

## **Addendum to Basements Submission Planning Policy, Council's responses to comments received at publication stage (February – March 2014), Partial Review of the Core Strategy**

### **Council's Response to Representation by Mr Rob Withers (ASUC)**

1. I am writing, as the Executive Director of ASUC, on behalf of all of our members involved in the basement construction sector. I consider the majority of the policy to be arbitrary and that the proposed policies will not address the concerns raised in the reasoned justification. There are better policies available to address the concerns raised. I would like to address two of these main concerns: 1. Structural stability. 2. Construction impact. The Council's own technical experts, Alan Baxter Associates, has identified that in both cases a critical factor in managing the risk associated with structural stability and with minimising construction impact is the quality and experience of the contractors instructed to undertake the work. However the Council has not addressed the point raised by its own technical experts.
2. The measures proposed by the Council to address these two concerns include having a chartered engineer state that the works can be completed safely and included a Construction Traffic Management Plan (CTMP) be approved by RBKC Highways Department. Both of these measures are in place now but, we contend, that they have not been effective. Our view is that producing these pieces of paper at the planning stage count for little if a poor quality contractor is then appointed to undertake the works.
3. Ensuring that competent contractors are appointed is probably the critical missing part of the equation. Grosvenor Estates is probably the largest prime residential landowner in London with interests across Belgravia and Mayfair. Grosvenor recognised the importance of only allowing competent and responsible contractors to undertake basement construction work and now only allow members of ASUC to complete structural basement work on the Grosvenor Estate. We consider that allowing only competent, experienced and responsible contractors to complete basement construction work will minimise construction risk and reduce negative construction impact.
4. **Council's Response** - Grosvenor Estate is a private land owner and the Council cannot in the same way endorse a trades association or require via planning condition that contractors working on private properties should be members of a trades association. The Council's policy is based on a range of reasons supported by extensive evidence and the two issues raised by Mr Withers are part of these reasons but are not the only reasons. In fact the restrictions in the proposed policy are not based on issues related to structural stability but it is a requirement at clause (n) that basement development should "*be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway;*". This requirement is based on the evidence in the Alan Baxter and Associates report and the existing policy CL2 9(g ii) also requires the stability of the existing or neighbouring buildings is safeguarded.

5. The increase in cost of completing structural basement works safely, correctly and responsibly may reduce the number of basements built but this is probably preferable to having works executed by irresponsible or incompetent contractors. Without some form of quality requirement for contractors there quickly arises a race to the bottom in terms of price and as a consequence a decrease in quality, safety and neighbourly consideration. ASUC was founded in 1992 by members working in the foundation repair industry. Standards in the foundation repair industry were improved by ASUC members being audited on health and safety, technical competence, financial strength and the completeness of their insurance cover. The increase in standards achieved by ASUC members enabled the association to introduce an insurance-backed latent defects guarantee scheme in 2002. This cover is provided by a major insurance company directly to homeowner and we think demonstrates the confidence that the underwriting insurance companies have in the safety, quality and structural integrity of the work of our members. Membership to ASUC is open to any contractor who meets the entry standards. However currently only about half of the contractors who apply reach the required audit levels across all areas and are able to become members. Members are all audited annually. We have also introduced a basement construction category of membership that has more stringent technical and health and safety requirements than our general foundation repair membership category. In addition ASUC has been working with the Health and Safety Executive. One initiative has been the publication of the ASUC Guidelines on safe and efficient basement construction directly below or near to existing structures. I have attached an electronic copy of these which we are happy for you to use as you see fit or to put on your website. The guidelines are targeted at residential owners as well as at construction industry professionals. Their objective is to enable those involved in designing or procuring basement construction projects, including residential owners, to instruct safe and efficient work. In light of the challenges of basement construction in built up areas we would support any measures to improve the quality and competence of contractors allowed to work in RBKC. This could be requiring either that all contractors undertaking basement construction work are: 1. Approved to a specified level, or 2. Members of audited and approved trade associations. ASUC would also be open to: 1. Organising and / or funding, either partly or completely, resource that could be used to enforce improvements in basement construction across the borough. 2. Working with the Council Planning Department and others, possibly Building Control, Highways, Environmental as well as the Health & Safety Executive on initiatives to address ongoing problems associated with basement construction.

### **Council's Response**

6. The points raised are generally not considered to be related to the planning issues the draft policy is seeking to deal with. However, the Council will review its adopted Supplementary Planning Document (SPD) on Subterranean Development which would be a more suitable document to provide guidance on the issues raised in the Alan Baxter and Associates (March 2013) report.

7. The Council notes the submitted Guidelines on safe and efficient basement construction directly below or near to existing structures. Again the Council cannot endorse a document produced by a trades organisation by putting it on the Council's website. Clearly those interested in constructing basements would be able to access this document along with other useful resources on-line.