk Zones 2 and 3 (as shown in the Environment Agency’s flood zone map. A site-specific flood risk assessment is carried out by, or on behalf of, an applicant to assess the risk of flooding to a development site. The FRA must also demonstrate how flood risk (from all sources of flooding) to both the development itself and to others, will be managed now, and taking climate change into account. In some cases, an exception and sequential tests may also be required.

SITE WASTE MANAGEMENT PLAN

- C.24 Require applicants for development of a scale that triggers the need for a Site Waste Management Plan (as set out by the Site Waste Management Plans Regulations 2008¹⁶) to prepare and implement Site Waste Management Plans to arrange for the efficient handling of construction, excavation and demolition waste and materials. These should identify of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.

SUSTAINABLE URBAN DRAINAGE SYSTEMS (SUDS)

- C.25 Where the basement proposed extends beyond the footprint of the existing building, the applicant will be expected demonstrate that measures have been put into place which to manage and reduce surface water run-off. The Council has developed a SuDS tool to calculate the increase of surface water run-off as a result of new impermeable surfaces associated with the development. The SuDS tool also gives different options of SuDS which can be implemented. The output of the tool is a report showing the SuDS solutions chosen for that development. This report must be submitted along with the planning application. The plans and drawings submitted with the application should show the location of the chosen SuDS for the application to be validated.
- C.26 If the proposed basement will not lead to an increase in impermeable surfaces and surface water run-off SuDS are not required. In those cases an statement should be included along with the application explaining why the development will not increase impermeable surfaces.

¹⁶ A project on a construction site with an estimated cost greater than £300,000 excluding VAT.

ARBORICULTURAL REPORT

C.27 All applications for basements where there are trees must be accompanied by a full tree survey and tree protection proposal. These must include consideration of the construction phase of the proposal as well as the completed development.

DRAFT BASEMENT IMPACT ASSESSMENT CHECKLIST

Please tick the items that are included with your application. If the information is not submitted, your application will not be registered.

I have included with my application the following information:

I have noted the requirements of each of these items set out in the Basements SPD and confirm that I have complied with these requirements

- Engineering Design and Construction Statement
- Demolition and Construction Management Plan
- Construction Traffic Management Plan
- BREEAM for Refurbishment Assessment
- Flood Risk Assessment
- Demonstration of effective Sustainable Urban Drainage
- Pre application consultation report
- Confirmation that neighbours have been provided with copies of EDCS and notified of the provisions of Party Wall process.

Where relevant

- Site Waste Management Plan
- Arboricultural Report

APPENDIX D: SUMMARY OF THE RESULTS OF THE RESIDENT'S SURVEY

- D1. The survey took place in September 2012. The full results are available on the Council's website. Questionnaires were sent to:
- Owners of properties where a basement has been granted planning permission in the last four years;
 - The neighbours of those properties; and
 - To residents' associations.
- D2. There were too few responses to the Owners' Survey to be able to draw any conclusions.
- D3. About 8,000 neighbours questionnaires were sent out. There was a 17% response (1,254 responses). It was a simple 'tick box' questionnaire to allow for statistical analysis.
- About a quarter of respondents held the view that the basement had had a negative impact on the property or its garden
 - About half noticed an impact upon their property
 - Between 50-60% felt that the impacts of noise, traffic, dust and vibration had not been kept within reasonable limits.
 - Around 10-15% experienced a worsening in drainage, flooding, damp or vermin either during or after construction.
 - About a third of respondents had party wall agreements, with one in 5 reporting that the agreement had not been adhered to.
- D4. There were 127 responses to the Residents' Association Survey. This was sent to all associations, and also made available on the web. This asked the same questions as the resident's survey, but provided space for qualitative responses in addition. Headline statistical findings include:
- About a third of basements were reported to be more than one storey deep
 - Around a quarter reported that the basement had had a negative impact on the property, rising to over a third in relation to the garden
 - Half of the respondents had entered into party wall agreements, with over half being unhappy with the outcome.
 - Between 50-70% reported problems with issues during construction such as noise, dust, traffic and vibration
 - About 10-20% noticed changes in relation to damp, drainage, flooding and vermin, during and after construction.
- D5. The findings broadly corroborate one another. They demonstrate that it is possible for basements to be constructed without causing distress to neighbours, but that at present this is not the experience of most respondents.

