

# **Basements Consultation Event #2 – 21 January 2013**

## **Feedback from the event and record of Q & A Session**

### **Small Hall, Kensington Town Hall**

References are made to the website. The Planning Homepage is <http://www.rbkc.gov.uk/planningandconservation.aspx>. On the home page there is a link to the current consultations page, which has all the documentation related to basements.

#### **Introduction**

A public consultation event on the draft basements policy was held on the 9<sup>th</sup> of January 2013 at Kensington Town Hall. This event was attended by over 50 people. The comments made at this event are available on the basements page of the Council's website <http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx>.

Due to popular demand a second public consultation event on the draft basements policy was organised by the Council on 21 January 2013. The event was held in the Small Hall of Kensington Town Hall between 6.30pm – 8.00pm. The event was attended by about 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. She drew attention to the issues identified for detailed discussion at the last event. The issues were size, character, mitigation, construction impacts and introduction of an Article 4 direction.

A show of hands was taken to decide the format of the event. It was decided to have focused group discussions on one or more of the issues in the first half of the event. Each table had a group of 6-10 people and a representative from the Council to facilitate the discussion. In the second half there was a Q & A session to answer any remaining queries that people had.

This report sets out the comments as recorded by each table facilitator followed by a record of the Q & A session. Participants were invited to send in additional comments if they wanted to, by 31<sup>st</sup> January, which will be logged and responded to as individual consultation responses.

## Comments received at the event

### Table 1: Facilitator – Erin Lawn

#### Topic 1: Size/Scale of Basement development

The Baxter Report includes a maximum of 75% of the garden can have development beneath it, with 25% retained for run-off, however there are other considerations:

- Attractive garden layout
- Quantity of excavation
- Size of equipment used
- Noise and disturbance caused.

The Baxter report doesn't explain how to evaluate when less than 75% is appropriate, and it is unclear how officers will assess if 75% is appropriate. Will there be clear guidance on assessing whether 75% is appropriate. Each house should be assessed individually.

The majority view on the table was that the 75% limit should be reduced substantially and the 3 metre limit in permitted development would be appropriate. Basements under the front garden shouldn't exceed 25%. However some expressed the view that this would be limiting people's rights arbitrarily and there are lots of other mechanisms to assess the impact on the water table.

The Borough has already produced a report on basement development, the 'Arup report'. The Baxter report contradicts the Arup report.

Camden require a basement impact assessment which looks at ground water impact

Thames water recommend that there should be no site water runoff to help prevent flooding however the Baxter report say 25% runoff is acceptable. The Kensington Society consider that there should be no surface water runoff from sites, the sewer system should not be relied on for surface water runoff

In relation to the 75% limit what about the situation when gardens are hard surfaced already? There was a difference of opinion on the table as to whether this hard surfacing should be considered, even if the basement is not making the situation worse?

- We need to improve the situation and drive up quality and just because the existing situation is bad it shouldn't be retained
- The increase in basement number is not causing the issues of flooding
- Basements have a huge impact on flooding according to Thames Water

If sewers are at maximum capacity there should be a moratorium on basement construction for 2-3 years the review the water/flooding impact

- Not all flooding is because of basement development
- But a moratorium would modify the problem/have a significant impact

We should be asking for a restriction on paving of rear garden

Basement should only go down one storey

- there needs to be a dimension specified for one storey (possibly 3 metres)
- More than one storey could be allowed under 'large non-residential developments'. The word 'commercial' could be inserted into CL7(b)  
*The basement must not comprise more than one additional storey except on larger commercial sites which are less constrained and where it can be demonstrated that traffic and construction impacts can be successfully mitigated*
- The policy addresses the number of storey under existing buildings but doesn't address new building (eg demolishing and rebuilding a mews house). This is a loophole in the policy
- Various reasons why there should be a one storey limit eg dealing with spoil
- 95% of spoil is recycled
- Where does the spoil travel/this is an environmental issue
- Basements shouldn't be allowed under existing lower ground floors due to structural concerns
- Structural matters should be able to be handled by structural engineers and the impact can be monitored
- Accidents happen where procedures aren't followed or the temporary design what not right.

## **Topic 2: Character**

Basements do impact on the character of the area

- Very deep lightwells (esp. when they are not characteristic) are affecting character of the Boroughs.
- The impact and visibility of lightwells is currently assessed during planning application and they don't visually affect the neighbourhood. The lightwells can be masked and are primarily needed for natural light

Basement often need lots of plant which has sustainability implications

- often the plant isn't shown on the planning application drawings and the planning department be asking for more information? (eg details of how the plant room is ventilated)
- This issue is dealt with by building regulations

Rooflights flush with the ground have big implications, they change the character of the area

### **Topic 3: Construction Impacts**

Another reason basements should stay within the permitted development limits is the construction impact as the disruption is the same whether the basement is under the house or the garden

- The character of the area is wrecked when the process is going on
- Enclosures for skips should not be outside other properties (ie should be outside the development site)
- Projects need to be completed in a timely manner
- Concern about loss of parking during construction
- The financial viability of the applicant should be looked at to show that they can afford to finish the development
- How are grievance re-dress if your property is flooded, will the council be liable
  - It will depend on the problem, there are a number of different parties involved.
- More information should be shared about non-planning matters (eg party wall)

### **Table 2: Facilitator – Elen Richards**

#### **Topic 1: Construction Impact/Procedure**

- People dealing with planning applications for basements not properly qualified to do so given all the various issues that need to be taken into account involving structural issues, hydrology, flooding etc.
- What is the Building Control involvement with the basement applications? Should RBKC BC team be involved at application stage?
- Proposed policies are better than existing policies but still too timid
  - 1m topsoil requirement can be got around
  - Implementation monitoring is difficult and never gets built in accordance with the information submitted
  - 85% requirement not adhered to and hard to enforce as does not take into account the piling and additional structural needs/requirements during construction

- Requirement for upfront information is problematic (for developer/applicant)
- Is this practical
- Difficult to get information and formulate the required information so far in advance of the works taking place
- Enforcement will be difficult particularly on large scale sites
- How can incremental changes (NMAs) be taken into account properly and what impact does this have on what has already been approved?

## **Topic 2: Size of Basements**

- 85% is all relative. This may not have same impact in a big garden as it does in a smaller garden in terms of providing enough soil for drainage and planting
- 50% should be the maximum
- Limiting size to a % or storey really effective? Is this fair? Above ground development is far more sophisticated why can't this be the case for basements?
- Buildings that already have a basement should not be allowed a further basement level below it. This is unclear in current policy proposal, very ambiguous.
- Treating all basements in the same way and against same criteria not ok, smaller ones do not throw up same issues necessarily as larger ones
- What is being done about cumulative impact of the basements on structural stability of the surrounding properties and water levels/surface flooding?
- Proposed policies better than existing but do not go far enough
- The impact of basements depends of the developer and quality of workmanship
- Depth of basements is too excessive, developers don't always adhere to permission granted and dig deeper without any enforcement consequences since it is difficult to enforce
- Use of equipment associated with basement development can damage main buildings on the site itself. Who could control this and prevent such damage occurring?
- Trees are not taken care of during construction and often leads to total loss of trees of value or replacement with poor substitutes

## **Table 3: Facilitator - Jon Wade**

### **Topic 1: Structural Stability and Basement Development**

- In view of the fact that much of the existing development in the Borough consists of terraced housing with shallow foundations, the construction of basements is especially problematic – this means that the issue of structural stability must be addressed in full and the draft policy should deal with this.
- Considered that existing Party Wall legislation is insufficient to deal with the issue of structural stability – special foundation techniques can go underneath the party wall and encroach on the neighbour's land. The true impact should be taken into account.
- Another view was that with conventional underpinning a box can be placed within the integrity of ownership and encroachment is not an issue. It was also pointed out that there is the power of veto to the adjoining owner.
- With the passage of time it becomes increasingly difficult to attribute whether any damage to an adjoining property was caused was the construction of a basement extension or other factors.
- A basement contractor considered that all the problems associated with basement development came down to good management and his firm was being unfairly penalised for the shortcomings of others. The Council should use its own enforcement powers more effectively rather than produce an even more draconian policy.
- Issue of who is consulted about basement development - it was considered that just consulting neighbouring properties was insufficient given the impact. It was pointed out that this should be taken up in response to the 'Involving People in Planning' (IPIP) document.

### **Topic 2: Amenity and Traffic issues**

- It was considered by a basement contractor that there were more than enough powers that the Council had at its disposal at the moment to control both problems with construction traffic and construction issues such as noise. The problem was that the Council was not sufficiently coordinating the powers at its disposal. Noise, traffic and other issues could already be controlled.
- With regard to the Engineering Design and Construction Statement (EDCS) being prepared and signed off by a Chartered or Civil Engineer and then checked by an appropriately qualified third party it was felt that this could be too wide ranging and that membership of an appropriate professional body did not give sufficient safeguards. The Council should

prepare a list of approved engineers and was absconding from their responsibilities by not preparing such a list.

#### **Table 4: Facilitator – Owen Woodward**

1. Resident's basement development concerns are regarding noise, construction etc and the table understands that these are largely not planning issues.
2. If front loaded, then the information on construction traffic and construction management would go through public consultation, whereas this does not happen with the condition discharge process used at present. This is a key point for the residents.
3. It is suggested that condition discharge applications themselves could be subject to public consultation, and it is stated that this already occurs in some instances in the London Borough of Ealing.
4. The provision of large basements should be considered as an 'intensification' of use and one which harms the conservation area.
5. The Party Wall Act and related considerations only relate to the immediate neighbour. There have been instances where houses a few doors down have been damaged through basement construction, and this needs to be captured through planning policy and the planning system.
6. The London Borough of Camden includes a requirement for an Impact Assessment which includes hydrological impacts upfront, and this should be adopted by RBKC.
7. If a basement is permitted development, then many feel this means that the subsequent building does not require Building Regulations accreditation/sign-off. They would like a response from RBKC on this issue.
8. Developers at the table highlighted that most of the problems with basement construction come from poor implementation and bad builders, and are not a natural consequence of permitting basement proposals. They do not understand the rationale for limiting to one level, and the basis for resisting larger basements should only be related to measurable impacts and structural implications. Better enforcement and/or conditions can be used to mitigate the impacts from 'bad' basement construction. The developers stated that the choice should either be: a) ban all basements; or, b) don't put forward the arbitrary constraints set out in the SPD. All constraints must be justified.
9. The issue that the proposed changes relate to all basements, not just those under houses was raised. Confirmation on what was a 'larger site' was sought. There was also considered to be an inconsistency in allowing

larger basements on these sites but not residential (please see point above).

10. Residents raised that excessively long and noisy basement construction projects might be against people's human rights or common law right to 'quiet enjoyment of your property'

## **Table 5: Facilitator – Preeti Gulati-Tyagi and Jon Medlin**

Table had three representatives from residents associations, four residents and one representative from a contractor firm.

### **Topic 1: Size**

There was a discussion on more restrictive policies in other boroughs. Hammersmith's draft policy is precluding basements going beyond the footprint of the property. Westminster's draft policy is seeking to restrict basements to 50% of the garden. It was explained that these proportions are not backed up by evidence and these have not been examined yet. However, as basement policy is a part of the overall Core Strategy review for Hammersmith (and Westminster) and basements are not such a big issue in Hammersmith it may get through. This will not be the case for RBKC as the basements policy will be scrutinised more closely and is a much bigger issue here. We need to base our policy on evidence.

The impact on trees was discussed. It was raised that basements can cause loss of mature trees and that the replacements are not of the same size. The Council does not have enough tree officers to go around looking at every tree as part of planning applications. It was pointed out that the draft policy includes protecting trees of townscape value. A planning officer visits the site when a planning application is made and any mature trees are brought to the attention of the Council's tree officers. The tree officers assess the townscape value of trees and we do not grant permission which would result in the loss of such trees. Many of the borough's trees are protected by TPOs and trees in conservation areas of a specified girth also are similarly protected. The policy also protects other trees of amenity/townscape value. We also rely on neighbours to tell us when they notice a threat to a good tree. It was also discussed that it is possible to build basements under a tree as long as this meets certain British standards however the draft policy will not allow this. The table put forward the view that where there is a loss of trees they need to be replaced by trees of a similar size not trees that are too small as trees take years to grow.

A view was expressed that basements should not be permitted to cover more than 50% of the garden or 3m from the rear of the property whichever is less. This is on the basis that this is a reasonable size for a basement. Larger basements are also likely to cause more drainage problems.

A question was raised to the representative from the contractor firm about whether it is better to have a basement under the garden or under the

building? There was no straight forward answer and sometimes building just under the garden would cause more disruption if there was no direct access and a tunnel had to be made to access. If basement was partly underneath the building it could sometimes make underpinning more complicated. It depends on what is best for each site.

The issue of a definition of a single storey was raised. It was pointed out that this issue has been raised by many people and at the next stage the Council will clarify this. The representative from the contractor firm helpfully specified the normal single storey basements they do have a clear floor to ceiling height of 2.7 m, the floor to floor height is 3.5m and the complete construction from the bottom of the slab is 4m. He also confirmed that most of the basements that their firm get commissioned to make are for a single storey with a minority being for more than one storey. He queried that the policy should not restrict to a single storey when technically more is possible.

The residents highlighted the problems with the amount of excavation for a bigger basement. The representative from the contractor firm pointed out that they use reputable companies for their waste disposal and these issues can be dealt with in a sympathetic manner. Again the best solution depends on the site and in one occasion a wheel barrow was used to bring the soil out.

It was queried how a cumulative impact of basements that are being built can be taken into account. The CTMP only considers the information available at the time of the application. Do CTMPs actually work?

Can the Council put restrictions on the time scale within which the development must be complete? It was pointed out that this is not something that can be dealt with through the planning regime. A query was put to the representative from the building contractor firm that when they start a contract the owner of the property would probably enter into an agreement with them to finish work within a specified time. Project overruns would incur penalties so it is in everyone's best interest to finish the works within timescale agreed with the client. He also pointed out that by putting a strict timetable can impact on the quality of the work as sometimes when work commences the complexity of the project then becomes apparent. It is best to address the work in the best possible way rather than try and rush the job.

There was some discussion on whether the Party Wall Act covers this.

There was a discussion on issues related to noise. It was pointed out by the representative from the building contractor firm that it was best to negotiate what works best for both parties. For example do quiet work on Saturdays. Residents pointed out that the paper was lacking in noise restrictions. City of London restricts noisy hours to only 4 hours a day.

## **Table 6: Facilitator – Richard Craig**

### **Topic 1: Size**

- Is size a matter of 2–dimensions or 3-dimensions?
- Is the primary concern(s) the volume of soil removed, the extent of garden lost, dislocation of drainage or time taken to carry out the works?
- How can you restrict it to a single storey and hope to accommodate a basement swimming pool? It is effectively a double-storey void that can be adapted.
- Is there not important trade-off(s) to allowing basement? – could allow for more cars to be taken off the street and free up the public realm.
- Caution in using high density/ densification as an argument against deeper basements, as basements add more floorspace/amenity space.
- It would be the same spoil removed if you went double the depth but half the distance out.
- Would it not be more preferable to allow deeper basements as opposed to more extensive basements? Large cubes/spheres are more energy and space efficient. This would allow the retention of more original garden, and it is just as easy to dig downwards as outwards and costs much the same.
- Maybe work towards a cubic volume rather than saying only a single basement. This could be related to the size of house and/or garden as a ratio, similar to the old style pd rights for extensions, and even tweaked for conservation or other ‘sensitive’ areas (e.g., known drainage problem areas).
- Rules based system is troublesome and costly to enforce. Needs a principle based system that everyone can understand.
- Consider imposing time limits on how long a basement dig should go on for to minimise noise, damage or threat of incompleteness? Can this be done through planning or the party wall act or anything else?
- Take time and uncertainty out by requiring the submission of a detailed proposal beforehand, setting out the soil conditions, constraints, how the work will be done, how long it should take, etc.
- Can the submission/ agreement be tied into the Considerate Builders Scheme? And how could this be enforced?

## Q & A Session

The Q&A session was structured via the issues that had been the subject of discussion around tables in the first half of the meeting: size, character, mitigation, construction impacts and permitted development.

The meeting agreed the following ground rules for this session: one person speaks at a time; stick to the item being discussed; ask a question rather than make a statement; and allow as many people to speak as possible.

These notes show, where relevant, the paragraph numbers in the consultation document, and some post meeting notes relating to clarifying policy have been added. Participants were invited to send in additional comments if they wanted to, by 31<sup>st</sup> January, which will be logged and responded to as individual consultation responses.

### Questions

#### Size

- Q1. The 50% - 75% for the size of basements is said to be a 'rule of thumb' in the Baxter's report. Is it sound to base the policy on this?**
- A. Yes, Baxter report is considered to be sound evidence. It is a maximum figure to be used as a guideline. Depending on conditions actual extent could be much less.
- Q2. 75% of what?**
- A. 75% of each garden – so 75% of the back garden, 75% of the front garden. Not 75% of the whole plot. See Box 2 (a). Box 1 para 34.3.59 does not explain this as clearly as it should – this needs to be clarified.
- Q3. What if there is a garage/ other hard surfaces in the garden?**
- A. A garage will be counted as a building, and thus is not garden. If the garden is already hard paved that will not be taken as a reason why a new basement could take up the whole plot, as the aim of the policy is to improve on drainage issues in situations like that. It would also provide a perverse incentive to hard pave the garden before applying for a basement. See Box 1 para 34.3.71
- Q4. What if someone paves their garden after building the basement?**
- A. There is nothing that we can do to stop people from paving over their garden.
- Q5. What does garden mean?**
- A. It includes front, side and rear gardens. It is also the curtilage of the building, so in a commercial setting, a yard would be what we mean as the 'garden'. See Box 1 para 34.3.56

- Q6. Does this policy apply to shops? Will a small shop be precluded from building a basement of more than one storey? Is this fair on a small shop keeper?**
- A. The policy applies to all land uses and restricts basements to a single storey on small sites. Any small property, whether a shop, office or home, has the same restriction. The policy is currently implicit that it covers all land uses (by virtue of the fact it does not specify land uses). This needs to be made explicit in Box 1 para 34.3.56.
- Q7. The UDP included wording that ‘no excavation is allowed in the curtilage of a listed building’? Is this in the Core Strategy? Why have we weakened the policy?**
- A. The policy precludes basements under listed buildings. Council officers could not recall that we had such a policy in the UDP and felt the policy in the Core Strategy is tighter than the previous UDP policy. The UDP policy has been checked since the meeting. The relevant UDP policy was CD32 which made no particular reference to excavation in relation to listed buildings or their curtilage.
- Q8. What do you mean by one additional storey? Is it allowed under the lower ground floor?**
- A. Yes, as currently drafted, an additional storey is allowed under lower ground floors or under an existing basement. To have a policy that excludes new basement development under existing basements, it will be necessary to define ‘basement’ as against ‘lower ground floor’ – unless the exclusion applied to both. An alternative might be to say you can have an additional basement if any current basement or lower ground floor was, say, original to the date of the building, or predating 1948 or along those lines. At present, it would be possible to build a basement under this policy, and then apply to build another one under that – which is clearly a loop hole that we need to close. We would welcome ideas on how to do this.
- Q9. Are you saying that you will allow basements under all properties in this Borough that already have a lower ground floor? That could be 80% of the properties of the borough?**
- A. Yes, as currently drafted.
- Q10. Where there are three or more developments going on at the same time, how is the cumulative impact taken into account?**
- A. The CTMP should take this into account. The CTMP for later basement proposals need to take into account earlier permissions that could well be implemented at the same time. See Box 1 34.3.74. Appendix C, paras C18 – C21 needs to clarify this.
- Q11. Will the CTMP requirement be tightened up on this?**
- A. The requirement for a CTMP is brought forward right at the beginning enabling it to be in the public domain. The emphasis is on the developer to consider the CTMP in greater detail. Details of what the CTMP should contain will be set out in the forthcoming SPD, on which

there will also be public consultation before adoption. See also Appendix C paras C18 – C21.

**Q1. What is the earliest point this policy will take effect?**

- A. Difficult to be definitive, because there are many additional stages: the next draft has to go to full Council before a further round of consultation; then we submit it to be inspected by the Government, and they will hold an examination; we then receive the report and adopt the policy. So probably by the end of the year. We will not be applying the new policy until it has been approved through examination.

## **Character**

**Q1. Trees – replacements are not planted of the same value? Can the policy include that replacements are made of the same size?**

- A. Yes, this is a good point. Checking existing policy after the meeting, in the Core Strategy CR6 has two relevant clauses:  
*“(c) require where practicable an appropriate replacement for any tree that is felled*  
*“(e) require new trees to be suitable species for the location and to be compatible with the surrounding landscape and townscape”*

**Q2. Can character include the proportion of the basement in relation to the size of the original dwelling?**

- A. The scale of the basement would be difficult to argue on non-listed buildings in terms of character as character it is more linked to external changes – we explored this as an option, but took the view it would not get through an examination.

**Q3. Where long basements are built, associated roof lights can change the character of the area?**

- A. We acknowledge this in the policy and require these to be discreetly located, and the supporting text suggests this should be near to the rear building line. See Box 1 34.3.68, 69 and 70 and Box 2 (e) and (f)

## **Mitigation**

**Q1. With reference to the Baxter report – Notting Hill has particular problems associated with ground conditions and flooding. Why is this not filtered through in the document?**

- A. To identify specific areas where different aspects of the policy would apply in relation to ground water etc would require a detailed ground water study of the area as a whole: we cannot have a place specific policy without a boundary shown on a plan – and that boundary would have to be based on evidence of changing ground water, geology etc. This is far too detailed a piece of work to be value for money, given that the same objective can be achieved by requiring site specific information for each application. It is best to undertake detailed studies at site level and tailor the development in response to site conditions.

- Q2. Surface water run-off – Is 1m top soil intended to deal with drainage? Should the policy be to direct water to the soil rather than to the drains which can get overwhelmed?**
- A. There are two issues here. One is to slow down the rate of water run off, to avoid ‘flash flooding’ where the drains get overloaded after a significant rain storm. The other is to get water into the ground water. The layer of soil is primarily to slow down the speed of run-off so it gets into the drains slowly. Ideally, it would drain into the natural ground rather than the drain, but planning cannot micromanage every detail. The ‘75% maximum’ rule is to ensure there is always natural ground into which rainwater goes, to ensure water goes into the aquifers.
- Q3. What is the status of the Baxter report?**
- A. It is the evidence which informs the policy.
- Q4. Draft policy is missing sustainability details? Is the change to BREEAM for refurbishment the most appropriate standard to use – its more onerous? Should we identify that the points should be from certain element of the scheme under BREEAM?**
- A. There are issues with the energy used to construct basements, in terms of the removal of earth and the use of concrete. We require the retrofit of the related building to ‘offset’ for the carbon needed in construction. We need to consider if the BREEAM standards set out in the policy are the right ones. But once built, basements are energy efficient. They need little heat, as they are well insulated by the earth (which is itself warm), and the plant needed for ventilation is now relatively energy efficient.

## **Construction Impacts**

- Q1. The resident living next to a basement construction site pointed out that even though the basement was small; the plant that they bring is of an industrial scale. The Council has no idea of the associated machinery when planning permission is granted. A recording of the noise levels experienced was played.**
- A. We recognise that the impacts of these developments can be considerable, which is why the policy is being reviewed. In terms of the detail, the environmental health department deal with issues and complaints regarding noise. One of the difficult things we have to deal with is that basements are governed in part by four main legislative frameworks: planning, building regulations, environmental protection, and party wall. None of those frameworks was designed to deal with basements, and so we are on the edges of all of them. They do not fit together perfectly, and each one also has limitations on what can be achieved. Planning cannot ‘cross over’ into the other legislative areas, although there are some matters of overlap. For example, there is longstanding planning practice for conditions to be placed on planning applications to deal with noise, even though these are also enforced through the Environmental Protection Act.

- Q2. Traffic management on-site has not been monitored by the Council historically. The Council already has the powers vested to it though various legislations to deal with these issues but it is not enforcing.**
- A. One of the critical issues is enforcement. One of the most effective means of enforcement is neighbours noticing what is going in around their neighbourhood and letting the Council know when they have concerns.
- Q3. Why can the Council not require the contractors on-site to have a 24 hour noise monitor on-site starting tomorrow?**
- A. Interesting idea – we will look into this (but maybe not by tomorrow!).
- Q4. What legal basis does the Council have for what is being proposed?**
- A. The policies are based on planning issues and therefore are legal.
- Q6. Could the Council refuse a planning application on the basis of lack of enforcement resources?**
- A. No.
- Q7. Why do you not notify more than just the immediate neighbours?**
- A. We undertake consultation in accordance with planning regulations. We are also encouraging use of ‘self service’ via email alerts through the website, but as this was strictly speaking ‘off the agenda’ and had been discussed at another consultation meeting, the answer was not given in depth.
- Q8. Can s106 agreements have a liaison officer like Camden?**
- A. The Council is often informed that other borough’s are doing innovative things that we should emulate. Quite often when we call other councils to find out about their ways of working we often find that in reality this is not the case. But we can look into the idea of using s.106 to fund a liaison officer.
- Q9. Construction Impact – has the Council monitored the effectiveness of the considerate contractor scheme?**
- A. No, we consider that a considerate contractor has to meet certain standards to be on a list of considerate contractors. If they fail to meet those standards they risk being excluded from the scheme, that could be damaging for them. The standards are governed elsewhere.
- Q10. Can you condition the Party Wall Act? What informatives do you have for the Party Wall Act?**
- A. We cannot condition Party Wall Act. The Party Wall Act is dealt with as a civil matter between the land owners. We are proposing, however, that before a planning application is submitted that the applicant should have informed the neighbouring properties of the Party Wall process. See also para 4.25 of the consultation document, which states we will

be putting on an informative to remind applicants of their duties under the Party Wall Act

**Q11. Is there any plan to improve enforcement and do these requirements apply to all other developments?**

A. These requirements do not relate to other developments.

**Q12. Are there any time limits within which once started development needs to be complete?**

A. No we cannot stipulate that.

**Q13. Can you put a shorter time limit on the time that an applicant has to implement a planning permission once granted? Can it be less than 3 years?**

A. No.

## **Permitted Development**

It was explained to the meeting that some basements can be built without the need for planning permission. By and large these are limited to a single storey, and extending no more than 3 metres beyond the rear of the dwelling. The Council has the power to remove these permitted development rights through an 'Article 4' direction. When an applicant has to submit a planning application for a proposal that would otherwise be permitted development, they do not have to pay a fee, unlike other planning applications.

**Q1. How long can someone apply for planning permission without paying the fee once the Article 4 direction is in force?**

A. Once the Article 4 is in place the exemption for planning fees will apply while the Article 4 remains in force, so long as the proposal is for a scheme that would otherwise have been permitted development. If they want permission for something that would not have been permitted development, then the normal fee is payable.

**Q2. Which properties fall in this category at the moment?**

A. None, in relation to basements.

**Q3. Why would you fly in the face of current Government policy that promotes development with less planning restrictions?**

A. This is in response to concerns by residents. It is entirely proper for the local authority to use the planning system to address local issues that may not be relevant at the national scale. It should be noted, however, that most 'permitted development' basements would be allowed under the revised policy: the primary driver for bringing in Article 4 directions on current permitted development is to control construction impacts.

**Q4. Why are these requirements only for basements, why not other types of development?**

A. It is basements that have a significant impact on neighbours, and tend to be the larger developments in the borough, given that above ground extensions to houses are heavily constrained by the important townscape. The Council undertook a survey in autumn to establish the level of concern with basement development, and the reports are available on the website.

**Q5. Have you considered setting up post completion questionnaires?**

A. No but could be a good idea.

**Q6. Are permitted development projects not covered by the Environmental Protection Act?**

A. They are. But it is reactive rather than proactive. In other words they do not agree to abide by certain standards before they begin work.

**Q7. Contractors who cause these problems are not here tonight.**

**Q8. Do you need legislation at higher level to deal with these issues?**

A. Yes, that would help us hugely. But the Department of Communities and Local Government is of the view that the legislative framework is satisfactory and no change is needed.

**Q9. Does the exemption to planning fee apply only to works under Article 4 direction?**

A. Yes, not to anything additional.