Basement Developments: Review of Planning Implications

On behalf of **London Borough of Richmond Upon Thames**

LONDON BOROUGH OF RICHMOND UPON THAMES

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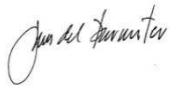
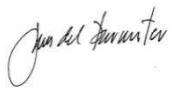
Reviewed by:	John Parmiter	Partner		March 2014
Approved by:	John Parmiter	Partner		June 2014
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Executive Summary

1. The impact of basement construction is a growing concern for the London Borough of Richmond Upon Thames (LBRUT), particularly in residential streets. The concerns raised by residents include potential damage to the structure of their neighbouring property but also the wider impacts of the construction process itself: lorry movements, noise and dust from excavation, and the loss of parking, etc. This Report has been commissioned to review the Council's planning policy and development management options for managing basement developments. In appraising a short-list of policy options and in reaching a range of recommendations, the Report reviews the national policy and legislative context and experience of other London Boroughs, and the potential technical requirements (including localised issues such as ground water, flooding/drainage and structural engineering).

2. There is growing demand by residents, local groups and Members to use the planning process to deal with the more intrusive aspects of basement construction. However, the regulation of basement construction goes well beyond the planning process and involves either, other legislative processes relating to buildings (such as Party Wall matters), or other Council regulatory services such as Building Control (which itself may be a non-Council service), Environmental Health and Highways. Some basements and subterranean development do not even require planning permission and can be undertaken as permitted development.

3. The notification of a planning application can raise resident and neighbour concerns that are disproportionate to its role in the overall pre-construction and construction of basement developments; therefore, the central issue for the Council is how to best manage these concerns. The related conclusion of this Report is that the issue is a cross-service one demanding a more accessible means of informing those affected by the regulatory processes as a whole; and of managing public expectations of what each part can deliver.

4. Other London Boroughs have responded to these pressures by reviewing planning policy and requiring Construction Management Plans and Basement Impact Assessments (or equivalent) to be submitted with planning applications. Significant costs, time and resources have been required by other London Boroughs in bringing forward specific basement DPD level plan policy guidance. However, the impact of requiring more technical information as part of the planning application process (that goes into the public domain) is that it can intensify the use of the planning process to resolve issues – like structural stability – which are not in themselves primarily a planning consideration, and increasing costs for applicants and the Council. A range of options are reviewed.

5. In response to our principal findings we recommend that:

Responsibilities of the Developer:

1. The onus for managing neighbour and resident relationships should be with the owner/developer/applicant, wherever possible; and to use the other processes available (such as Party Wall Act) to their best effect. This could be illustrated on the Council's webpage and in a Good Practice Guide, using the key diagram at Fig 2.2 as an example.

Residents and Neighbours:

2. Resident and neighbour expectations of the regulation of basements need to be appropriately managed to reduce over-concentration on the planning process to resolve issues associated with basement construction that are not always a planning issue.

Council Policy and Management:

3. The Council should manage the regulation of basement construction as a cross-service issue.

4. The planning policy context may need to be reviewed at some point - there is an opportunity to do this in the longer term as part of the Core Strategy/Local Plan Review. In the medium term the Council should consider preparing an SPD Update.

5. To achieve better public engagement through the development management process (planning applications) Construction Management Plans should normally be required for any significant basement applications.

6. In areas where basements could likely to have a significant impact on flooding and ground water (Flood Zones 2 and 3, and areas within Flood Zone 1 where there are 'critical drainage problems'), FRAs should address all forms of flooding including groundwater impact.

1 Introduction

1.1.1 Peter Brett Associates (PBA) is instructed by the London Borough of Richmond Upon Thames Council (LBRuT) to prepare a Report outlining the implications for the Council's planning policy and development management of the increasing number of basement and subterranean developments in the borough.

1.1.2 With a shortage of development land, high land values in London, development constraints imposed by heritage designations and increased land and property taxes, the development of basements in residential areas is becoming an increasingly popular way of gaining additional space in homes without having to relocate to larger properties and increasing the value of a property.

1.1.3 Basements are also present in non-residential developments particularly in town centre locations and are used for various purposes including commercial, retail and leisure uses, parking, servicing and storage. In general new commercial basements form part of major commercial development sites.

1.1.4 LBRuT has been receiving an increasing number of planning applications for residential basement and subterranean development across the borough but particularly in the north east around Barnes and Kew.

1.1.5 Residential basements to existing dwellings are often contentious for local residents due to concerns about the construction impacts of basement development including noise, disruption, loss of privacy, health and safety and property rights issues relating to potential damage and subsidence to adjoining properties. The cumulative impacts of basement developments and multiple basement development within a local area can, in some cases, lead to groundwater and flood risk. Large residential basements in Central London Boroughs have been subject to extensive media reports and high profile cases where substantial multi-storey basement and subterranean developments have caused significant disruption during construction and subsequent damage to surrounding properties has escalated these concerns.

1.1.6 The implications of new permitted development rights in enabling some subterranean developments without the need for planning permission and its implications for local authority development management and neighbour consultation also requires clarification.

1.1.7 Some other London Boroughs have responded to the increasing number of basement developments by commissioning technical reports on their potential impacts and by introducing specific development management policies, supplementary planning documents and requirements such as Basement Impact Assessments/Structural Management Plans and Construction Management Plans as part of their Local List of Validation Requirements for planning applications.

1.1.8 This Report outlines existing legislation and the approaches taken by other London Boroughs to the planning policy and development management of basement developments as well as identifying the technical impacts of basement developments, such as the ground and groundwater, flood risk, drainage and structural engineering considerations at a borough-wide level.

1.1.9 The Report then identifies the various options available to LBRuT; potential costs, timescales and risks of these options; and required evidence and impact assessments that could be undertaken or promoted by LBRuT and applicants in taking forward basement developments in the Borough. Finally, we set out our recommendations.

2 Legislative Context

2.1 Planning in context

2.1.1 Basement development includes any excavation to form new or additional floorspace under the ground level of an existing property or within its curtilage. It may also include basements which are part of new build development.

2.1.2 In addition to town planning, a number of other Council services (and non-council processes) are involved in assessing different elements of basement works and in managing and enforcing issues at later phases of development. The planning, building control and other legislation that applies to basement developments are set out in **Appendix A**.

2.2 Effectiveness of Legislative Planning Context in Addressing Resident Concerns

2.2.1 The scope of permitted development rights and whether basements works fall within the extent of permitted development rights is difficult for the LPA to monitor, particularly if a series of minor extensions/works have been undertaken to a dwellinghouse over time, unless developers engage in the consultation process outlined in the 2013 GPDO Amendments, they formally apply for a Certificate of Lawfulness, or the site is subject to neighbour complaint and enforcement investigations by the LPA. Developers will still however have to comply with other buildings legislation such as the Building Regulations and the Party Wall Act.

2.2.2 Listed buildings and conservation area requirements alongside Article 4 Directions reduce the extent of permitted development rights. At these locations, and where new basement involves major works, a new separate unit of accommodation, a basement added to a dwellinghouse which has previously been extended, and/or alters the external appearance of the dwellinghouse, planning permission and listed building consent is likely to be required.

Planning considerations

2.2.3 Planning applications for basements can only be determined on the basis of planning considerations such as:

- The design and appearance of the proposal;
- The impact on the character, appearance, setting and significance of a heritage asset (i.e. listed building, locally listed buildings or conservation area);
- The impact on amenity, such as noise generated by plant and machinery (within the completed development) and potential overlooking from the addition of light wells;
- Issues regarding loss of trees and landscaping and whether there would be detrimental impacts on the visual amenity of the surrounding area;
- The impact on traffic, road access, parking and servicing (serving the completed development);
- Whether flood risk, ground conditions and land instability mean that the development is not a suitable use of the site (serving the completed development) or the development would increase risks;

2.2.4 LPAs cannot consider non-planning issues such as the loss of property value, party wall and land and boundary disputes, the number of different construction projects going on at the

same time within the surrounding area, or issues controlled by other legislative regimes such as Building Control, including fire escape and structural integrity during the course of construction works.

Conditions

2.2.5 LPAs cannot refuse planning permission because construction works may cause noise and disturbance (this is supported in appeal decisions by the Planning Inspectorate) but it can implement conditions to planning permission to reduce their impacts, for example restricting hours of work and requiring Construction Management Plans detailing construction methods, access and parking arrangements to be approved by the LPA before any development commences. For major developments S106 Agreements may also be utilised to ensure and fund monitoring of Construction Management Plans etc. during the course of construction works.

2.2.6 Where Basement Impact Assessments, Structural Plans and Construction Management Plans are not identified as validation requirements for planning applications, details can be required by condition to the planning permission. It is accepted however that public consultation and the opportunity for residents to submit representations is reduced at the discharge of conditions stage (although published on the Council's weekly list) with details normally agreed through discussions between the developer, the Council and statutory consultees as appropriate.

2.2.7 Planning permissions are granted subject to time limits for implementation by condition. Conditions cannot generally be implemented restricting the length of time for undertaking construction work (and associated disruption to adjoining occupiers) once the development has commenced but in exceptional cases, enforcement action can be undertaken requiring the completion of development within a specified time period. Enforcement action can also be undertaken if the development is taking place in breach of set planning conditions i.e. outside of approved construction hours.

Other controls

2.2.8 The national and legislative position to-date is to rely on the building industry to operate to appropriate methods and standards and to expect the Building Control process via Building Regulations (whether operated by local authorities or private Approved Inspectors) to ensure that proposals are adequately designed and constructed. It is the legal responsibility of owners and contractors not to cause damage to neighbouring premises and to ensure the quality of construction work.

2.2.9 The introduction of the Party Wall etc. Act 1996 was a recognition of the problems that can arise when working on (or adjacent to) Party Structures (walls and floors) and provides a process to mitigate problems arising including assessment and remediation in case of any damage. It is accepted that this also puts responsibilities on neighbours who wish to safeguard their property interests although any costs involved in appointing Party Wall surveyors is borne by the person undertaking the work.

2.2.10 The limitations of Buildings legislation is that the Party Wall and Building Regulations process is not subject to public consultation in the same way as planning applications. The Party Wall process is entirely a private matter and does not involve the Local Authority. Neighbours beyond immediate adjoining occupiers would not normally be consulted as part of the Party Wall process.

2.3 Summary: Key Basement Issues and Legislative Roles

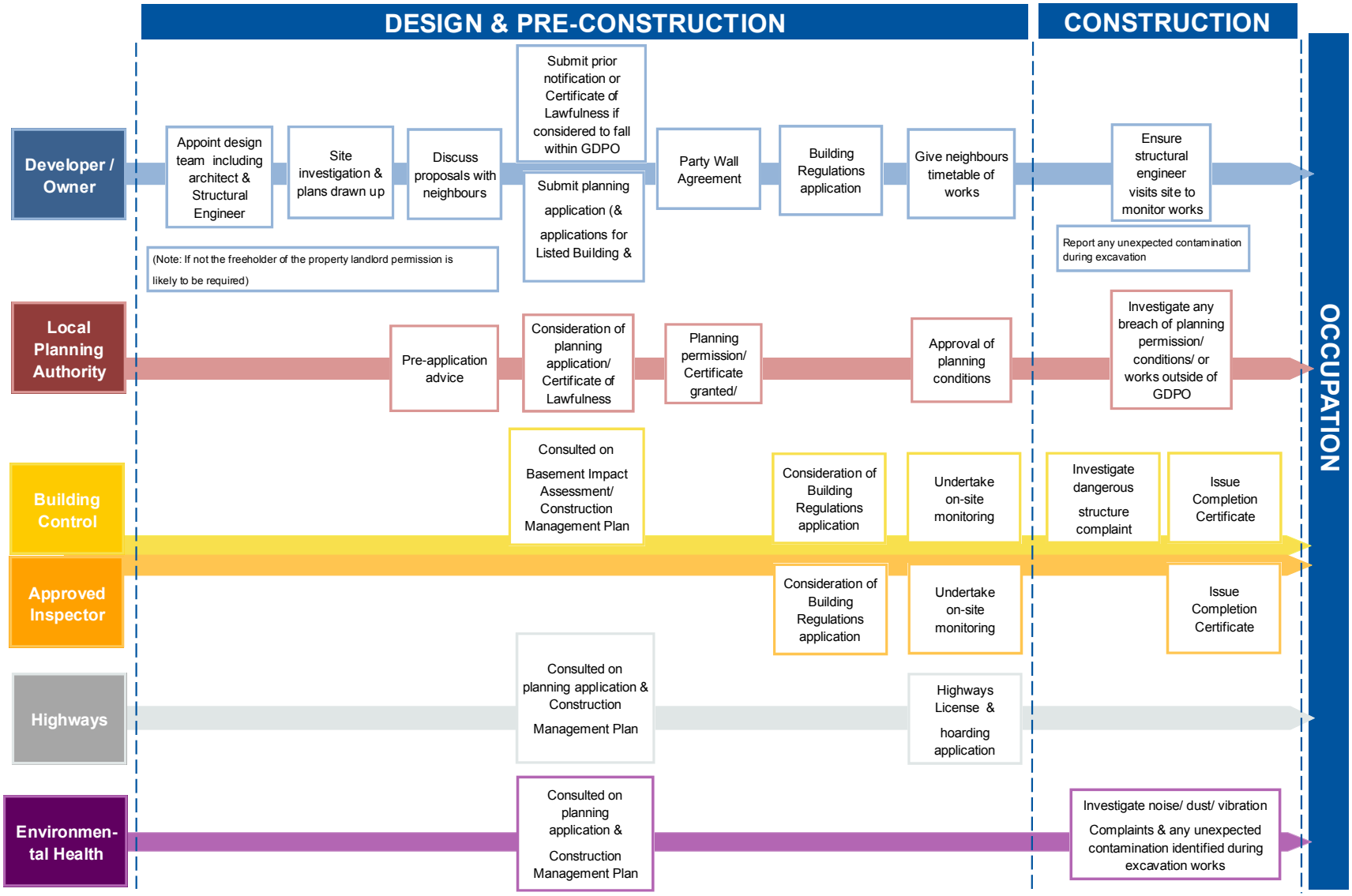
2.3.1 Fig 2.1 below sets a general summary of the key issues relating to basement developments and their construction and how they relate to the different planning and buildings legislature set out in this Section.

Fig 2.1 - Basement Developments - Key Issues, Legislative Roles and Management

Legislature	Key Issues			
Planning (Town and Country Planning Act 1990) (Planning (Listed Buildings and Conservation Areas) Act 1990)	Proposals for basements which require planning permission - design and scale of basement (where not permitted under GPDO).	Impact upon character, appearance and significance of listed building and/ or setting of nearby listed buildings.	Impact on character and appearance of conservation area (particularly when lightwells are proposed or loss of trees).	Loss of trees and landscaping.
	Impacts on traffic, road access, parking and servicing for the proposed development when it is completed i.e. basement in front garden which may alter access.	Flood Risk – particularly development within flood zones 2, 3 and areas with Flood Zone 1. Environment Agency consulted where FRAs are required.	Concerns over loss of amenity i.e. overlooking from lightwells within basement developments.	Management of (temporary) construction impacts - conditions appended to planning permissions for control of construction impacts such as hours of construction works and servicing by lorries/HGVs.
	Planning enforcement - breach of planning conditions or unauthorised works.			
Building Control (Building Regulations)	Approval for building works and issuing Completion Certificates (even where planning permission is not required).		Structural stability of existing property where new basement is proposed (also consulted during planning application and discharge of conditions such as Construction Management Plan).	Structural stability of neighbouring properties (during and post-construction). Also consulted during planning application and discharge of conditions.
Party Wall (Party Wall Act 1996)	Structural stability of neighbouring properties (during and post-construction) (even where planning permission is not required).			
Highways and Licensing	Traffic and highways impacts on surrounding street(s) (consulted during planning application and discharge of conditions such as Construction Management Plan).		Removal of on-street parking during construction - issuing Stopping Up or notices for temporary removal of on-street parking bays.	Obstruction to pavements during construction - issuing skip and hoarding licenses.
Environmental Health (Various Acts and legislation)	Noise from basement plant (also consulted during planning application and discharge of conditions such as Construction Management Plan condition).	Noise during construction (also consulted during planning application and discharge of conditions such as Construction Management Plan condition).	Investigation into complaints about out of hours construction. Liaison with planning enforcement.	Contamination (identified or resulting from excavation).
	Dust from excavation and construction works (also consulted discharge of Construction Management Plan condition/ other related conditions).			
Health and Safety (legislation under Health and Safety Executive)	Public and construction workers safety (note however that current Construction and Design Management Regulations do not require domestic owner occupied projects to be notified to the Health and Safety Executive).			

2.3.2 Fig 2.2 overleaf presents a key diagram illustrating the role of the applicant/ developer and the different service lines within the Council including planning services, which are also involved in the basement construction process.

Fig 2.2 Basement Developments: Roles and Responsibilities in the Basement Process



3 Policy Context & Other London Borough Approaches

3.1 Policy Context

3.1.1 The Development Plan for LBRuT comprises the London Plan (2011; including Revised Early Minor Alterations published in 2013), the Core Strategy (2009), the Development Management DPD (2011) and the Twickenham Area Action Plan (2013). Other material considerations include LBRuT Supplementary Planning Documents including the Design Quality SPD and Residential Standards SPD; the National Planning Policy Framework (NPPF) (2012) and the National Planning Practice Guidance (NPPG).

3.1.2 The London Plan supports the maintenance and enhancement of existing housing and the more efficient use of land. It sets out strategic policies for design; quality of life; housing; climate change and flooding; and protecting the historic environment, landscape, open space and natural environment but it does not include a specific basement policy.

3.1.3 The LBRuT Core Strategy, Development Management Plan and Twickenham Area Action Plan do not specifically address basement and subterranean developments; however policies on design, protecting the local character and flood risk are relevant to basement proposals alongside the Residential Standards SPD and other Design SPDs.

3.1.4 At the national level neither the NPPF nor the NPPG includes any specific basement policy guidance. However it sets out requirements for good design, managing climate change including flood risk and requires that weight is applied to the need to conserve and enhance the natural environment and the historic environment in determining planning applications.

3.2 Other London Borough Approaches

3.2.1 A review of other London Borough policies identifies that only 4 London Boroughs have adopted Local Plan/DPD level guidance for basement developments, 8 London Boroughs have SPDs and 18 London Boroughs have no specific policies for basements in its development plans. 8 London Boroughs also have emerging policies, generally set out within a DPD level guidance (Figure 3.1 below):

Figure 3.1 Summary of London Borough Policy Approaches

Development Guidance	London Boroughs	Total
Local Plan/DPD	Camden, Hammersmith & Fulham, RBKC, Wandsworth.	4
SPD	Camden, Ealing, Hackney, Hammersmith and Fulham, Haringey, RBKC, Kingston, Lambeth, Wandsworth.	8
Emerging Policy	Barnet, Westminster, Greenwich, Haringey, Hillingdon, RBKC, Lambeth, Merton.	8

Development Guidance	London Boroughs	Total
None	Barking and Dagenham, Bexley, Brent, Bromley, City of London, Croydon, Enfield, Harrow, Havering, Hounslow, Islington, Lewisham, Newham, Redbridge, Southwark, Sutton, Tower Hamlets, Waltham Forest.	18

3.2.2 A summary of all other London Borough approaches to basement guidance is set out in **Appendix B** with the policy description, evidence base and application requirements set out where there are specific basement policies. Some London Boroughs have policies within several levels of guidance, for example LB Camden has policies within its Camden Development Policies DPD as well as in a Basement and Lightwells – Planning Guidance CPG4; and the Royal Borough of Kensington and Chelsea (RBKC) has guidance within its Core Strategy, a Subterranean Development SPD as well as an emerging policy in its Core Strategy Partial Review.

3.2.3 The policy responses taken by other London Boroughs are to some extent proportionate to the level of basement applications received by Boroughs and in turn, residents' and Members' concerns about the increasing number of basement developments and their construction impacts. Central London Boroughs have seen a significant increase in the number of basement developments and have responded by adopting development plan level planning policies supplemented by Planning Guidance's and Supplementary Planning Documents. By contrast, outer London Boroughs have not been as affected by basement developments with only localised 'hotspots', if any. This has resulted in a lower level policy response as it is considered that the key planning issues can be addressed through existing more generic policies on design, amenity, heritage, conservation and flooding.

3.2.4 It is clear that the approach taken by other London Boroughs has evolved over time. For example initial policy responses by RBKC, LB Camden and LB Haringey has been to prepare Supplementary Planning Documents and Guidance Notes, which has then moved to policies within the Development Plan as the number of applications has increased and the construction impacts of basements are felt more by residents. Only LB Hammersmith and Fulham have prepared development plan guidance in tandem with supplementary plan guidance.

3.2.5 In most cases where Boroughs have specific guidance on basements they have started with guidance in a SPD (typically a general SPD for residential development) and then, where considered necessary included a policy within a DPD as they have started to prepare new Core Strategies/Local Plan and Development Management Policies DPDs.

3.2.6 The London Boroughs with no specific guidance do not consider basements to be a significant issue in their Boroughs. These Councils will therefore deal with applications on a case-by-case basis and where appropriate, impose conditions requiring approval of Construction Management Plans (or equivalent) before development can commence in order to address construction impacts.

3.2.7 The London Borough of Brent has taken a different approach in that whilst it does not have a specific policy in any policy document it has published interim guidance for basement developments and it will be updating its Local List of Validation Requirements to include specific application documents required for basement developments.

3.2.8 The advantages and disadvantages of the different London Borough policy approaches focusing on RBKC, Westminster, Camden, Hammersmith and Fulham, Haringey and Brent is set out in Fig 3.7. Our assessment has also been informed by discussions with officers at

these Boroughs to obtain feedback on their approach, timescales for preparation, resources required and lessons learnt.

Table 3.7 Summary of policy responses

Development Plan Policy Response (e.g. Camden, Hammersmith & Fulham, RBKC, Westminster)	
Advantages	**Disadvantages**
Compliance with development plan guidance has to be demonstrated by applicants and can be used as the basis for refusing permission and/or by Inspectors in dismissing appeals. Development Plan Policies restricting the scale and type of basements i.e. to single storey or 50% of the garden (as proposed by Westminster and RBKC) will have to be complied with or risk refusal. Applicants will be required to submit additional documents such as Basement Impact Assessments and Construction Management Plans required by planning policies. This may enable early consultation and scrutiny of the proposals by adjoining occupiers and early engagement of applicants in the buildings legislation process i.e. Party Wall. May result in less objections and complaints by residents and/or Judicial Review applications as information requirements are such that managing the potential construction impacts of the process is more upfront and not left to the discharge of conditions process.	DPD level guidance's have long timescales for preparation and adoption. It has taken between 3 and 6 years to prepare and adopt basement policies within DPD level guidance's across the Boroughs. In light of the long lead-time to adoption - Boroughs may need to prepare interim guidance i.e. Westminster has prepared Interim Guidance in recognition of the policy gap on basements pending adoption of its CMP Revision. Significant costs for preparation officer resources, evidence base, requirements for consultation and Examination. Fees for local plan examinations are set under the Town and Country Planning (Costs of Inquiries etc.) (Standard Daily Amount) Regulations 2006 - the current charge is £993 for submission. The Localism Bill's Local Plan Reform's impact assessment estimates an average cost of £175,230 for the examination process only (based on average examination time of 218 days and average cost per day: £804). Costs of Officer resources required to prepare draft iterations of the DPD, its evidence base and undertaking consultation are not included in the DCLGs costs. If Boroughs have relatively up-to-date Plans adopted - a single issue Review would be required and costs of Examination cannot be spread across a range of strategic policies. In the case of LB Camden the costs of Examination were shared as the Development Policies DPD was examined in tandem with the Core Strategy DPD. LBRuT has relatively up-to-date Local Plans in place - review of the Core Strategy is not expected to commence before 2015/2016. The 'Soundness' of a DPD could be challenged by developers and objectors during preparation of the Plan and at Examination. If adopted the DPD/ DPD policy could be subject to legal challenge. Does not change the position that planning applications cannot take into account non-planning issues such as buildings legislation requirements. Requirements for Basement Impact Assessments etc. may blur the boundaries between determination of planning issues and the buildings legislation issues. Does not apply to proposals that can be undertaken under permitted development rights unless sites are affected by listed buildings, conservation area and Article 4 Directions. Will not prevent basement developments. Proposals will continue to be considered on their merits and applicants will work within policy restrictions. In Boroughs with development plan level guidance the majority of applications are still approved. Officer resources in interpreting additional technical information submitted by applicants - may require designated Officers for basement applications or the use of external consultants to review Construction Management Plan/Basement Impact Assessments etc. on the Council's behalf. Costs for external review would need to be passed on to applicants. Adjoining occupiers may submit alternative basement impact assessments to justify objections to planning applications.

	Officers may then have to judge merits of both assessments and it could open up Council to increased risk of appeal and Judicial Review applications.

Supplementary Planning Guidance Response (e.g. Camden, Hammersmith and Fulham, RBKC)	
Advantages	**Disadvantages**
Reduced timescales for preparation, generally only 1 round of consultation required and no need for Examination. Reduced costs and resources needed to prepare SPDs - typically 12-18 months to prepare compared to 3-6 years for DPDs. As SPDs are not subject to Examination, there is a corresponding reduced requirement for an extensive evidence base, Sustainability Appraisal and technical studies to ensure that plans are found Sound in accordance with NPPF guidance. SPDs can be reviewed more quickly and if necessary a DPD policy can be prepared in the future as Boroughs review their Local Plans/DPD level guidance.	SPDs are only a material consideration in determining applications and appeals. SPDs can only build upon the policies in the Local Plan, and cannot be used to introduce new policies or revise existing policies; nor should they add unnecessarily to the financial burdens on development. Does not change the position that planning applications cannot take into account non-planning issues such as buildings legislation requirements. If SPDs require the submission of additional information, then increased Officer time and resources in interpreting technical information submitted by applicants will be required – this may require designated Officers for basement applications or the use of external consultants to review Construction Management Plan/Basement Impact Assessments etc. on the Council's behalf. Costs for external review would need to be passed on to applicants.

Other - Updating Local List (e.g. Brent)	
Advantages	**Disadvantages**
Shortest timescale for preparation and limited consultation, costs and resources required. Proportionate response to the level of applications received - reiterates best practice and ensures that Construction Management Plan, Structural Surveys, Flood Risk Assessments etc. are submitted and consulted upon as part of planning applications. Can be used in tandem with DPD or SPD guidance. Could be used as interim arrangement until DPD or SPD is prepared and adopted i.e. applicants will be encouraged to submit Construction Management Plans etc. as part of applications until policy guidance is in place.	The Government recently introduced changes aimed at streamlining procedures for validating and processing planning applications. These changes mean applicants have the ability to challenge any information requests by local authorities if they think it is unreasonable. Design and Access Statements are no longer required for householder proposals. The local list of validation requirements has no development plan status or as a material consideration in determining planning applications or appeal. Does not provide any plan guidance on the design and restrictions on the form and scale of basement developments. Officer time and resources will be required for interpreting and reviewing technical information submitted by applicants – this may require designated Officers for basement applications or the use of external consultants to review Construction Management Plans etc. on the Council's behalf. Costs for external review would need to be passed on to applicants. Does not change the position that planning applications cannot take into account non-planning issues such as buildings legislation requirements.

3.3 Planning Appeal Precedents

3.3.1 It is recognised that several of the approaches taken by London Boroughs are newly implemented and/ or not yet fully adopted. A Compass planning appeal search was undertaken to see how the Inspectorate has viewed relevant basement applications and the weight attached to existing, or lack of, planning policy guidance. The results of the Compass appeal search based on 'basement' and 'basement developments in London' key words are shown at **Appendix C** – selected appeals have been reviewed for key approaches and any precedents.

3.3.2 The principal planning issues considered by Inspectors at appeal relate to all of the issues outlined at paragraph 2.2.3 of this Report. Inspectors have accepted that the construction impacts of basements can be managed through Construction Method Plans/ Statements either by condition or S106 and Unilateral Agreements; the weight afforded to specific planning policies; and the approach to basements and listed buildings.

3.3.3 Our review of appeal decisions relating to listed buildings demonstrates that basement excavations under listed buildings have been assessed on a case-by-case basis, having regard to the impact on the significance of the heritage asset. The main elements of listed buildings which contribute to their significance, and which may be affected by basement excavations include: original or other important architectural features and fabric, structural integrity, plan form and hierarchy of spaces.

3.3.4 Appeals have been dismissed where Inspectors consider that the proposals will have an adverse impact on the historic form and layout of listed buildings.

4 Technical Issues

4.1 Introduction

4.1.1 The main impacts of basement construction are:

- Ground and groundwater;
- Flood risk; and
- Structural engineering - building stability during and after construction.

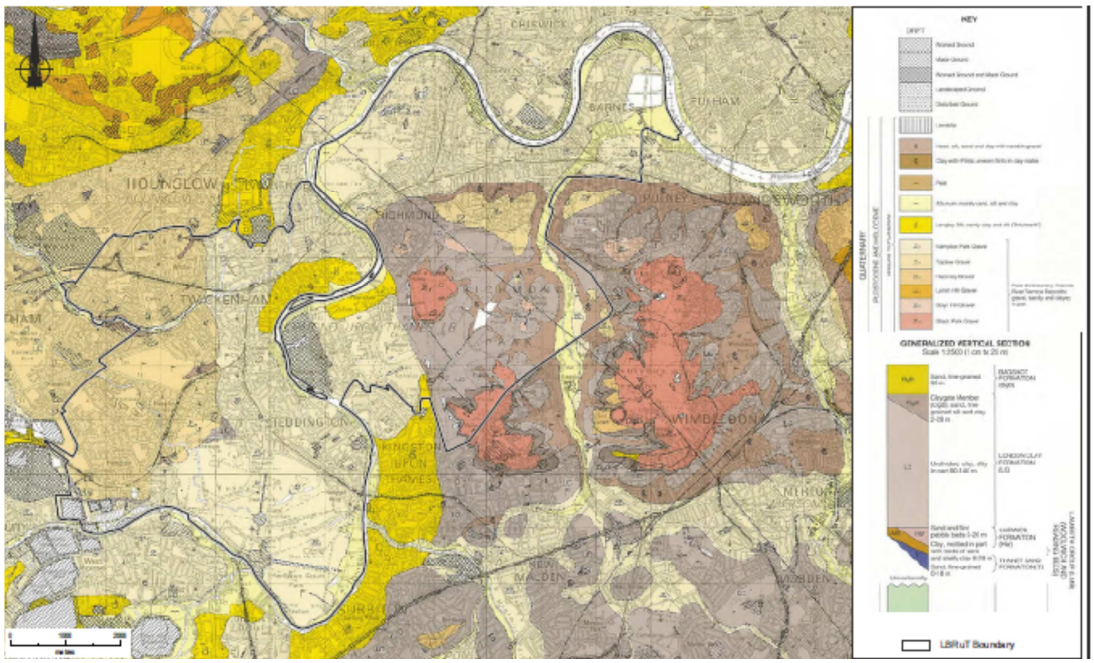
4.2 Ground and Groundwater

4.2.1 The design and construction of basement developments or basement extensions in a dense urban environment is challenging but is likely to be feasible for most locations provided that suitable structural and technical assessments are undertaken, the basement is designed and constructed in accordance with current industry guidance, and the works are carried out by experienced and qualified engineers and contractors.

Published Geology

4.2.2 The Borough is situated within the London Basin which is dominated by thick strata of the London Clay Formation underlying the basin. Above the London Clay, most of the lower land in the Borough is covered by River Terrace Deposits. A summary of the ground conditions in the Borough can be found in **Appendix C**.

Figure 4.1 LBRuT published geology



Hydrogeology

4.2.3 The London Basin comprises two main water bearing strata (aquifers): the Upper and Lower Aquifer. The London Clay Formation acts as a very low permeability barrier between the

groundwater in the Upper Aquifer and the Lower Aquifer. As such, the Lower Aquifer is not considered further in relation to basement construction in the Borough. The London Clay Formation has typically low mass permeability, and overall groundwater flow rates in the London Clay Formation are expected to be very low.

4.2.4 The permeability of the River Terrace Deposits is high. The River Terrace Deposits and the Alluvium are usually in hydraulic continuity with the River Thames, modified locally to some extent by man-made structures such as river walls etc. The water level in the River Thames whether tidal or maintained by Teddington Weir is the overriding control on the groundwater level in the Alluvium and the River Terrace Deposits. The groundwater flows from the higher ground towards the River Thames and its tributaries with limited local variations associated with factors such as surface water infiltration from areas of hard standing and leaking drains. The groundwater levels downstream of Teddington Weir may fluctuate as a result of the tidal influence of the river.

Basement Developments and Major Impacts

4.2.5 Basement developments can affect the environment and nearby structures in a number of ways. A summary of the environmental impacts relating to ground and groundwater conditions are identified below and a more detailed Technical Note addressing ground and groundwater impacts with Figures is set out at **Appendix C.**

Groundwater Impacts

4.2.6 Basements that are constructed just above or below the groundwater table can act as barriers in the ground diverting groundwater flow around them with the risk of causing a build-up of groundwater on the upstream site and depletion downstream. Spring flows can be affected and the disruption to groundwater flow can cause new springs to emerge (groundwater flooding), waterlogging in gardens, and water quality changes in spring fed streams and ponds. Provided that basements are designed and constructed in accordance with industry guidance, groundwater ingress into a completed basement is not likely to be an issue.

4.2.7 A basement constructed below the groundwater table may locally obstruct the natural groundwater flow resulting in a local rise in groundwater level on the up gradient side of the basement and a fall in groundwater level on the down gradient side. However, for a small isolated basement this impact is likely to be very localised because it is a relatively small volume of structure in a large expanse of aquifer with a relatively high permeability. Therefore, the groundwater will still be able to flow around and potentially below the basement. As such, in general, the impacts of isolated small single storey basements are unlikely to have a significant effect on the groundwater regime in the Borough.

4.2.8 The cumulative effect of incremental development of a number of basements in close proximity can potentially have a significant impact on the groundwater regime in the/at locality. This is more likely when the basements are large, and if the cumulative impacts are not identified in the design stage.

Land Stability

4.2.9 Changes to the groundwater regime, excavation into weak sidelong ground, and removal of vegetation as part of basement construction can all affect the inherent stability of the ground and that can increase the risk of large scale ground instability such as landslide.

4.2.10 As a rule of thumb, slopes at steeper angles than 8 degrees to the horizontal and comprising soils of the London Clay and the Claygate Member are potentially unstable. Most of the land in the Borough has ground slopes at much shallower than 8 degrees. However, locally steeper slopes are present along the western edge of Richmond Park. The majority of this land is not used for residential development with the exception of the western part of Richmond Hill.

There are historical records of landslides in the Terrace and Buccleuch Gardens areas situated on the western slopes of Richmond Hill.

Temporary Works

4.2.11 During temporary works, abstraction (dewatering) of water by pumping in excavations below the groundwater table is necessary to maintain a dry working environment. Dewatering may have an impact on the groundwater regime in the vicinity of the basement. Even temporary groundwater lowering may induce settlement under and in the near vicinity of the excavation. Excavations will always cause some movement in the surrounding ground potentially impacting the overall stability of slopes in the vicinity of the basement and adjacent structures and infrastructure. All of these aspects are required to be addressed by the designer of the scheme and the contractor that carry out the works

Topography, Drainage and Urban Development

4.2.12 The River Thames meanders through the Borough with the western and eastern parts of the Borough situated to the north and south of the river, respectively. River Crane and Beverley Brook are its main tributaries in the western and eastern parts of the Borough, respectively. The majority of the Borough is situated on the historical flood Plain of the River Thames with the exception of an area of higher topography in the south-east of the Borough including Richmond Hill and Richmond Park, East Sheen and parts of Richmond Town Centre.

4.2.13 Ground levels in the western part of the Borough generally fall gently from west to east towards the River Thames. Levels are about 20 m OD in the west falling to about below 5 m OD along the River Thames. In some eastern parts of the Borough the ground levels are below 10 m OD falling gently towards the River Thames and its tributaries. The ground levels at Richmond Park are about up to 56 m OD falling gently to the north towards the River Thames, and to the east towards the Beverley Brook. Ground levels along the western side of Richmond Hill and parts of Richmond Park fall relatively steeply to the west.

4.2.14 It should be noted that the Technical Note only addresses the stability hazard in the area around the property and the risk of large scale site wide ground instability such as landslide as a result of a proposed basement. Movements of the closely surrounding soil and nearby structures as a result of the excavation and the basement construction are reviewed later in this Section.

4.2.15 The potential hazards and impacts described above are by no means unique to LBRuT, and can occur elsewhere in the Greater London Area. Therefore the Technical Note has includes consideration on how other London Boroughs have addressed these matters for consideration during the determination of planning applications for basement developments.

Suggested Approach to Geo Issues

4.2.16 In terms of groundwater impacts, any subterranean structure that is situated just above or within the groundwater table may be prone to groundwater flooding. However, provided that basements are designed and constructed in accordance with industry guidance, groundwater ingress into a completed basement is not likely to be an issue.

4.2.17 The ground and groundwater conditions in the borough, combined with the relatively limited (but increasing) demand for basement development at a high intensity, suggests that a low level policy and development management approach may be more appropriate for this Borough compared to a DPD level guidance prepared by other central London boroughs.

4.3 Flooding and Drainage

Flood Risk to Basements

4.3.1 A detailed Technical Note on flooding and drainage is set out at **Appendix D**. It advises that's it is important that the design and construction of basement developments investigates all sources of flooding (tidal, fluvial, groundwater, sewer, surface water flooding etc.). These sources can give rise to a flood risk at the site and for some types of flooding the basement can also give rise to an increase in flood risk elsewhere.

4.3.2 The potential flooding impacts of basement and subterranean developments include direct groundwater flooding of the basement by ingress through the base or walls or water inundation through overtopping of property thresholds.

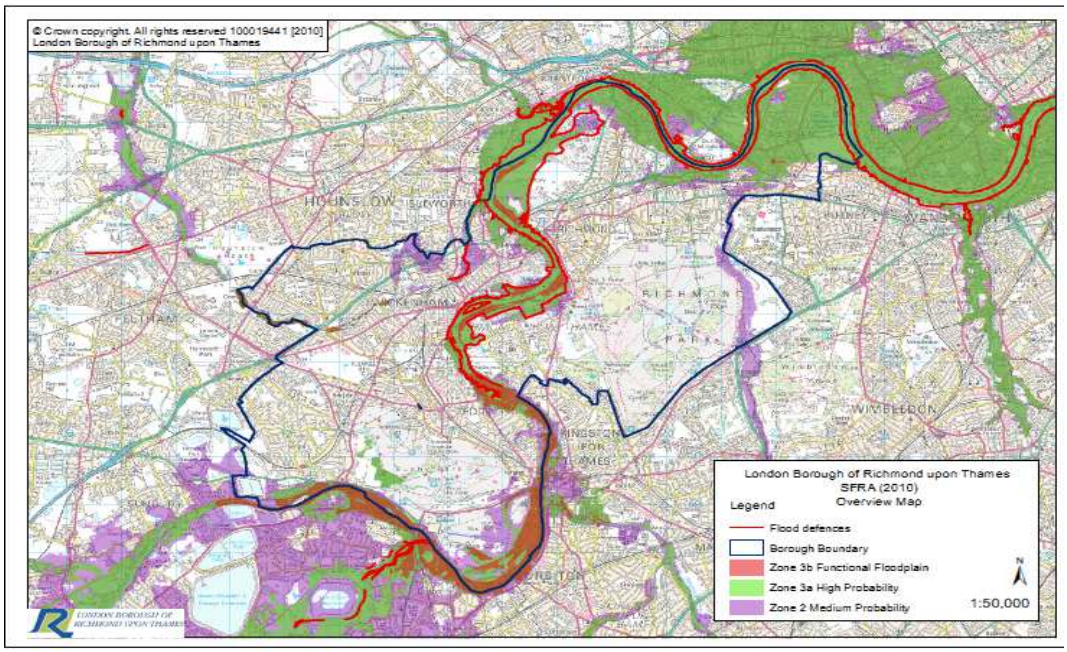
4.3.3 The Technical Note at Appendix D details the management of direct groundwater flooding. Typically, this is prevented by appropriate structural design and detailing to 'waterproof' (tank) the basement.

LBRuT Flood Risk Evidence Base

4.3.4 The Council's existing evidence base for addressing the specific sources of flood risk and how they are assessed within LBRuT are set out below (links to information sources are set out in Appendix D):

4.3.5 **Strategic Flood Risk Assessment** - LBRuT have prepared a Strategic Flood Risk Assessment (SFRA) to appraise the risk of flooding in the area. The aim is to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. The SFRA is used to inform land allocations, to facilitate the application of the Sequential Test and in particular, advise Development Management, Emergency Planners and developers on flood risk matters. It includes detailed mapping for key areas within the Borough and shows the extent of the area protected by flood defences. Figure 4.2 shows the Overview Map of the LBRuT SFRA.

Figure 4.2 London Borough of Richmond upon Thames SFRA Overview Map



4.3.6 **Surface Water Management Plan (SWMP)** - Has been produced for the London Borough of Richmond upon Thames, along with the Preliminary Flood Risk Assessment, as part of the 'Drain London' project. This assesses the surface water flood risk across the borough using both historical information and undertaking pluvial modelling to determine the future flood risk for a range of rainfall events. These identify the areas of significant surface water and groundwater risk and options to address the risk of flooding.

4.3.7 **Preliminary Flood Risk Assessment (PFRA)** - Is a high level summary of the significant flood risk for the LBRuT and is a coarse assessment for identifying potential local sources of flood risk. It is based on readily available information and describes the probability and consequence of past and future flooding.

4.3.8 **Other Sources of Information** - There are a large number of information sources available to identify flood risk for any area in the country, such as the Environment Agency's Flood Map for Planning (Rivers and Sea), Risk of Flooding from Rivers and Sea, Risk of Flooding from Reservoirs, Risk of Flooding from Surface Water, Flood Warning Areas, and Groundwater.

4.3.9 Further information is available to applicants from the British Geological Survey (BGS) on surface and deep geology, possible water wells and groundwater flooding risk and from GIS mapping. Thames Water provides details on historic public sewer and water main flooding

Suggested approach for Managing Hydrology and Flood Risk Impacts of Basements

4.3.10 The main potential risks of flooding in the LBRuT are fluvial, tidal, groundwater and surface water. The NPPF approach of precluding basement developments in certain flood zones is already reflected in Policy DM SD 6; however self-contained residential basements and bedrooms in Flood Zone 2 are also not permitted, i.e. a slightly more 'robust' approach is provided.

4.3.11 In accordance with the NPPF, it should be made clear that a Flood Risk Assessment (FRA) should accompany planning applications for basement developments within Flood Zones 2 and 3, and areas within Flood Zone 1 where there are 'critical drainage problems' (as identified by the Environment Agency. As FRAs address all forms of flooding, we recommend that groundwater impact is also assessed through a FRA.

4.3.12 Additional policy guidance, either as part of the DPD policy or SPD, addressing the potential flood impacts of basements is recommended to ensure that FRA's are submitted and are robust. This could also be addressed as part of FAQs or guidance made available to applicants and residents on a specific basements webpage on the Council website or as a published booklet.

4.4 Structural Engineering Considerations

4.4.1 The design and construction of basement extensions depends on a number of factors. The most significant of these are:

- The location of the basement: under the existing house or under the garden outside the footprint of the main house or a combination of the two conditions;
- Basement depth;
- Local ground conditions;
- Local ground water conditions;
- The sensitivity of the existing building and of its neighbours to movement; and
- Flooding.

4.4.2 Basement extensions are typically constructed as loadbearing masonry structures either for individual houses, semi-detached or terraced. When a basement is to be constructed all

adjoining structures should be considered. For single basements, underpinning is the most common form of engineering construction to extend the foundations of the existing building down to below the level of a proposed new basement floor.

4.4.3 Underpinning involves the temporary removal of support to the construction above in sequential stages and relies on the construction above each section of underpinning being able to span or bridge over each excavated section, whilst the underpins are constructed. Traditional underpinning is usually designed to support vertical loads. Lateral earth pressures however must also be considered. These can be very significant when one side of an underpinned wall is excavated to form the basement volume. Commonly this is achieved through reinforced underpins which act as vertical cantilevers or span vertically between the ground floor and basement slabs. If the wall to be underpinned is a Party Wall, these reinforced underpins are denoted as special foundations under the Party Wall Etc. Act 1996.

4.4.4 Alternatively contiguous/secant piled walls can be used to support the sides which allow excavation for a basement. This involves the installation of piles at close centres to create a wall with a small gap between each pile which can easily be bridged by the ground. The construction of such walls to form a basement under a house requires a low headroom piling rig to work within the footprint of an existing building. This solution reduces the basement area available and so is generally suitable for larger residential properties. It is likely that there may still be a requirement for shallow underpinning of the perimeter walls along the line of the piled walls to facilitate the construction of a capping beam that has to be constructed on top of the piled wall. Once the piles are constructed, the basement is formed by excavating within the perimeter of the piled wall.

4.4.5 For multi-level basements the use of reinforced underpinning is sometimes proposed and as such is subject to extensive temporary works and a high degree of skill, care and co-ordination between the underpinning, excavation, installation of temporary works and the permanent works. While this method of construction is technically feasible, it is more likely to result in significant ground movements than other methods such as using a piled wall where potential ground movements are more quantifiable. For this reason deep underpinning is only really appropriate where the excavation is well away from any buildings i.e. in garden areas which are remote from building structures or site boundaries and where there is no groundwater, or if groundwater is present, where it can be controlled without causing settlement of the ground. It is our view that constructing basements using underpinning should typically be restricted to single level basements.

4.4.6 Where groundwater is present, secant piled walls are normally used. These are similar to contiguous walls but these are a line of intersecting piles that provide a barrier to groundwater. Underpinning and contiguous or secant piled walls are examples of elements of construction which have to perform both permanent and temporary works functions. Often the permanent works can only partly perform the temporary works function and have to be supplemented by temporary propping or strutting.

Building types

4.4.7 When a new basement is proposed all previous works and construction properties of all areas of the building to be affected should be assessed at the pre-design and planning stage. Previous structural alterations need to be assessed and understood as these can directly impact how the basement is constructed.

4.4.8 Older properties are generally constructed using solid masonry walls built with lime mortar which is relatively weak. This form of construction is however able to accommodate minor movements without causing structural cracking. More modern buildings have cavity walls set in cement mortar. The walls are more brittle and any significant movements are likely to cause the mortar or masonry to crack. Such building structures are therefore much more susceptible to ground movement.

4.4.9 If the building is a listed building or in a conservation area the construction of a basement could lead to the loss of some historic fabric and the significance of this fabric will need to be assessed in consultation with conservation officers. The buildings may have or delicate finishes which may be difficult to repair if they are damaged due to significant ground movement. The nature of the structure of the building will be a factor in selecting which construction techniques are most appropriate. The possibility of archaeological deposits should also be considered both during the planning application stage and on-site during construction.

4.4.10 The size and accessibility of the site should also be carefully considered before construction. A basement at a single detached building on a large plot with access to a main road has fewer constraints than a terraced house or mews building on a narrow street - which are likely to have a greater impact on adjoining and neighbouring properties.

Specific LBRUT structural considerations

4.4.11 The majority of the residential areas within LBRuT are situated on relatively low lying land where River Terrace gravels are present near surface, underlain by the London Clay Formation, below. Underpinning through London Clay is relatively straightforward, as there is usually no groundwater present. In general, excavations in London Clay remain stable in the short term, but shoring will be required in all excavations to provide safe access. Underpinning through the River Terrace gravels above the perched water table is also relatively straightforward however; the excavated faces are likely to require temporary propping.

4.4.12 Where there is a perched water table in the gravels, the underpinning should stop above the water level. If excavation has to continue below this level, then measures must be taken to control the ground water e.g. using local dewatering techniques. Alternatively contiguous/secant piled walls can be used to allow excavation for basements in areas with more complex ground conditions e.g. loose gravels, high groundwater.

4.4.13 Piled walls with propping can also be designed to limit movement of the surrounding ground which may be required in areas where buildings which are sensitive to movement are in close proximity or have historical significance.

4.4.14 Some buildings with shallow foundations in London Clay or fill material have and continue to experience ground movements, generally as a result of seasonal or climate-related changes in moisture content of the clay in the immediate vicinity of their foundations. The effects of trees on the moisture content of the clay can also be a cause of this movement. Consideration should be given to forming basements in these areas using piled walls, as described above, and avoiding underpinning to existing foundations which reduces the risk of differential movement of adjoining properties in terraced or semi-detached properties.

4.4.15 In terms of regulating these structural aspects of basement construction - the Party Wall Act and Building Regulations are the most applicable, which are not within planning control. However, where the proposed basement has particular impact on a heritage asset an appropriate appraisal – which may take the form of a Heritage Statement on a Basement Impact Assessment should be required as part of the application. Such, an assessment should be self-certifying and should rely on the professional integrity of the Chartered Civil Engineer or Structural Engineer appointed by the applicant/ developer.

5 Policy Options

5.1.1 As set out in Section 3 of the Report, the regulation and management of basement developments goes well beyond the planning process and involves other legislative processes.

5.1.2 The policy approach by LBRuT needs to be *proportionate* to the role that planning has within the wider regulation of basement developments; the scale of basement development in the Borough (as part of the wide range of planning applications and issues determined by the Council's Development Control team); and the relevant planning considerations concerning potential impacts of basement developments.

5.1.3 We outline the planning policy and development management options available to LBRuT with an assessment of their advantages, disadvantages and risks in Fig. 5.1 below.

Fig 5.1 Options for LBRuT

Policy Option 1: **Rely on existing plan policies for residential design and extension; flooding; listed buildings and conservation areas - to manage planning applications for basement developments.**	
Advantages	Maintains the status quo in terms of the planning policy and would rely on existing development plan policies. Other Regulations such as the Party Wall Act would continue to apply and developers will still need to make applications to Building Control before proposed works can commence. Accepts the position that planning applications cannot take into account non-planning issues such as building control requirements. This approach would be aligned with decisions made by Inspectors at appeal. Cost effective - would not require new planning guidance to be prepared by the Council. Council would not need to consider or interpret additional technical information submitted by applicants in assessing the planning issues. No need for external review and therefore no increase in costs to applicants. Could be undertaken in tandem with Option 5 to manage neighbour concerns. Principally this would include providing concise and accessible information and guidance to applicants and local neighbours on basement developments through a specific webpage on the Council's website and/or a Good Practice Guide booklet.
Disadvantages	There is currently no specific policy in the development plan or a SPD for appraising basement applications. Reliance on generic policies to consider impacts on neighbours, flooding, design etc and the implementation of conditions to control construction impacts require Construction Method Statements and Existing plan policies may not fully address cumulative technical and construction impacts of multiple basement developments within the same street. Does not manage neighbour/ resident expectations and concerns well.
Risks	Decisions may be overturned at appeal. The Party Wall process is outside of the Council's control and is always a private matter. Further amendments to the GPDO could be introduced by the Government that extend permitted development rights for residential extensions and basements. The actual construction of basements by developers will remain outside of the Council's control but conditions can be implemented to planning permission for managing construction impacts, hours of construction and when completed, the development would be subject to Building Control. Does not change the fact that several basement planning applications can still be

	submitted within the same street or localised area with construction of multiple basements occurring concurrently.

Policy Option 2: **Undertake Single Issue/Early Review of the Core Strategy or Development Management DPD Preparation of a specific basements policy within a DPD level policy guidance.**	
Advantages	Highest level policy response; compliance with a development plan policy would need to be demonstrated by applicants and could be used as part of the policy basis for refusing permission and/or by Inspectors in dismissing planning appeals Development plan policy could be drafted that restricts the scale and type of basements similar to guidance proposed by RBKC and City of Westminster which seek to restrict basements to a single storey or set limits on the extent of a basement within a garden. In requiring specific supporting documents within a DPD policy this may enable early consultation and scrutiny of the proposals by adjoining neighbours and early engagement of applicants in the buildings legislation process i.e. Party Wall Act. May result in less objections and complaints by residents and/or Judicial Review applications as information requirements are such that managing the potential construction impacts of the basements process is more upfront as part of the planning application and not left to the discharge of conditions stage.
Disadvantages	Preparation of a Single Issue/ Early Review of the Core Strategy or DPD level policy would require at least two stages of public consultation and would then be subject to Examination by an independent Inspector to determine whether the Plan is 'Sound' and complies with the NPPF. The experience of RBKC, LB Camden and City of Westminster is that an extensive evidence base (including technical studies), consultation and resources have been needed to prepare and justify their basement policies leading up to the Examination stage. Significant costs and resources needed to prepare the DPD policy up to Examination, as well as long timescales between initial preparation and adoption of the DPD. Typically taken other London Boroughs between 3 and 6 years to prepare a DPD with at least one full-time policy officer drafting and managing the DPD process in addition to Officer input from other service lines within the Council. The average costs for the Examination process alone (as identified in the Localism Bill's Reform impact assessment) was £175,230 in 2011 and with a Single Issue Review, these costs cannot be split across a range of strategic policies. Some form of interim guidance may also be needed to address the 'policy gap' pending adoption of the DPD (e.g. similar to Westminster). This again adds to the total costs and Officers resources required. The size/ extent of basement development is not the major issue in the borough. Difficult to justify policies that seek to restrict size of basements i.e. 50% of garden. Officer resources in interpreting additional technical information submitted by applicants - may require designated Officers for basement applications or the use of external consultants to review Construction Management Plan/Basement Impact Assessments etc. on the Council's behalf. Increased costs for external review would need to be passed on to applicants. Adjoining occupiers may submit alternative basement impact assessments to justify objections to planning applications. Officers may then have to judge merits of both assessments and it could open up Council to increased risk of appeal and Judicial Review applications.
Risks	DPD could be found 'unsound' at Examination and either withdrawn or put on hold pending the preparation of additional supporting evidence, which further delays adoption of the DPD. Draft DPD could be subject to extensive objections from developers and third parties who then appear at the Examination hearings or challenge the adoption of the DPD. Adoption of a DPD policy could be subject to a Judicial Review

	application. Decisions may be overturned at appeal. The Party Wall process is outside of the Council's control and is always a private matter. Further amendments to the GPDO could be introduced by the Government that extend permitted development rights for residential extensions and basements. The actual construction of basements by developers will remain outside of the Council's control but conditions can be implemented to planning permission for managing construction impacts, hours of construction and when completed, the development would be subject to Building Control.

Policy Option 3: Prepare a SPD or update to existing LBRuT SPDs **Preparation of new specific basements SPD or an updated residential SPD, which merges and updates guidance provided under the House Extensions and External Alterations SPG, the Residential Development Standards SPD and the Design Quality SPD with specific basement guidance.**	
Advantages	Brings forward specific planning policies that will form a material consideration in determining planning applications. Significantly reduced timescales for adoption (typically 12-18 months) with substantially less costs and resources needed to prepare the SPD compared to a DPD level guidance. SPDs are not subject to Examination and there is a corresponding reduced requirement for an extensive evidence base to support the SPD. There is merit in updating and merging guidance contained within existing LBRuT SPDs with new basement guidance forming part of the SPD update. SPDs can be reviewed more quickly and if necessary a DPD policy can be prepared in the future as Boroughs review their Local Plans/DPD level guidance. SPD could be used to bring together key planning issues and relevant planning policies within one set of guidance for applicants and be used alongside Good Practice Guides set out in Option 5.
Disadvantages	Specific basement only SPD would not be a proportionate response to the scale of basement applications currently received by LBRuT. SPDs can only build upon policies in the Local Plan and cannot be used to introduce new policies, nor should they add unnecessarily to the financial burdens on development. A SPD would therefore need to be able to link to existing generic LBRuT Core Strategy and Development Management policies. A SPD only forms a material consideration and would be afforded less weight in the determination of planning applications compared to DPD guidance. Officer time and resources will be required for interpreting and reviewing additional technical information submitted by applicants – this may require designated Officers for basement applications or the use of external consultants to review Construction Management Plans etc. on the Council's behalf. Increased costs for external review would need to be passed on to applicants.
Risks	Decisions may be overturned at appeal. The Party Wall process is outside of the Council's control and is always a private matter. Further amendments to the GPDO could be introduced by the Government that extend permitted development rights for residential extensions and basements. The actual construction of basements by developers will remain outside of the Council's control but conditions can be implemented to planning permission for managing construction impacts, hours of construction and when completed, the development would be subject to Building Control. Does not change the fact that several basement planning applications can still be

	submitted within the same street or localised area with construction of multiple basements occurring concurrently.

Policy Option 4: Review Local List of Validation Requirements	
Advantages	Shortest timescale for preparation and limited consultation, costs and resources required. Proportionate response to the level of applications received - reiterates best practice and ensures that Construction Management Plan, Structural Surveys, Flood Risk Assessments etc. are submitted and consulted upon as part of planning applications. Can be used in tandem with DPD or SPD guidance. Could be used as an interim arrangement until DPD or SPD is prepared and adopted i.e. applicants will be encouraged to submit Construction Management Plans etc. as part of applications until policy guidance is in place. Encourages early consultation and scrutiny of the proposals by adjoining neighbours and early engagement of applicants in the buildings legislation process i.e. Party Wall Act. Applications will not be validated without required local list documents. The onus will be on applicants to engage with the LPA at the pre-application stage to ensure all relevant documents are submitted and to avoid any unnecessary delays to validation. In practice however, we note that there is some Officer discretion over whether all the local list documents are required for all applications and proposals should be assessed on their own merits.
Disadvantages	Local List has no status either as development plan guidance or as a material consideration in determining planning applications and it cannot provide guidance on the form and scale of basement proposals. Government recently introduced changes aimed at streamlining procedures for validating and processing planning applications. Applicants can challenge any information requests by local authorities if they think it is unreasonable. Officer time and resources will be required for interpreting and reviewing additional technical information submitted by applicants – this may require designated Officers for basement applications or the use of external consultants to review Construction Management Plans etc. on the Council's behalf. Increased costs for external review would need to be passed on to applicants. Does not change the position that planning applications cannot take into account non-planning issues such as buildings legislation requirements.
Risks	The Party Wall process is outside of the Council's control and is always a private matter. Further amendments to the GPDO could be introduced by the Government that extend permitted development rights for residential extensions and basements. The actual construction of basements by developers will remain outside of the Council's control but conditions can be implemented to planning permission for managing construction impacts, hours of construction and when completed, the development would be subject to Building Control. Does not change the fact that several basement planning applications can still be submitted within the same street or localised area with construction of multiple basements occurring concurrently.

Policy Option 5: Managing Neighbour Concerns - Access to information **Preparation of Good Practice Guide(s), webpage and setting up Council Basement Working Group.**	
Advantages	Proportionate response to the level of applications received in LBRuT. Similar guidance's are provided by other London Boroughs. Good Practice Guides and webpage will improves access to information and provides a "joined up" for developers and local residents on the role and limits of planning within the wider development process. It will help inform applicants and neighbours on the issues that can only be considered as part of planning applications. Good Practice Guides will help make clear the requirements for planning permission and other legislation such as the Party Wall Act. It will also include FAQs, a list of Council contacts, and links to relevant planning policies and Council studies on flooding, ground and groundwater issues. Short timescale for preparation and can be continually updated. Limited Council resources and costs required to prepare webpage and Good Practice Guides. A Basements Working Group will encourage a joined up approach between different service lines of the Council and feedback could inform a SPD.
Disadvantages	Good Practice Guide and webpage has no status either as development plan guidance or as a material consideration in determining planning applications and it cannot provide guidance on the form and scale of basement proposals. Applicants will not be required to demonstrate compliance.
Risks	The Party Wall process is outside of the Council's control and is always a private matter. Further amendments to the GPDO could be introduced by the Government that extend permitted development rights for residential extensions and basements. The actual construction of basements by developers will remain outside of the Council's control but conditions can be implemented to planning permission for managing construction impacts, hours of construction and when completed, the development would be subject to Building Control. Does not change the fact that several basement planning applications can still be submitted within the same street or localised area with construction of multiple basements occurring concurrently.

6 Recommendations

6.1.1 We recommend that policy Option 5 (Preparation of Good Practice Guide(s), webpage and setting up Council Basement Working Group) is taken forward in the short term to better manage neighbour and local residents concerns. Our preferred policy approach in the medium to long term is options 3 and 4.

Managing Expectations

6.1.2 The Council's priority, particularly in the short term should be to provide, a more accessible means of informing those affected by the regulatory process as a whole; and of managing public expectations of what each part can deliver including the role and limits of planning within the wider development process.

6.1.3 We consider that this should be addressed through a composite set of informative documents/FAQs on the Council website and the preparation of a Good Practice Guide booklet for developers and a Good Practice Guide for local residents which should address (amongst other issues):

- The cross-service response of the Council involved with basement developments and managing construction impacts; and the role of planning and other legislation. A key diagram similar to that shown in Fig 2.2 should be published on the Council's website and within the Good Better Practice Guides to more clearly illustrate the role of the applicant/developer, different service lines within the Council and other buildings legislation.
- Requirements for planning permission and other permissions such as Party Wall; Building Regulations; and the need for skip licenses, hoarding licenses, and highways approvals for temporary stopping up or loss of on-street parking etc.
- FAQs and list of Council contacts within different service lines;
- Links to planning policies and emerging guidance; and
- Links to the Council's evidence base on flood, ground and groundwater issues to be provided as a resource for applicants and residents.

Managing the Basement Regulation Process

6.1.4 In addition to a basements webpage and Good Practice Guides, we recommend that a basement working group within LBRuT with one representative from relevant service lines (i.e. Planning, Building Control, Environmental Health, Highways etc.) is set up for a limited period to encourage a joined up approach and to report back on issues dealt with.

6.1.5 The working group could meet quarterly and feedback into any updates to the Council website, the Good Practice Guide and the preparation of the local list update and SPD.

Planning Policy

6.1.6 In terms of the policy approach we do not consider policy Option 2 - a Single Issue Review of the Core Strategy or Development Management DPD would be a proportionate response to the scale of basement applications currently received by LBRuT or that the specific impacts of basements warrant a DPD level policy in the short to medium term. In the longer term however there is an opportunity, as part of a phased policy approach, to incorporate a basement policy in the Core Strategy Review however, this is not expected to commence before 2015/2016 and should follow adoption of Policy Options 3, 4 and 5.

6.1.7 Option 3 - preparing a SPD Update is our preferred policy approach and we consider that it should be taken forward in the medium term with Options 4 and 5 to provide an interim arrangement until the SPD Update is adopted.

6.1.8 The SPD Update should update and merge existing residential and residential design guidance in various existing SPDs to reflect newly adopted development plan policies and publication of the NPPF. It should also include a new basement policy which ties together the key planning issues of basements with generic policies within the LBRuT development plan, in particular design, amenity and flood policies, into one overarching policy. For example it should seek to address (amongst other issues):

- That the scale, design and external materials are kept in line with the character of the building; adjoining properties and the surrounding area.
- Any features such as guard-rails, drainage, anti-flood measures, and lightwells should not add clutter to the front garden resulting in adverse visual impact on the appearance of the property and the street scene. Where creation or enlargement of basement window is required, traditional window proportions should be maintained.
- Any development should protect heritage assets including significant archaeological deposits and, in the case of listed buildings, not unbalance the buildings' original hierarchy of spaces, where this contributes to significance of that building.
- That there is no adverse impact on the amenity of adjoining properties. Basement light-wells should be well set back from the rear edge of the pavement and should not be recessed into the ground floor elevation to protect occupier and neighbour amenities. Habitable basement room should receive adequate daylight.
- The proposals should not lead to the loss of trees and provide satisfactory landscaping, including adequate soil depth to ensure sustainable growth.
- It does not increase flood risk from any source. Flood Risk Assessment (FRA) are required as part of planning applications for basement developments within Flood Zones 2 and 3, and areas within Flood Zone 1 where there are 'critical drainage problems' (as identified by the Environment Agency). FRAs should address all forms of flooding including groundwater impact.
- Applicants are encouraged to prepare and submit Construction Management Plans as part of planning applications to manage construction impacts.

Applications - Supporting Information

6.1.9 In terms of Option 4 - updating the local list, we consider that this would provide a proportionate response to the level of planning applications currently received by LBRuT. As well as reiterating best practice, it would require early consideration of basement impacts and early engagement with neighbours as part of the planning application process.

6.1.10 The scope and requirements of the new Local List will need to be further considered by LBRuT but we recommend that it includes:

Required with all basement applications:

- Construction Management Plans.

Required with some basement applications such as terraced properties, listed buildings and/or basements over 100 sq m[1]:

- Structural Statement prepared and signed off by a Chartered Civil Engineer or Structural Engineer.

- Design and Access Statement (including information on visual impact, access landscaping and sustainable design).

- Flood Risk Assessment (FRA) within Flood Zones 2 and 3, and areas within Flood Zone 1 where there are 'critical drainage problems' (as identified by the Environment Agency). FRAs should address all forms of flooding including groundwater impact.

- Site Waste Management Plan.

Review of Resource Implications

6.1.11 Our preferred approach is considered to provide a balance between applicants having to provide extensive technical information as part of planning applications, Officer resources needed to review additional supporting documents, whilst also ensuring that potential basement impacts are identified and that proposals demonstrate compliance with relevant national and development plan guidance.

6.1.12 The experience of other London Boroughs which have detailed development plan policies and local list requirements for extensive technical details such as Basement Impact Assessments (i.e. LB Camden) is that it has often required external consultants to review submitted details as resources are not available in-house within the Council, and with the increased costs of these consultants borne by the Council or applicant.

6.1.13 Concurrently as supporting documents are put within the public domain as part of the planning application process it has encouraged objectors and neighbours to submit their own assessments of the potential impacts and Planning Officers have had to consider both submissions even though they do not strictly relate to planning issues within the control of the Local Planning Authority (LB Camden, RBKC and Westminster). As a result, the line between what can reasonably be considered by Planning Officers and issues that fall within other legislative and regulative regimes is blurred, and potentially increases the risks of appeal by applicants and third parties and/or Judicial Review applications.

6.1.14 Options 3 and 4 could therefore require increased Officer time and resources to interpret and review technical information submitted by applicants as part of planning applications and could require designated officers for basement applications or the use of external consultants to review Construction Management Plans etc. However similar to the approach now adopted by other London Borough (in particular RBKC), to ensure that Officers only address *planning issues* as part of the determination of planning applications - Construction Management Plans and any Structural Details, which specifically relate to buildings legislation issues, we recommend that the Council deals with any additional documents required under Options 3 and 4 via self-certification and to rely on the professional integrity of the Chartered Civil Engineer or Structural Engineer appointed by the applicant, to ensure that the construction of a basement/subterranean development is safe and will not impact on the structural integrity of the existing or neighbouring properties. It should be made clear to applicants and neighbours

[1] As required under the existing Local List for some sites the following may also be required - Arboricultural report and tree surveys; Noise Assessment (where external plant is proposed); Heritage Statement (where applicable property is listed or located within conservation area); Archaeological Desk top assessment

that whilst any technical details relating to buildings legislation matters will be made available as part of the planning application, they will not form part of the assessment on making a decision on the planning application.

6.1.15 Other supporting documents such as Flood Risk Assessments, Arboricultural details, Noise Assessment, Heritage and Archaeological Statements and Site Waste Management Plan etc. will continue to be consulted upon with other service lines within the Council and statutory consultees in the usual way.

Timescales

6.1.16 In terms of timescales, the preparation of a basements webpage, Good Practice Guides for developers and local residents and setting up a basement working group could be undertaken within 6-9 months. A revised Local List could also reasonably be brought forward in 6-9 months, and a SPD could be prepared in tandem or to follow the Local List, webpage and Good Practice Guides within 12-18 months.

Figure 5.2 - PBA Development Management Recommendations for Basement Developments

	Short Term (6-12 months)	Medium Term (12-18 months)	Long Term (18 months & beyond)
Development Management & LBRuT Cross Service Response	Set up working group within LBRuT with one representative from relevant service lines (i.e Planning, Building Control, Environmental Health etc). The working group could meet once a quarter and feedback could be fed into SPD policy and webpage.		
	Prepare specific basements webpage on LBRuT website with: ▪ Requirements for planning permission ▪ FAQs & Council contacts ▪ Problems during construction - advice to neighbours ▪ Links to planning policies and emerging SPD ▪ Links to Council's evidence base on flood, ground and groundwater issues to provide as a resource for applicants.	Aligned with guidance set out in the basements webpage - prepare a 2 x Good Practice Guides for developers and local residents.	Update basements webpage and Good Practice Guide periodically to reflect changes to the policy context or best practice.
Planning Policy & Development Control Response	Update local list of validation requirements (as interim arrangement until SPD is prepared and adopted)		
	Commission detailed geotechnical study of LBRuT (to inform SPD but also to provide as a resource to applicants)		
	Prepare SPD Update with specific basements policy setting out key planning issues and supporting documents required with planning applications.	Consult on SPD and adopt.	Revised local list to correspond with any DPD policy which may be prepared by the Council in the long term.
			Prepare DPD level guidance as part of new Local Plan (if deemed required following monitoring of SPD & no. of applications being received).