

Feedback from Basements Consultation Event - 9 January 2013

Small Hall, Kensington Town Hall

Introduction

A public consultation event was organised by the Council on 9 January 2013 on the draft policy on basements. The event was held in the Small Hall of Kensington Town Hall between 6.30pm – 8.00pm. The event was attended by over 50 people. The attendees included borough residents, representatives from resident's associations, developers, contractors, architects and other professionals engaged/interested in basement developments.

Format of the event

Penelope Tollitt, the Head of Policy and Design, introduced the various strands covered by the basements policy. It was suggested that a targeted discussion covering only the issues that are considered controversial should be covered at the event to get the most efficient feedback. Initially three main issues were identified – Size of basements, Construction Impacts of basements and the introduction of Article 4 directions to remove permitted development rights. The attendees indicated that they also wanted to include additional topics for discussions, these were – mitigation and impact on character.

To structure the discussion people were divided into 7 tables each with 6 - 10 people and a facilitator. Each table was asked to pick two topics for discussion. Every individual at the table was asked to provide up to three comments on both topics to structure the discussion.

This report sets out the comments as recorded by each table facilitator. Participants were invited to send in additional comments if they wanted to, by 31st January, which will be logged and responded to as individual consultation responses.

Comments received at the event

Table 1: Facilitator - Preeti Gulati-Tyagi

Topic 1: Size of Basements

- Limiting basements to a single storey is reasonable. However, the question how is a reasonable height defined was raised. Some of the residents suggested that the height should be generous 5-6 m. The height should be better defined by the policy and should be decent enough to make it liveable. It should be split as internal and external. External being the 1m of topsoil on top.
- It was questioned that for domestic basement applications, the majority are likely to be for single storeys in any case with very few going down to two or more floors. What is the proportion of applications for residential basements that the Council receives that are more than one storey?
- The limit should be 60% not 75% of the garden. It was also suggested that the coverage should be no more than 50%.
- It was agreed that light wells should be limited adjacent to front/rear elevations.

- The policy should include a limit on the size of light wells.
- Light well should be near the original house.
- Sun tubes are also being used and could emerge at the bottom of the garden. These can be controlled through policy.
- The cumulative effect of basements in one street should be taken into account.
- Policy needs to ensure that if someone has already built a basement or there is an existing basement another one is not allowed under it.

Summary of discussion

- Everyone agreed about the restriction to a single storey but policy needs to ensure that if there is an existing basement, another one storey is not allowed under it.
- Policy also needs to better define what is meant by 1 storey.
- Generally everyone at the table wanted size of basements to be reduced to 50% of the garden.

Topic 2: Construction Impacts

- Noise impact from next door basement was not as high as anticipated.
- Would rather prefer that work gets finished quickly (as it is not noisy) rather than stop Saturday working which will make the project longer.
- Surveyor/part wall surveyor observed no damage as a result of next door basement.
- Very professional management of building site by a specialist company.
- Upstairs renovation noise is higher versus less noise from basements.
- Saturday morning noise should be reduced.
- Proper hoarding/neatness and cleanliness of the site should be ensured.
- Concerned about noise and vibration.
- Impact on parking and access.
- Hours of work should not be Saturday.
- Concerned about when work relates to a sub-basement.
- Concerned about wall collapse.
- A good builder is vital to a good sub-basement.
- Construction impact depends on how much other work is going on in the property.
- Depends on access in road for lorries and skip.
- There should be control on Saturday working and subsequent annoyance to neighbours.
- Insurance against damage should remain with the property after sale.
- Perhaps a proof of insurance should be required via condition and held by the Council.
- Noise will be a bigger issue if the whole property is being renovated at the same time.
- Those undertaking basement developments should talk to their neighbours to agree quiet working on a Saturday.
- There is more noise when the digging is under the garden rather than under the footprint of the property.

- CTMP is unenforceable. Can there be a limit to the number of lorries? The CTMP should take account of the cumulative impact if there is more than one development taking place in a street.
- Terraced properties – insurance should be mandatory when property is sold.
- No hydraulic tools should be used on party walls due to vibration.
- Noise should be limited by specifying an upper decibel level.

Summary of discussion

- Most people at the table wanted a restriction on Saturday working.
- Some said that in their experience basement construction was not noisy and Saturday working helps in getting the project finished quicker.
- There should be restriction on the number of lorries.

Permitted Development Rights

- Agree with Article 4 direction to remove PD rights. Costs should be covered by raising planning fee elsewhere.

Other Miscellaneous Comments

- There should be an obligation on the owner/developer/their architect/surveyor to properly and extensively consult their neighbours before plans can be considered by the Borough.
- Party Wall Act needs to be rewritten to encompass basements and sub basements.
- Neighbours/residents should be able to inspect/view planning file at Town Hall and not have to rely upon inadequate and often incomplete website plans which are often indecipherable.

Table 2: Facilitator - Michael Bach

(many thanks to Michael Bach for facilitating a table – we had underestimated the number of staff needed, as 25 had booked into the session, but over 50 people came!)

Topic 1: Construction Impact

The Planning Consultant considered that none of these issues were planning matters - noise, vibration, dust; highways matters; and structural issues were matters for other regimes – not planning.

In response, it was pointed out that although enforcement was possible under other regimes – environmental health, highways, etc – this would be reactive, resource consuming and unsatisfactory and residents preferred that these issues were mitigated by improvements negotiated through the planning process rather than rely on matters becoming critical and requiring enforcement. There was a debate about whether it was better to seek mitigation measures or to rely on enforcement under other regimes.

It was pointed out that transport and parking matters as well as the Construction Traffic Management Plan were set out in the Supplementary Planning Guidance on Transport, including presumption of keeping skips, material and equipment within the curtilage as far as possible, such as through “skip-free zones” where off-street capacity existed. Good practice guidance would be useful.

There was a long discussion about the information requirements for basement projects, why it was sought. It was generally agreed that it was reasonable to ask for this information, but doubt was expressed about whether this was needed for planning reasons. The discussion focused on the construction method statement, which, it was suggested, was not really a planning matter, but more particularly that it was not assessed by planners and was a tick-box activity. On the other hand it was agreed that that was not necessarily an additional burden. However, the problems it was designed to cover were all down to poor management and bad building practices and these were the key issues.

The overall conclusion was that the issues covered by the information requirements were considered to be reasonable and better handled at an early stage of the process rather than rely on enforcement. Residents strongly supported this.

There was, however, still concern that the issue of sustainability needed to go beyond retrofitting the house, but needed to embrace the sustainability of the sheer quantity of demolition and excavation and its disposal, the energy/CO2 implications, including extensive amounts of concrete, as well as the energy requirements of heating and cooling the final building and its water use, especially where swimming pools were involved. Relevant London Plan policies were not being used.

Summary:

The legality of handling these issues through planning was questioned. However, the information required was considered reasonable by the contractors, although questioning the value of the method statement, as failures were due to bad management rather than poor methods. Nevertheless, early resolution of issues was welcomed, especially by residents.

Topic 2: Size

It was agreed that this covered the degree to which basement extended under gardens and their depth.

i. Extent of coverage of the garden:

There was a brief discussion about what was the starting point for measurement of the unbuilt area/garden – whether it was the extent of the building in 1948 before any PD rights were taken up or the position now. The issue of separate buildings in the garden – summerhouses/gazebos/sheds/home offices – and how these affected the calculations.

The discussion focused initially on understanding the current policy and to compare it with what was proposed. The contractor said that it allowed development under the footprint of the house (except listed buildings) including extensions, under the whole of the front garden as long as it did not involve the loss of trees, and 85% of the rear garden after deducting outbuildings.

It was agreed that mature trees should be a constraint on the extent of basements under gardens – the contractor said that “trees should take precedence” over the extent of the basement.

The issue of the proposed extent of basements – a maximum of 75% coverage of each garden (front, side or back) based on a minimum of 25% likely to be required for sustainable drainage (SUDS), more left unbuilt when existing trees needed to be accommodated.

The aim of SUDS was discussed and it was agreed that, although runoff from the existing building might be attenuated by collecting rainwater in a retention tank, the runoff due to the basement should be entirely absorbed within the site through SUDS so that there was no increase in surface water runoff to the sewer system and mitigating any impact on both the basement development itself and on neighbours.

The contractors did not have a view on the percentage coverage figure except that it should be clear and unambiguous. Residents on the other hand were still concerned that:

- 75% was too much and should perhaps be 50%,
- developers (especially speculative developers) seek to maximise the extent of basements and treated the current 85% maximum as a minimum entitlement and attempt to remove mature trees to secure it, offering only smaller trees/bushes as replacement; and
- the issue of SUDS to absorb all additional runoff was not understood by applicants or planners – the 1m of soil should not be drained to sewers but to the permeable part of the garden.

The choice of the new maximum was discussed. It seemed to be based on the minimum of 25% needed for SUDS, but the need to accommodate mature trees and the particular circumstance would further limit the extent of the basement. This approach had more justification than the current 85% limit, which residents felt had been abused. Nevertheless some residents preferred a limit of 50%. It was generally agreed that what was important was that the policy should be clear and unambiguous to discourage “greedy” developers.

The planning consultant contrasted the current/proposed policy with his experience in Hammersmith and Fulham where they do not require 1m of soil above the basement in the garden, but limited the basement to 50% of the garden. He regarded this a simpler/clearer, but acceded that gardens in LBH&F tended to be larger. There was some discussion about the paving of back gardens and how existing concreting/paving should be treated. It was considered that, although the paving of back gardens, as opposed to front gardens, did not constitute development at present, the need to improve permeability, including if necessary removal of existing concrete, could be covered by a S106 agreement.

The issue of 1m of soil over basements was questioned, including:

- the need to drain it to SUDS (see above)
- its impact on the depth of excavation for the basement – an extra metre; and

- that this could not support large trees – the contractor said it could support a tree up to 5.5m high.

The bottom line with regard to coverage was:

- the limit should be absolute but recognise that the coverage would be less where mature trees and other site circumstances constrained it – there was support for a 50% limit:
 - from residents – to reduce the impact of the development whilst ensuring SUDS with no increase in runoff and protecting mature trees; and
 - from the planning consultant for the sake of simplicity – all the issues of SUS and trees would be accommodated.
- there should be no additional runoff to the drainage/sewerage system from the development of the basement under the garden and that existing paving should be made permeable or removed.

ii. **Depth:**

The initial discussion debated why only one additional level of basement would be allowed and how this depth should be measured.

It was recognised by the contractors and residents that the deeper the excavation:

- the greater the amount of soil excavated,
- the greater the engineering problems (including underpinning neighbouring properties, risk of collapse, possible need for piling, etc),
- the greater the risk of water diversion and flooding; and
- the greater the cost.

Experience had shown that schemes with two or more basements showed an escalation in cost, increasing problems of cost and feasibility and that many/most of these schemes had been speculative and, even where permitted, had not proceeded. Permissions had often been sought more to increase the resale value of the property than for the applicant to build out the scheme.

Nevertheless, the contractors considered that it needed to be recognised that where the sites were large enough more than one storey might be acceptable. With this exception, there was no objection from any of the group and strong support from residents for a one-storey limit.

There was strong support from the entire group for a clear and unambiguous policy statement, although some residents questioned whether the depth limit should be expressed as a storey rather than a specific depth.

The bottom line was that there was no opposition to principle of a one-storey limit.

Overall:

This best summarised by two statements from a contractor, that:

- the proposals were “probably fair” and

- “I take what I am given” – implying that as long as the policy is clear he can advise his client accordingly and manage his expectations.

Table 3: Facilitator - Jon Wade

Basement development

- Considered by a basement contractor that the policy and its requirements were disproportional to the impact in the Borough. Problems had only happened on a small number of schemes and this was down to how they had been managed. Being part of a considerate contractor scheme would solve many of the problems. They would also be quicker to build.
- It was felt that structural impact was given insufficient weight in the draft policy and it had been given more weight in the evidence produced by Alan Baxter Associates. Many of the properties in the Borough date from the early nineteenth century and have shallow foundations and this should be taken into account.
- There was concern regarding some of the terms that had been used in the draft policy and how they would be defined – what exactly is defined by one additional storey? What is meant by larger sites? What is meant by less constrained? Can substantial harm be quantified? Can there be a consistency in approach with these terms.
- Storey height should be specifically limited, say to 3m.
- The 75% figure is way too large, it should be reduced, perhaps to 25%
- Comment that basement extensions should simply not be allowed in narrow roads because of the impact and there should be exclusion zones in the Borough.
- Carbon impact should be more fully taken into account than the adopted current policy permits. The size of the extension could be linked more closely to the carbon impact.
- There was some discussion as to whether limiting the size of a basement extension could be linked to densification and the detrimental cumulative effect this can have. It was pointed out that this could not be a ground in itself to resist an extension.
- It was considered by one planning agent that the Party Wall Act covers all eventualities and that there was no need for such a demanding and wide ranging policy. Residents’ on the table disagreed.
- There was general support for frontloading the requirements, although developers and agents felt they were too onerous.

- The impact on the neighbourhood should be used to define the size of basement
- The issue of drainage needs to be more adequately dealt with - the wording of the policy does not reflect the recommendations in the Alan Baxter report
- Earth (etc) should be disposed of in a sustainable manner and this requirement should be included in the draft policy

Table 4: Facilitator - Patricia Cuervo

Topic 1: Size of Basements

Comments

- The size of the single storey basement allowed should not be bigger than 4m. There should be a clear figure on the height allowed rather than leaving a 'single storey' as it is currently in the document.
- Need to take into account swimming pools as some applicants may put a single pool under the single storey and then be able to divide the space into 2 storeys.
- Support for limiting basements to one single storey as deeper basements will lead to more excavation and construction impact.
- If the site is a brownfield site, there should be different considerations and potentially allow more.
- What about impact on residents? i.e., water table.
- Impact on groundwater.
- Need for technical impact studies on water.
- Size of the garden: discussion on the percentage of garden taken: the space needed for trees to grow properly should be taken into account. Need for space for new trees to be planted (at least 3m at the end of the garden). In some cases, 85% means in practice 1m at the end of the garden so that may not be enough for the 1m of soil to drain. Worries about cumulative impact.

Post-its

- The excavation & Construction of two storeys or more adds to the carbon emissions and adds to the inconveniences of the construction process for neighbours.
- In a basement for a pool is the internal finished height from the general level or from bottom of the pool?
- Are heights to include services and construction finishes?
- To have 2 or more storeys will require more digging and higher concrete walls. But any further work like fitting of a house would be better if relate to time for carrying out dig + take away works. (This relates to the inability of the Planning system to control the time when the planning application is implemented and the length of the construction process).
- Drainage policies are based on a 'Rule of thumb' and resultant areas of garden to be built under are totally arbitrary and not reasonable. It needs more logic and a scientific basis.

- Should there be a different policy for basements under buildings and basements under gardens?
- Will single storey development apply to all residential development or assessed by case?
- What will be the maximum depth of single storey basement?
- Why not two storeys?
- Ancillary space for plant, etc on the 2nd storey
- How many cases of two storeys?
- Why 75% of garden compared to 85%?
- Structurally, there is no rationale to one storey
- Density is an issue
- One storey for basements underneath existing properties and gardens. More storeys for new developments.
- What is the reason for this restriction on single storey? The restriction of no front or side light wells in public view ([I think this is support](#)).
- Should there be a limit of height to 4m?
- Agree with the restriction

Topic 2: Construction Impact / Mitigation

Comments

- Issue of air quality: problem with noise from electricity generators running during the summer and air quality needs to be controlled. There were both, impacts on air quality and acoustic impacts. Particular problem in basements due to the machinery that needs to be introduced.
- Who will enforce and monitor all the technical reports that need to be submitted? That will delay planning applications because of bad developers. Problems of enforcement and administration of the reports required and the conditions.
- The Council does not have the expertise to deal with construction issues.
- Those reports are not needed if the planning conditions are met.
- Councils do not consult neighbours on conditions and they should do. Residents should decide on the construction method statement.
- There is a lack of resources in enforcement.
- The Council should control cowboys' builders.
- There has to be public involvement in the stage where the reports are presented and move that stage to post application.
- The Council should charge for checking the reports developers submit.
- Residents next to basements development do not know when the development will be finalised, how long it will take. There should be other law which control all these impacts.
- There is a limitation on time in which the planning application needs to be decided and lots of reports to have a look at.
- Where does the soil go? The Council should require developers to explain how far away it will be taken.
- There should be an encouragement of natural ventilation in a positive way.
- Breeam is not enough.

Post-its

- Traffic management is an issue.
- Where does the soil go?
- Carbon: increase in construction carbon. Need to limit to one storey.
- But plant and energy equipment should be silent.
- Breeam is acknowledged as poor.
- Is there ever a site not acceptable?
- Fines for poor construction/methods/contracts.
- Clearer rules needed but why at planning stage?
- The construction method statement should suggest agreed traffic plans in roads.
- The Council delay applications due to inability to review details as per procedures.
- I believe that the Council should put a time limit on basement development and have the powers to fine when the time limit is not met.
- Air quality should be brought into the list of problems to be dealt with in the construction impact, e.g. fumes from generators.
- Construction Impact mitigation is very important, but all too much paperwork of how does one monitor.
- Clear policy on dust & vibration control.
- Deemed to satisfy rules to be provided, rather than provide proposals.
- Not practical to get party wall agreement.
- Construction with neighbours could benefit but the rules clearer the better.

Topic 3: Permitted Development

Comments

- That would be costly for the Council
- Developers will put in applications throughout the Borough to get compensation before the 12 months notice period ends.
- Restricting development is not a good idea for the economy. It is more about technical issues which could be mitigated.

Table 5: Facilitator - Chris Turner

Topic 1: Construction impact (only topic discussed by this table)

Construction impact was considered by the residents to be the most important aspect relating to basement development. This impact includes structural stability as well as noise and nuisance. Other issues, such as BREEAM assessment a “nice to have” but not a fundamental issue.

The extent of the basement is important for its own right but most importantly the recognition that the larger the basement the greater the potential impact on both nuisance and structural stability.

Extent of basement

Generally considered that it would be useful if the policy were to define what was considered to be a single storey basement. This would stop the definition being 'stretched' by applicants.

Useful for both applicants and neighbours to "know where they stand".

Recognise the potential benefits of not having hard and fast rules, and in particular that this may force an applicant to come to us to discuss the scale of extensions (and may reduce their size). These potential benefits not considered to outweigh the benefits of certainty.

No agreement as to appropriate definition, or even whether should be set to preclude swimming pools. 3 m put forward by residents as a reasonable floor/ ceiling height. This would not be adequate to allow a swimming pool.

Agents suggested that may be difficult to justify this approach given that impact dependent on more factors than just size.

Working hours

Residents considered that it was essential that working on a Saturday is not allowed.

Structural stability

A key matter of concern. Concern that the Council does not go as far as it should on this subject.

Recognise that the ***Party Wall Act*** is the mechanism to control it, but concerned that the PWA is "not up to the job".

Effectiveness of PWA dependent on the expertise of the party wall surveyor. There is scope for control if managed properly, but in practice often not effective.

- Owner can be required (if negotiated) to put up a substantial deposit/ bond
- Use of bonds becoming more widespread
- Intension of the bond normally to cover need to complete the build were the developer to go out of business.
- Bond does not cover "inconvenience", compensation for noise.
- PWA should, and often does, address dust and noise.
- Agent's view that it would not be reasonable to require a PW award to be signed for validation. Need so much more detail than for a planning application.
- Require a completed PWA before completion as a planning condition? Not reasonable in terms of planning tests.
- PWA needs to be widened, undertaken by professionals who really understand the subject.
- Whilst PW surveyor acts in the interest of the wall – concern that in reality this is not always the case. In practice extremely difficult to replace a PW surveyor an owner is not satisfied with.

- The Council should be required to take the PWA more seriously and to become involved. RBKC should lobby government to change the provisions of the PWA if need be.
- View of agents – that the PWA can be satisfactory, but impact on living conditions of neighbour “an absolute hell”.
- PWA most effective a dealing with short term impacts – but less so for longer term harm. However, provisions of the PW agreement are not ‘time limited’ as such. If structural damage occurs after PW agreement signed the owners remain liable. However, as time goes on it becomes increasingly difficult to demonstrate that the building work itself caused the damage.

Effective consideration of structural stability is reliant on an effective Chartered Structural engineer. To be chartered one requires academic qualifications; professional indemnity insurance and 2 years practical experience.

Concern that this is not adequate given the complexity of basement builds. Appointment of a Chartered Structural Engineer (for CMS etc) not in itself adequate. Should require relevant experience.

Construction Traffic Management Plans

Support principle of approving CTMP upfront. Agents did not object to the principle of this as many of the details included will have to be considered at some point.

However, process needs to be carefully considered:

- Make sure that there is an end point – need to ensure that process in place to ensure that a Highways officer cannot ‘sit on’ an application forever. How does an agent ‘force a decision’? Only solution is for an applicant to appeal against non-determination if the CTMP not ‘approved’ and the application is not validated?
- If CTMP is ‘approved’ – surely this does not give neighbours a chance to comment – even if it is in the public domain.
- What does ‘approved’ mean?
- Some pre-apps ‘require’ submission of a CTMP. How does this work – given timescales for Pre-apps
- Unreasonable to require CTMP at pre-app stage.

BREEAM

Residents view – non listed building’s should have as much protection as listed buildings with regard retrofitting. Not universal support for this approach.

Applicants should go as far as can in achieving BREEAM standards, but this should not be at the expense of the character of the building.

Planning consultants did not object to principle of retrofitting, as long as requirements were reasonable.

BREEAM very much a “nice to have” rather than at the heart of the process.

Role of Council

Concern that Council is not taking its responsibilities seriously - it is simply unacceptable to exclude the impact of construction from consideration.

Concern that enforcement half hearted and ineffective.

Applicants should be obliged to pay for the cost of enforcement in all the relevant spheres.

This is the perception even if it not the actual case

Council must consider odour and noise (of completed development) more robustly. Resident raised concern about the smell of swimming pool, and the noise of associated plant. Cumulative impact of particular importance.

Council should be more proactive in explaining to residents their rights and what they can do.

Council needs to develop the website to:

- Provide a single point of contact
- Set out what is allowed and what is not allowed
- Explain/ access enforcement. Environmental Health, Highways and Planning.

Role of CIL

Can CIL payments be used to finance:

- Monitoring?
- Compensation to neighbours for inconvenience?
- Structural engineers employed by the Council to assess impact?

Article 4

Support from neighbours. Agents did not object. Don't mind paying if applications dealt with in a timely and effective manner.

Planning notices

Need to be more substantial – notify neighbours about the existence of the Party Wall Act.

Table 6: Facilitator - Alison Long

Topic 1: Size

Residents felt that the larger the structure, the more mitigation required and the more problematic the construction is for developers and neighbours. The size should therefore be restricted further to 50% of the garden (like Camden). The proposed 75% is still too large an area. The architect felt that 75%, whilst reduced, was reasonable.

Basements shouldn't be allowed to extend to the edges of gardens as this causes more problems to adjoining properties. Basement should be required to be set in from the sides also.

Residents felt that a restriction to a single storey was welcomed. However, how do you define a single storey? This is too ambiguous and how do you know that people aren't splitting the levels into two internally once constructed? This requires further clarity in the documentation to ensure that developers do not try to get round this issue (the deeper the basement the more problematic and disruptive the construction).

Residents felt that there should be no possibility for more than single storey basements on any site.

Residents felt that the effect of cumulative basement extensions on an area needs to be taken into consideration in determining policy. A terrace of properties all with 75% of their gardens covered with basements will have a significant impact on groundwater, drainage etc. This matter needs to be taken into account and the level reduced from 75%.

Residents also felt that the size/level of lightwells (external manifestations) should also be reduced as this has a detrimental impact on the character of the area.

Topic 2: Procedure – Construction impact

Clearer definition of points i. – j. (pg. 16) required. What exactly constitutes an 'unreasonable inconvenience'? This is open to interpretation and needs to be clearly set out.

Whilst construction works are temporary, 1 – 2 years of construction does not feel temporary to residents and as such careful consideration of what constitutes an unreasonable inconvenience is required.

There should be fewer conditions requiring information to be submitted once the application has been determined. Both the architect and residents sought this as it means that for residents more information is assessed at the application stage and they are not drawn back into discussions 'after the event' and for the architect this means that the development can get started quicker.

The checking of the Engineering Design and Construction Statement (EDCS) by a second qualified structural engineer prior to submission is welcomed as the documents are currently not adequately considered by the Council.

The requirement to sign up to a considerate contractors scheme should be retained as where developers have done this the construction process has run more smoothly.

Residents concerned about how the Council are going to make sure that the recommendations/process of construction set out in the EDCS are carried out. There

needs to be a process in place to ensure that the construction process closely follows the information set out in the document.

Architect wished to see clarity as to how the Council will deal with the submission of CTMP. There was a frustration that currently even where applications are submitted with a CTMP, the submission of a CTMP is still covered by condition to resubmit the document. This is time consuming and a clear process should be in place to deal with these documents. The residents felt that the CTMP should be more detailed, fully addressing all stages of the construction process.

Residents welcomed the requirement for the submission of a CTMP at application stage for all applications.

The documents submitted with the application are often too technical for residents to understand. There should be greater clarity.

Concern is often the impact on neighbouring properties and within the documentation there should be a clear requirement for the applicant to provide information as to the impact of the development on the adjoining properties. Residents felt that the Council needs to take more responsibility as to what happens during the construction process, checking and assessing the documents at application stage rather than at the construction phase when permission has already been granted.

Residents would like to see formal notification on conditions in order that comments can be made and the documentation view. 'MyRBKC' is not enough.

Residents felt that the 1m of topsoil required was not enough. Architect – if the requirements for the BREEAM details get stricter as residents suggest, it will make it almost impossible to meet the targets.

Table 7: Facilitator - Sarah Jones

Topic 1: Size

- What is the basis for requiring a single storey basement? If it is only construction impact - this is a matter better controlled by alternative legislation – it will leave the council open to challenge.
- Not concerned with the big redevelopment (commercial/residential schemes (i.e. De Vere), but the impact of the smaller basement under terraced properties
- There needs to be balance - these basements are affecting established communities, disturbing residents in the community and neighbouring buildings. More than a storey to a residential property in a residential neighbourhood is out of balance. It is anti social and unacceptable
- Appreciate that getting an acceptable balance translated into rules is difficult
- Size of development (and associated construction effects) disproportionately affecting the elderly (home all day, unable to understand and obtain adequate protection using party wall act (PWA), ability to sell property during construction phase etc)

- 1.0m of soil is not enough to absorb rainwater. More than 75% of the garden should be retained.
- Garden that is retained is damaged during construction works and replanting is not the same. Shrubs take a long time to grow – some take 15 years.
- The 25% of garden retained must be actually retained as garden – conditions should be imposed requiring this area be planted/porous/permeable and retained as planting
- The acceptability of a basement excavation comes down to execution, not the number of storeys. Though there is some acceptance that bigger the development, the more significant the construction impacts.

Topic 2: Construction Impacts

- Construction period should be restricted to a year – though this will incentivise developers to rush development which is not a good thing
- Compensation should be payable to residents if development overruns – suggested this may be best dealt with using the PWA
- There are errors in the Baxter report. Developers at the table noted that within the last month they have carried out a basement development with Baxters within 2 mins walk of the Town Hall in exactly the opposite way to the way report recommends (using reinforced concrete underpinning instead of piling).
- Party wall process is the best way to control impacts but is imperfect – elderly residents are regularly ‘sweet talked’ into agreeing
- Building control doesn’t look at stability of neighbouring buildings, only if the structure becomes dangerous
- Considerate Contractor Scheme is not worthless but is definitely toothless and does not guarantee works are done in an acceptable manner. Anyone can become a member of the scheme if they are willing to pay
- Suggested a requirement for all contractors to be members to the Association of Specialist Underpinning Contractors – though note that this is a trade organisation so insistence might be inappropriate
- The key is insisting on quality firms – this could be achieved by requesting insurance documents and insisting on specific clauses (this will weed out dodgy developers as they will not be able to obtain insurance)
- There should be a department in the Council which gives advice to residents on party wall agreements to ensure they are insisting on appropriate measures and being protected
- The level of cracking should be kept to below level 1 and they should have to describe in the basement impact assessment how they intend to achieve this. Applications should be made invalid if more than level 1 – though developers noted that theoretically any basement development can achieve this so specifying this must be achieved would not help.
- There is always a risk – a lot of the time when things go wrong it is because extensions on neighbouring properties have not been carried out correctly.
- How do you enforce a CTMP? At present they are not enforced and it would put significant strain on resources to do so. But without enforcement there is no compulsion to comply
- The Council should publish a contractor ‘black list’

- Some of the requirements of highways officers are not helpful. Insisting the waste/materials be stored right outside is not always in the interest of residents
- Car parking bay suspensions excessively expensive. 3 bays (required by highways officers) for a small single storey basement for 8 months in Burnsall Street cost £65,000.
- Council should insist the developer installs 24 hour noise monitors – allows evidence to be produced. Developers did not object to this – they commented that the more complicated the process the better for them (they represent a big established company that can cope with these demands, and such demands would make it more difficult for the smaller companies to compete).
- Residents asked developers if they were aware of the Councils 'Building advice for developers'. Developers were not and stated that all councils have different advice which means they find it difficult to keep track. Table suggested central London boroughs get together and produce a combined 'building advice for developers' that could then be applied universally

Topic 3: Character

- Chelsea Society requests that the Council takes a long term view when assessing the likely impacts of these developments (25 years at least). They would like us to look at the potential number of basement developments speeding up, staying the same or slowing down and then assess the likely impact of this on the Borough.
- Private residential gardens, taken together almost form garden squares. They should be protected. The gradual erosion of garden space is having/is going to have a detrimental impact on the character of this borough. Although an individual basement on its own is not significantly detrimental, when taken together, and over this extended time period, the impact will be unacceptable.
- Bigger gardens (or gardens that form part of gardens grouped together) contribute most to this and therefore development beneath these should be more restrictive than that of smaller more isolated gardens

Topic 4: Permitted Development

- Restricting permitted development will get rid of 'cowboy' builders
- Residents accepted that all applications will be approved but that it will enable the information to be provided up front, allow them to comment on it and conditioned
- Not all basements should require planning permission. Only 'substantial' basements. 20% of the volume of the house suggested as a way to define substantial.
- Developers confirmed that whether a basement is approved under a planning application or carried out under provision of permitted development, it does not change the way they go about constructing the basement. They felt that by protecting residents from a small number of dodgy developers, they were restricting the process for the rest of okay developers/contractors