Basements: Issues. Comments and Responses

Question 1: Are there any other issues which should be addressed by the Council?		
Name	**Representation**	**Response**
McVittie	No	Noted
Andrew Pitcairn-Hill	No	Noted
Shiach	No	Noted
Tim Stranack	Impact on flooding, and underground water behaviour generally	The Draft Core Strategy requires applicants to demonstrate that a new basement does not increase surface water runoff. The impact of basements on underground water, and ground water on basements, must be considered by the EDCS.
Brompton Association (Ms Whewell)	In the introduction to the paper, the Council states in relation to basements "It creates space but is usually invisible, and does not have an impact upon the character of an area or the sense of enclosure or daylight enjoyed by its neighbours"; This statement seems in part in conflict with the Council's policy towards basements and listed buildings, where the Council does seem to accept a basement can change the character of a listed building. Policy CL1 also notes "The Council will require all development to respect the existing context, character and appearance, taking opportunities available to improve the quality and character of buildings and the area and way it functions, including being inclusive for all". I would ask the Council to take into consideration the fact that certain proposals for basements, in particular multi-story basements, can in fact have a considerable impact upon the character of an area. In the case of Mews houses, these buildings are naturally small. The potential addition of basements that are in fact bigger than the house above ground and which add characteristics such as swimming pools and fully equipped cinemas and allow a 2 or 3 bedroom house to become a 6	The Council is of the view that development beneath a building in a conservation area (or its garden) does not necessarily have a detrimental impact upon the special character of that area. For a proposal to have a detrimental impact it must normally be visible. This has been confirmed at appeal by PINS inspectors. The visual impact of a proposal on a conservation area is assesses on a case by case approach. The situation is different for a listed building, where the test is whether development will protect a buildings special architectural or historic interest. The alteration does not have to be visible from the outside. The leaking of a swimming pool is not a planning matter. The impact of any water caused be leaking will be insignificant compared to the natural seasonal variation of the water table.

	bedroom house (by moving usual living space from the ground floor to the basement) does in fact profoundly change the character of the area by turning compact family houses into mansions. Many mews are also Conservation Ares and I would consider that some of the spirit of Council policy in relation to Listed Buildings should also be applied in the case of conservation areas. A single story basement is unlikely to change the character of a small House such as a Mews house, but some proposed basements have been larger than the house above. I would argue that the Council should develop policy in relation to basements that are excessively large (in relation to the size of the building below which it is sited). This policy should take into consideration the fact that that a very large basement does have the potential to change the character of a house and thus the area, particularly within a conservation area and develop policy to allow for objections to be made on the grounds that the basement is excessively large in relation to the house above. I also consider Council policy should be expanded to cover and consider the drainage issues and risks posed by basement swimming pools which in addition to causing concern in relation to leakage of a large quantity of fluid, also raise pollution concerns (chemicals). In addition, drainage and pollution issues in relation to basement storage of fuels e.g.. to run plant should also be considered.	
Charik	All the issues being address by Ove Arup and in addition the impact of increased population density on parking and congestion.	Structural stability is addressed by the submission of a EDCS. The requirements will be set out in the amended basements SPD. It is rare for a new basement is to create an additional residential unit. Where this is the case, the Council would normally require the permission to be subject to a planning agreement where by

		the occupiers of the new unit are not eligible for an on-street parking permit.
Susan Bicknell	The exact legal limitations of the Party Wall Act should be examined. My adjoining neighbour would appear to have been able to demolish my house without my having any recourse under the existing parameters of the Party Wall Act.	Noted. The Council cannot be involved in the Party Wall process. Generic information on the Party Wall Act will be provided on the Council's website. This is due for an overhaul in 2013.
Patrick Browning	Paragraph 2.4 of the consultation document suggests that basement extensions are needed to provide space for a growing family. That would seem to be a satisfactory and socially acceptable motive. However, many basement extensions will be motivated by developer greed and the desire to make a profit from the development. The extra space created will sometimes be designated for gyms, media rooms, staff quarters, swimming pools or (according to reports in the press) a beach. These may be less desirable. The same paragraph suggests that a basement extension "does not have an impact upon the character of an area"; but that only relates to visual appearance. The character of an area may change quite significantly if excessive development means that properties in the area have a higher price so that only very wealthy people can afford to buy them. Paragraph 2.6 is quite correct in saying that neighbours are concerned about structural stability. However, it is quite inadequate to say that the Party Wall Act is sufficient protection for structural stability. You say that the Planning Acts were never designed to deal with structural stability. However, they probably did not envisage subterranean development on the scale that we are now seeing, and nor did the Party Wall Act. If local authorities do not have the power at present to deal with this problem then they should be pressing for changes in the law. Paragraph 2.7 is naive in suggesting that the Party Wall Act "controls" damage to neighbouring structures. As the Council is already aware in our case (26 Portland Road) excessive subterranean development at 22 Portland Road caused damage to 5 properties, not only the	The motivation for seeking permission for a new residential basement extension is not a planning matter. It is not for the planning system to refuse planning applications to attempt to hold property prices down. An application can only be refused on planning grounds. Whilst the Council recognises that the Party Wall Act is not always effective in the way it deals with basement development, it is the regime by which structural stability is considered and redress is sought. The Council requires applicants to show how they intend to implement a permission without having a detrimental impact on structural stability, but cannot require that the outlined methodology is used. The Council have commissioned the structural engineers, Alan Baxter's Associates, to consider structural stability. If appropriate techniques are used they is no reason why nearly all basement development cannot be carried out successfully. This includes basements within terraces. It is however important that the right techniques are used. Whilst the Planning system does not allow a Council to require any given methodology be used, the production of a EDCS will require an applicant to carefully consider (and be seen to consider) the

	adjoining ones. We therefore did not have a Party Wall Agreement and it has proved to be difficult to get the developer and his insurers to accept responsibility and provide compensation for the damage caused. Suggesting that it is for the individuals to seek recourse through the courts is a very unhelpful suggestion bearing in mind legal costs. In this case the subterranean development increased the size of the property by 75%. This is not the scale of development which was considered when the existing legislation came into being. We need a completely fresh look at providing adequate protection for property owners and council tax payers who can suffer damage when development is excessive. Reconsideration of the planning process should also consider the particular issues that apply to terraced housing. Many Victorian terrace houses within the borough have extremely shallow foundations and it would be useful to have expert opinion on whether a significant variation in foundation depth within a terrace is likely to lead to problems in the future. Paragraph 2.11 refers to the Ove Arup study and its conclusion that subterranean development had the potential to harm structural stability but there was no reason why it would have to do so if designed carefully. It would be interesting to know in what proportion of the cases of subterranean development there has been any damage to neighbouring properties. I hope that in the further study that Ove Arup has been asked to undertake there will be an answer to this question, and also advise on what went wrong in those cases.	appropriate methodology.
Holland Park West Residents' Association (Sally Mizani)	In certain situations basement extensions will set a precedent which will lead to over development, which in turn, leads to anti social and criminal behaviour, a strain on GP services, NHS, schools, dentist, hospitals, police and fire brigade, as well as	The majority of applications for basement extensions include the creation of additional residential floorspace rather than units. Increases in demand for local services are therefore unlikely

	ambulances. In areas, where the new water mains does not serve - water. Phone exchanges, electricity sub stations, gas mains. Sewage flooding and ground water flooding. Basement especially more than one deep, disperse the water table leading to neighbours being flooded, as in certain areas of RBKC. The ground water table is high, due to underground rivers, streams and tributaries and the geology of the land, reclaimed river beds and marsh land.	to be significant. They will be no more than, for example a conventional extension required to accommodate a growing family. It would not be appropriate to resist an extension on these grounds. Furthermore, in 2013 the Council will be charging a Community Infrastructure Levy on any increase of residential floorspace greater than 100 sq m . This levy is intended to account for increase is demand for the 'facilities' of the type identified. The Council has commissioned consultants to examine basement development and its effect on hydrology. Where properly planned, designed and implemented there is no reason why a basement will necessarily cause flooding. The provision of a EDCS at validation stage will address these issues.
Leigh & Glennie Ltd (Christian Leigh)	No	Noted.
Andrew Dobson Architects (Andrew Dobson)	The Council needs to consider each application on its merits rather than strictly follow the formula in policy or guidance. For instance the 85% rule is pointless under a small courtyard but may even be too much under a big garden. Maintain within the remits of Town Planning. Although it is right neighbours remain protected planning may not be the best forum as Construction Method statements are not a town planning issue. Consider that basements have limited visual impact upon the building and area once constructed.	The Council notes the limited impact that a completed basement may have upon the character of a building. However, for this to be the case, the basement (and associated light wells and roof lights) needs to be well designed and sensitively located. The Council takes the view that structural stability is a material planning consideration in so far as the Council must be satisfied that the basement can be constructed without having a detrimental impact on the structural stability of adjoining properties. It is not however, for the planning system to require a particular methodology be used.
Susan Walker Architects (Susan Walker)	it is important to ensure as far as possible that the structural engineer appointed to oversee construction on site is the same person responsible for the approved design	Noted. The EDCS requires a basement development to be overseen by a qualified structural engineer. It is not possible to require that

		this is the same person as that responsible for the approved design. This goes beyond the remit of the planning system.
Golborne Forum (Susie Parsons)	No	Noted.
Chancery St James PLC (Mr Curwen)	As noted in the issues document, the SPD is already dealing with some matters that are more properly dealt with through other legislation. We support the idea of providing clarity as to the appropriate regimes for addressing the various issues such as the Party Wall Act etc. For the SPD to be effective it must not duplicate or impose more onerous requirements that are outside its scope, making it ultra vires.	Noted.
Ladbroke Association (Sophia Lambert)	Traffic and noise The paper states that concerns about construction noise and traffic cannot be dealt with through the planning process as they fall to be dealt with under environmental pollution and highways legislation. While it is true that duplication must be avoided, it must be the intention that the different pieces of legislation should work together, and anything that facilitates this should be regarded as a material planning consideration. In granting planning consent, the Council should ensure that the construction is arranged in such a way that facilitates the application of environmental and pollution legislation to the construction process. The traffic management plan effectively does this as far as highways matters are concerned, and we urge that it should continue to be required at the planning application stage so that neighbours have a chance to comment on it. We accept that a full traffic management plan may be difficult before a contractor has been appointed (although it should be possible to give information on such things as size of lorries or skips, a number of lorries per day/week collecting spoil or skips, times of first morning delivery and last delivery, method and into full is for washing street of March and/or debris from lorry tyres etc). In that case a supplementary plan may need to be approved	It is proposed that the CTMP be submitted at validation stage. This ensures that it will be publically available before the application is determined. This requires applicants to consider construction traffic at the beginning of the process. Where the CTMP requires amending, it is expected to comply with a number of key principles within the initial CTMP. The Council will require the submission of a DCMP at validation stage. This will consider matters such as noise, vibration and dust, and will put such matters in the public domain. It may be appropriate to set maximum noise standards, but this will not always be the case. In some instances Environmental Heath would choose to use either s61 (Prior consent) or s60 COPA to ensure nuisance does not occur. Use of s60 will be rolled out to cover all basement extensions. The Council recognises the flaws in the Party Wall System. It would welcome the use of the detailed

	by officers. But if so, it is essential that the neighbours be consulted before approval is given.	EDCS (which was submitted alongside the planning application) to inform the Party Wall process. It cannot, however, require, that this is the case.
	As regards noise, it would be perfectly legitimate in our view for the Council, in appropriate cases, to require (as a planning condition) the installation of 24-hour noise monitors at the perimeter of properties undergoing major basement excavations. This would facilitate the making of Section 60 noise abatement orders if necessary at a later stage, and we would like to see this covered. In the longer term, we would like to see the Council, perhaps in collaboration with other interested boroughs and DCLG/Defra develop recommended noise standards for excavation, and for these to be included in the core strategy or an appropriate SPD. Party Wall matters The consultation paper states that the Party Wall Act provides for structural stability. This is not quite true. The Act provides only for the avoidance of unnecessary inconvenience to neighbours and for compensation when damage occurs. Indeed, the Party Wall Act is sometimes described in terms as a licence to cause damage to your neighbour' property so long as you pay for it to be put right. Party wall surveyors may determine the manner of execution of the work. But the surveyors of both parties have to agree (or a third surveyor brought in to arbitrate) and in practice this section of the Act can only be used in a limited way. If the Council gives planning permission for a project on the basis of a design and a construction method that will cause a certain amount of damage, it is going to be difficult for the surveyors to depart from this. So it is essential that the planning authority insists upon a full assessment of the damage (both structural and cosmetic) likely to be caused and approves applications only where the likelihood of such damage is minor.	

The Residents of Strathmore Gardens (Chris Hunt)	Like many other residential groups in the Borough, we have serious reservations about how the issue of basement expansions has been handled. We appreciate and want to acknowledge the hard work undertaken by Councillors Ahern and Pascall to be a positive force in trying to fix an untenable situation. We thank you for your efforts on behalf of all of us who have endured more than has been necessary and appropriate. Despite our differences with the Department, we have done our best in the attached to provide what we believe are constructive suggestions to help make matters better going forward. We hope that they are taken as constructive suggestions and seriously considered for implementation as part of the new policy. We hope you will give serious consideration to our comment that any reform in policy MUST be done in tandem with considerations around how the Planning Department functions. Policies can only result in improvements if they are implemented properly. Thank you for the opportunity to comment. And thank you on behalf of all of us for what we hope will prove to be much needed reform. Having now dealt with the Planning Department for several two years, we believe strongly that any change in policy will only be effective if there are simultaneous changes in how the Planning Department operates. Without meaning to sound offensive, there are serious issues with respect to how the Department functions and its attitude with respect to handling applications and responsiveness to public concerns. Senior leadership of the Council needs to be satisfied that recommended policy changes will actually be implemented in a fair and effective manner and that all levels of the organization are on board to make the	The concerns about the nature of the planning department, its leadership and the nature and operation of the planning committee are noted.

	changes that are needed. Like any organization, we are confident the Planning Department has a number of highly professional and capable people that are dedicated to doing a good job. We are equally confident the basic building blocks are present to make for a good organization. However, there has to be an open and transparent conversation about the fact that, at present, the organization is not currently operating with a culture, dynamic and level of performance that is meeting the needs of all stakeholders. There are presumably multiple reasons for this - ranging from legacy issues to culture to leadership - all of which have to be addressed in tandem with any policy changes. Please understand that our comments here are made with the intent of being genuine and productive. We are hopeful the Department will take them in the spirit intended and genuinely do some self-examination as to why so many residents in the Borough are angry on this issue. The anger is not solely a result of noise and construction. The anger is just a much a result of how the Department functions. The perception among residents is that the Department has a pro-development culture that is not responsive to the needs of residents. Perhaps this is not conscious, but this perception is widely shared across the Borough. The Council should truly try to understand the roots of such sentiment so changes can be made. Some example of what residents have observed to be common and repeated behaviours are: Rules and procedures are not consistently followed. Decisions on basement applications are often taken with a view toward what is expedient to administer or in the best interest of the Planning Department versus what is the right result. Programs have been implemented in such a way as to make them meaningless (for example, the CMS system is being implemented	

	in such a way as to basically be worthless). Documents are reviewed more just to check a box rather than for actual content. Mistakes are allowed to go uncorrected. Public comments are routinely ignored or just given lip service. Submit reports by the public from professional advisers (lawyers, engineers, arborists) are often not taken into account in any meaningful way. Developers are routinely allowed to get away with minimal amounts of commitments during the planning phase and are rarely reigned in later in the process through other regulations Planning Application Committee members often do not appear to be fully briefed on issues and/or do not ask probing questions that get at the heart of issues. Body language of Planning Application Committee members makes it clear that decisions are made in advance of the public meeting. Again, the intent of raising these public perceptions is not to complain or to be rude. The intent is to be open and honest about very real issues so that they can be dealt with in the context of implement a new policy. Without an open discussion of these flaws, there is a real risk that all the hard work made to create a new policy will simply result in nice words that are not properly implemented. Policies can only go so far. The senior leadership of the Borough needs to make an assessment as to whether the leadership of the Planning Department is genuinely prepared to make the changes that are necessary to ensure the situation gets better.	
West London Architectural Society (Charles Dorin)	No	Noted.
Tim Nodder	The consultation document is framed around issues that arise on individual planning applications (cf2.5).But Council should be aware of the implications for the whole, or large tracts, of the area for which it is responsible. The graph and map highlight the	The Council is obliged to consider the merits of each case individually. However, the cumulative impact of multiple basements does form part of the consideration of CTMPs and EDCS. Similarly, the

	volume of changes taking place, and they ought to be considered comprehensively - as would be the approach if the area was threatened with similar pressures for high rise buildings. Indeed additional storeys on houses are already ruled out comprehensively for large parts of the territory. Why not additional basements? Council should consider a blanket strategy for works involving excavations and under surface constructions. This would be in accordance with public policy of Plan-led control of development. So my answer to Q 1 is Yes. The council should take a comprehensive view of the amount of excavation and under surface construction across the Borough, and not limit its consideration to the manner of dealing with applications separately, one after another. Whole areas might be ruled out for further subterranean development. The fresh study by Arup is most welcome, especially to examine the appropriate amount of garden to be left undeveloped. This should not look only at drainage issues, but at wider environmental and biodiversity issues.	draft policy relating to the construction of basements beneath a garden is intended to take account of the possible cumulative impact of multiple basements being built in a small area. The value of undeveloped land, and the provision of a metre of topsoil above the roof of a basement built beneath a garden for both hydrological and biodiversity reasons is recognised.
Trustees of the Phillimore Estate	Adopted Core Strategy Policy CL2 requires that subterranean extensions meet the following criteria: i. the proposal does not involve excavation underneath a listed building; ii. the stability of the existing or neighbouring buildings is safeguarded; iii. there is no loss of trees of townscape or amenity value; iv. adequate soil depth and material is provided to ensure sustainable growth. In addition, Policy CL2 requires an appropriate architectural style on a site by site basis; and specifies that extensions and modifications must be of the highest architectural and urban design quality. RBKC's adopted Supplementary Planning Document Subterranean Developments (May 2009) (SPD) expands on Policy CL2 and provides further guidance on the	Noted. The Council is, however, concerned that there is a cumulative impact of basement development since the adoption of the Core Strategy in 2010. Whereas the construction of a single basement in a residential street may not have an unacceptable impact, in terms of, for example construction traffic, the impact becomes greater when one basement after another is granted and implemented. This will particularly be the case then permissions are implemented at the same time. The Core Strategy will be amended accordingly.

	issues that must be addressed within any application for sustainable development. This includes measures to reduce the disruption caused to neighbours from noise and transportation issues. In light of the above, it is our view that the existing framework comprehensively addresses all of the relevant issues.	
ESSA (Anthony Walker)	Does the accommodation provided by subterranean development distort the balance of types of accommodation in the area? Paragraph 2.4 of the consultation document suggests that a basement can offer the space needed by a growing family, however most of the applications for large or deep excavations are totally, or primarily, concerned with creating non- habitable rooms for swimming pools, cinemas, gyms etc. This does not comply with Core Policy objective 6 which is to maintain a diversity of housing at a local level. In the ESSA area in particular, there is little scope for smaller properties and, by continual expansion of existing buildings, the mix is being distorted. In some cases small habitable rooms of very poor quality are proposed, sometimes sited more than one storey below street level with only a narrow slit to provide light and ventilation, creating accommodation which is not dissimilar to the Victorian basement slum dwellings which were rejected over 100 years ago. Research has shown the benefits of being able to see greenery in the recovery of hospital patients, we should not be subjecting healthy persons to lesser standards of accommodation. Research by Eclipse Research Consultants has dealt with this. Many of the uses sought with the larger basements necessitate mechanical air handling, Mr Bore confirmed at the Local Living meeting for the Abingdon Ward that there are frequent problems with this sort of equipment. We should be seeking accommodation which can rely on natural light and ventilation. Vibration We have been advised by adjoining owners that vibration is often	It is not considered that the creation of large basements will have a significant impact on housing diversity. It is unlikely that existing small units will be lost, it being rather more likely that an existing single family dwelling will be extended. Furthermore, it is not for planning to stop people from improving their homes unless there are good, valid planning reasons to do so. The Council encourages living accommodation to be naturally ventilated. However, it is possible for an occupier to change the use of, for example a cinema to staff accommodation (both a "residential" use when forming part of a larger house) without the need for planning permission. Vibration during the construction phase will be addressed by the DCMP which must be submitted at validation stage. Vibration cannot be stopped entirely, but best practicable means should be used to reduce its creation and impact

	so intense that ornaments and pictures fall, or have to be taken down. We consider that there must be a much more rigorous statement by the applicant setting out all the procedures, including where necessary any extraordinary measures which will be taken to mitigate or alleviate disturbance and disruption of all sorts to the adjoining owners. This must include strict limitation on noisy or disruptive work to only part of the day, except by mutual agreement.	
Oliver Parr	It is noted in the paper that Planning is only concerned about structural stability and basement extensions insofar as it impacts upon interests of planning importance. Damage to neighbouring structures is controlled by the Party Wall Act; Whether or not this contention is accepted (see answer to Q9 below) it strikes at the heart of the major issue for neighbours concerning basement developments, which is that there is a widespread perception that the PWA is inadequate to protect/compensate neighbours for the aggravation caused by basement development. Most residents affected by neighbour's basement developments would probably contend that the Council appears virtually powerless to prevent them - even the doubling of rejections of basement PAs in the last 3 years still leaves the percentage of successful applications at over 85%. A second major issue is the driving force behind basement development in the first place. Para 2.4 suggests that the Council believes that this is the growing size of families. I would contend that this is very far from the case. Most family houses in RBKC are perfectly adequate for most families. However, for some, whatever they have is not enough; hence the rapidly growing number of vanity project applications: where a basement can be used to house leisure facilities such as cinema rooms, swimming pools and gyms as well as space for the maid.	The Council notes that the Party Wall Act has flaws, but it remains the principal mechanism for redress for all building works, including basement development. It is not for the planning system to make value judgements as to the use of a residential extension. Structural stability will be addressed through the EDCS, the function of which is for an applicant to demonstrate that their proposed methodology will not harm the structural stability of neighbouring properties. This must address the potential implications of the proposal on the water table, and the means to be take to mitigate these potential impacts. There can be no presumption that a deep basement will automatically "compromise water drainage." The nature of the extension, presence of neighbours and measures in place to mitigate a potential impact are all important factors. The Council has been lobbying the CLG and the relevant politicians to make changes to the law to give a local planning authority more powers to control basement development. To date the

	For others it is pure economics: the cost of moving house to gain a little more space has become prohibitive (with stamp duty at 7%, etc, etc) and the creation of any additional square footage in a Central London property is virtually guaranteed to create a profit. Swimming pool excavation has obvious potential damaging consequences both for the stability of the property above and more importantly for neighbouring properties. Moreover the effects of chemical water purifiers and humidity are also likely to be damaging to neighbours. Another important aspect of this subject is the disturbing growth in applications to excavate a sub-basement i.e. a level below an existing basement. As a result, the depth of excavation will reach levels which will inevitably compromise water drainage in the area, quite apart from the stability of neighbouring buildings. Applications for triple basements are not unknown...A further category of subterranean development is the growing incidence of iceberg developments, where the subterranean space provided is larger (often much larger) than the visible portion above ground. These are usually developments designed to extract financial gain from sites with small footprints and have, because of their complexity, almost inevitable adverse consequences for neighbouring properties. As one of the two likely recipients of the largest number of basement development applications of any planning authority in the country, it behoves RBKC to consider these wider issues and not simply accept the restrictions imposed by current planning law. There are encouraging signs that Parliament is minded to listen to the legitimate concerns of residents about basement developments. It is right that RBKC should consider all aspects of the subject and not be restricted to its narrow obligations and rights as proscribed by current law (properly interpreted). Having	message has been very clear, less rather than more regulation. We will continue to lobby for changes as and when appropriate.

	listened, the Council should respond to the wishes of its residents.	
Vanguard Working Group (John Simpson)	Human Rights Act compliance. There is no indication that the current Subterranean SPD has ever been tested for compliance with HRA 1998. Compliance was not raised at the time the SPD was put to the Council for Adoption. Article 8 of the HRA, which gives the right to respect for private and family life and home and Article 1 of the First Protocol (A1P1) (peaceful enjoyment) are important principles. In practice, most resident's; objections to the current SPD fall squarely under Article 8 or A1P1 and are usually expressed in exactly those terms. The current review of the SPD and its redrafting has to be carried out in accordance with HRA1998 and Art. 8 and A1P1 need to be fully taken into account. The main issues to be taken into account The review should concentrate in particular on those practical issues which have recently caused the most concern amongst residents: the risk of structural damage to neighbouring properties. There have been many cases and the review will lack credibility if it does not propose effective solutions for the future (see response to Question 9) the loss of amenity to local residents during basement development, which is aggravated by the extended duration of these works and the frequency of one site following another in the same street. The disruption and disturbance goes well beyond that involved with classic renovation works - initial boring and other tests, noise and vibration from excavation and piling, delivery and installation of concrete construction, all the associated traffic... (see response to Question 10) the environmental impact during the works (see Ove Arup 2008	Whilst the First Protocol identifies an entitlement to peaceful enjoyment of his/her possessions, this applies to those undertaking development as well as those who are do not wish it to take place. Similar competing interests exist with Article 8's right to respect for private and family life. Competing rights and interests need to be balanced in decision making. The impact of the construction phase of a development is considered when assessing a planning application. However, the Council considers that the appropriate regime to mitigate these impacts is through the Environmental Protection Acts and through the provisions of a CTMP. However, the Council does recognise that there are particular proposals relating to the construction of double height (or deeper) basements in residential areas, and as such the draft policy seeks to resist such extensions. The Council intends to amend the local list to require the submission of an approved Construction Traffic Management Plan alongside the application. The CTMP has to have been approved by the Council's Director of Transportation and Highways. This should have considerable advantages as will require applicants to address the issue of construction traffic at an early stage. It will also allow interest parties to consider the provisions of the CTMP before the permission is determined. The more narrow environmental impact – that of

	report para 5.3). It may seem small consolation that the result after two years is a single residence retrofitted to high environmental standards (see response to Question 8) the controls to ensure that developments are executed in accordance with terms of permission and relevant regulations and the means of making those controls effective (not covered by the questionnaire) the need for a practical balance between the legitimate desire of an owner to improve his property and the equally legitimate desire of neighbouring residents to enjoy peaceful occupation of their homes. Ignorance of how the planning system works and a lack of clarity as to the relevant rules (and the way they are applied) can leave residents with the perception that the system is biased in favour of developers, that the encouragement of development activity is more important than safeguarding the right of residents to quiet enjoyment of their properties. The current review should seek to change that perception. (not covered by the questionnaire) the whole procedure for processing planning applications involving basement extensions. Notwithstanding the extensive information that is made available via the council's website, precise information is often difficult to obtain, and reports and other data posted may have been changed in discussions with the planning department. Notwithstanding the procedures for consultation with residents, their observations may appear to be ignored and comments produced on technical issues not taken into account. And the process for deciding whether or not to approve an application does not appear to be correctly followed (e.g. 36 Markham Square, 17 Markham St., and 33 Smith St.). (not covered by the questionnaire)	carbon use – is addressed by requiring retrofitting of the entire building to the appropriate environmental standard. The Council concurs with the view that more should be done to inform residents and other interest parties of the nature of the planning system with regard basements, and what controls can/cannot be used. The purpose of the planning system is to balance the desire to improve a house with the protection of the surrounding area. Construction impact is a material consideration, but much of the controls is left to the environmental protection regime. The groups concerns with regard how applications are considered is noted. Requiring CTMPs and DCMP upfront at validation stage will bring the question of construction impact into the public domain before the application is determined. The recommendations of the White Young Green Planning report to CLG on basements has not been taken forward by the Government. It has no status in planning. However, the Council is considering the use Article 4 Directions to remove all but the most minor of basement extensions from the provisions of permitted development. This could be done Borough wide or within specific areas. This would have to be the subject of further specific public consultation. This will allow the Council more control on such extensions, and to require the submission of a CTMP etc at validation stage.

	Other issues Permitted development. This issue needs to be addressed as part of the current exercise. At present, it seems that many basement schemes first sneak in under the radar as permitted development. We would refer to the document produced for CLG by White Young Green Planning in November 2008, Supplementary Report: Basement Extensions Householder Development Consents Review Implementation of Recommendations. This paves the way for the current anomalous position of the GPDO, which does not include a basements class, to be resolved for the benefit of local planning authorities and householders alike. The Report recommends the creation of a new basement extensions class based on length, breadth and depth plus further safeguards for sensitive areas. It explores many of the issues we are now considering. We also note the lack of information concerning permitted development (para 2.2 of the Issues Paper). However we assume that it is possible for the Council to keep track of permitted development excavations through building controls, and would expect that this is necessary in order to monitor those developments and to ensure that they remain within the bounds of what is permitted. Scope of planning process and other relevant legislation Paras 2.5 and 2.9 of the Issues Paper highlight the confusion that exists as to how the planning process and related procedures work in practice. We welcome the proposal for a more joined-up approach. It is incumbent on the Council not only to ensure that the public is properly informed about the different elements but also to ensure that its Officers apply the Planning Acts and other legislation in a manner which is coherent, transparent and protective of the legitimate interests of residents. In the context of basement extensions, where the potential damage and distress to	The Council can (and does) monitor the amount of basement development that occurs as permitted development through the submission “final certificates’, a document which sets out what building work has been carried out. The correction is not however exact as is dependent on the description used by the applicant in the notice. Where a proposal is being considered by the Council’s building control team it is possible to ensure that the necessary planning permissions have been obtained. However, the Council deals with just a small proportion of such applications, the majority being consider by other authorised assessors. The Council recognises that a joined up multi-disciplinary approach is required for effective management of basement development – through the application and implementation stages. This includes effective enforcement. The Council has been lobbying the CLG and the relevant ministers to make changes to the law to give a local planning authority more powers to control basement development. To date the message has been very clear, less rather than more regulation. We will continue to lobby for changes as and when appropriate. The draft Core Strategy recognises the impact that the construction of light wells can have upon the character of a conservation area. It notes that such features must be sensitively designed and located. It notes that front light wells will not be permitted unless a feature of the street.

	residents is much greater than for normal works on residential property, it is not adequate for the Council to take a passive approach; We submit that the Council should take a lead in finding ways under existing legislation to provide adequate protection and redress. Proposals which include subterranean work must be considered as a whole. The current approach assumes that compliance with the letter of the SPD (sometimes in practice not even that) is the gateway to approval for schemes which might have been refused on other grounds, for example for legal reasons or under Core Strategy policies on development in conservation areas. Conservation Areas In Conservation Areas a number of considerations need to be addressed: the external appearance, in particular light wells. This is already well covered. the risk to the historic fabric of the building concerned and neighbouring structures. A basement extension may cause significant changes to the internal layout and character of the a building (see also comments on demolition below and size of basement under Question 11). The effect on the character of a conservation area may be compounded where there is a series of basement extensions in a terrace or a group of neighbouring properties, especially where the extensions invade garden space. the environmental damage over a long period of time where there is a series of basement extensions can cause long term degradation to a conservation area. Demolition	The Courts are clear that permission is only required within a conservation area when "substantial demolition" is proposed. When permission is required the Council will take a view as to its appropriateness on a case by case approach, having particular regard to the impact on the character and appearance of the conservation area. This forms part of policy CL3 part of the Core Strategy which is not being amended. Demolition does not require consent when taking place outside of a conservation area.

	The nature of basement extension works entails (and sometimes masks) large amounts of destruction of the existing structure, some of it covert. This may be because of changes to internal structure and layout, changes of the external facade particularly at ground level, or temporary removal of structure in order to facilitate works. A clear policy is needed limiting the extent of demolition that is permitted (including internal structure). Applicants should be required to define in advance the demolition involved in the development and there should be effective means for subsequent monitoring. Unmonitored and uncontrolled demolition in any building, whether listed or in a conservation area or neither, can lead to unwelcome and dangerous consequences. On environmental, sustainability and conservation grounds we believe the default position should indeed be to resist substantial demolition other than for very good reasons (not, for example for construction purposes; or simply for the developers convenience). Environmental and sustainability considerations apply just as much outside conservation areas as within. For this reason, we think there should be a general Core Strategy policy on substantial demolition, not only in the Preserving the Legacy section.	
Black Onyx Developments Ltd (Black Onyx)	The key issues are covered, and we agree that basements can provide important increases in floor area within homes which can be provide more space for growing families.	Noted.

Question 2 **Do you consider that the existing policies concerning the visual impact of basement extensions are adequately covered within the Core Strategy and SPD?**		
Respondent Name	**Comments**	**Response**
ESSA (Anthony Walker)	Visual impact We consider that basements generally have only limited visual impact but an aspect which is not adequately considered is the light pollution from the roof lights and other lights, particularly in areas where the living accommodation of nearby mansion blocks overlooks the site.	Light pollution is a material planning consideration that should be considered when assessing all applications, including those for basement development. The draft Core Strategy makes a reference to light pollution.
Clive Wilson	The Council's policy should not only be concerned with "visual impact". Our view is that Subterranean developments in Conservation Areas (of any kind, under Unlisted buildings, as well as within the curtilage of Listed Buildings), are in conflict with key Core Strategy clauses: Policy C05: by taking great care to maintain, conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place it enhances the Borough. What enhances the Borough is open to argument: a very large number of residents would maintain that subterranean developments do not. Section 34.3.2: the assessment of planning applications should be based on whether they are good enough to approve rather than bad enough to refuse to ensure the continuation of our existing high quality environment. Many residents would maintain that most subterranean developments are not good enough to approve, to ensure the continuation of our existing high quality environment. Section 34.3.2 and 3	The Council is of the view that development beneath a building in a conservation area (or its garden) does not necessarily have a detrimental impact upon the special character of that area. For a proposal to have a detrimental impact it must normally be visible. This has been confirm at appeal by PINS inspectors. The physical manifestations of a basement (the roof lights etc) will be considered when assessing the impact of a proposal.

	CL 3 CL 4	
Trustees of the Phillimore Estate	Basement extensions, by their very nature, have a limited visual impact. However, the inclusion of lightwells and other features, such as railings, do have the potential to impact on the character and appearance of a building and the surrounding area. The existing policy framework controls any features which are visible from the street. The SPD resists lightwells which exceed a depth of 1 storey below ground level and excessively large light wells will not be permitted. On the basis of the above the existing policies are considered sufficient to protect the visual impact on buildings and the surrounding area.	Noted.
Brompton Association (Ms Whewell)	I would ask that the policy be extended to address light pollution issues.	Light pollution is a material planning consideration that should be considered when assessing all applications, including those for basement development.
McVittie	There seems to be no control at present.	The visual impact of the physical manifestations of a basement are material when assessing the suitability of a planning application. Both the current, and the proposed draft policy reflect this position.
Oliver Parr	This is not, in my opinion, a major issue.	Noted.
RAB Pension Fund (RAB)	It is unnecessarily restrictive to impose a 1 storey depth and 1.2 metre width restriction[for lightwells] for every case, as there are other design opportunities to address the material issue of acceptable visual impact from surrounding properties and from the public realm, which should instead be the stated policy requirement in para. 8.3.2. Perhaps those dimensions could be stated in the supporting text as a general guide to be assessed in each individual case, but not an absolute restriction for all cases.	Noted. The provision of appropriate dimensions for lightwells (where the principle of a lightwell is considered to be appropriate) is useful as provides a degree of clarity to both officers and to applicants. Any such proposal will be treated on its merits. The draft policy does not include these dimensions, with the Council concurring with the view that these are best provided within the SPD.
Tim Stranack	I would wish to see any such extensions to be subject to normal planning rules and thus only permitted development to the extent that the works would be that if above ground	Some subterranean development can be carried out under a property's permitted development rights. The Council has lobbied the CLG to amend the provisions of the GPDO, but this lobbying has

		had no effect. The Council is considering the use Article 4 Directions to remove all but the most minor of basement extensions from the provisions of permitted development. This could be done Borough wide or within specific areas. This would have to be the subject of further specific public consultation.
Patrick Browning	While the visual impact of basement extensions is clearly important, I'm concerned that there is so much emphasis on visual impact that this obscures the change in the nature of a neighbourhood, i.e. the people living there. It is as though cosmetic matters were more important than substance.	PINS inspectors have not given credence to the argument that a basement extension that is invisible can be described to have a detrimental impact upon the character of an area. The character of an area remains residential, even if the increase in floorspace is significant.
Andrew Dobson Architects (Andrew Dobson)	Basements are one of the few types of development that, once constructed, have little or no visual impact upon the host building and the area. This being because they are not visible apart from the lightwell. It makes sense that size of lightwells are controlled but this should be on a case by case building depending on surroundings, the existing building etc rather than a prescriptive formula.	Whilst a basement extension may have a limited direct visual impact once completed this is not to say that it cannot have an indirect impact. This can include an impact upon trees and planting. Similarly the construction of basement extensions (with associated noise, dust and traffic etc) can have a detrimental impact upon the amenity of neighbouring occupiers. It is therefore appropriate to limit the size of basement extensions in certain circumstances. The provision of appropriate dimensions for lightwells (where the principle of a lightwell is considered to be appropriate) is useful as provides a degree of clarity to both officers and to applicants. Any such proposal will be treated on its merits.
The Residents of Strathmore Gardens (Chris Hunt)	If the policy is going to allow large basement projects that may take up to 1-2 years to construct, more attention should be paid to the visual appearance of temporary structures in place during construction. Neighbours should be allowed input into design,	Temporary buildings and structures associated with implementing a permission (where on, under, or over that land or on land adjoining that land,) are permitted under part 4 of the GDPO. The

	colour, appearance and size of these structures. The Planning Department should more actively make the design of such structures to be open for comment and change. In areas of the Borough with a high amount of basement expansions, it is not inconceivable that a street might have one or more temporary structures in place for the next 10+ years. As such, each structure should be considered semi-permanent so that a street is not perpetually burdened with the appearance of a construction zone. In our case, the developer proposed a three storey structure that would have left an office space for 25 workers just a few metres away from our bed. The structure would have cut out light and infringed on privacy. Moreover, once it was constructed there was no limit on how long it could have been in place. We submitted comments to have the design of the temporary works changed but these went entirely ignored. It could have easily have been modified to be less burdensome. CMS requirements already require that applications contain design of temporary facilities. All that would be required in a new policy would be to establish stronger requirements for such facilities including, but perhaps not limited to, items like: - Design should be consistent with, and respectful to, the surrounding neighbourhood; - Design should not infringe on the privacy or light of neighbouring properties; Design should be kept minimalist to not be overbearing; Construction should be of a semi-permanent; and high standard of quality if there is a possibility it will be in place for more than 6 months; Colouring should be pleasant to the eye and consistent with the neighbourhood; Signage should be kept to a minimum; Temporary facilities should be entirely closed so as to not appear	Council does not, therefore, have any control of over their appearance or design. A "temporary" building is one that is "required temporarily in connection with or for the duration of the operations being carried out". There is no time limit as such. The amount of signage permitted is set out within the Control of Advertisement regulation. Where express consent is required, the Council will make an assessment of a sign's impact upon an area.

	unkempt; Facilities in place for more than 6 months should have a right of neighbourhood comment. As noted, the policy should allow for changes to these structures at the request of neighbours.	
West London Architectural Society (Charles Dorin)	We consider that the policies relating to light wells could be less restrictive in locations where light wells are not currently a characteristic of a particular street. In such a street it would be possible to design a barely visible light well which could become a low-key characteristic of the street.	The Council is concerned that the creation of a front lightwell in a street which is not characterised by such features can change the character of that street. As such the draft Core Strategy takes the existing policy forward in resisting such features.
Norland Conservation Society (Libby Kinmonth)	The Council's policy should not only be concerned with "visual impact". See above: CL1, Section 34.3.2 and 3, CL 3, CL4. As important is the effect on the quality of life of the residents in the surrounding area. This has to be taken into consideration. Building conditions written into present planning applications cannot adequately cope with the scale of engineering, impact, soil displacement, traffic movement, dust and dirt that sub t's cause.	The impact of the implementation of a permission in terms of noise, vibration and dust is controlled under the relevant environmental protection legislation. This attempts to mitigate its impact and ensure that 'best practical means' are used. The Council intends to require the provision of an agreed Demolition and Construction Management Plan at validation stage of an application, which is intended to require applicants how they intend to implement a permission with regard noise etc. Impact of the traffic associated with the construction is controlled by a CTMP. The draft policy does recognise that neither the CTMP process or Environmental Protection Legislation will (normally) be able to adequately protect residents when a deep basement is being constructed. As such it normally precludes such basements unless an applicant can successfully demonstrate that it can be implemented successfully.
Vanguard Working Group (John Simpson)	We support existing policy and encourage ensuring that the visible impact of basement extensions is kept to an absolute minimum. We would not wish to see any relaxation of the current	The Council is of the view that development beneath a building in a conservation area (or its garden) does not necessarily have a detrimental

	position on lightwells and other visible features. We do not accept that the invisible aspects of subterranean development cannot affect the character of a building, group of buildings or an area. For example, a change of internal layout or internal demolition of existing fabric may significantly alter the character of a building, and a series of basement extensions in a terrace will almost inevitably alter the character of the terrace.	impact upon the special character of that area. For a proposal to have a detrimental impact it must normally be visible. This has been confirm at appeal by PINS inspectors. The physical manifestations of a basement (the roof lights etc) will be considered when assessing the impact of a proposal. In addition the creation of a 'flat' area above a garden extension does have a direct visual impact and can be taken into account when determining an application.
Leo Cronin	I am not sure whether to answer "yes" or "no" to this. The point I would like to make is that since much basement development cannot be resisted from a planning point of view, bringing natural light into these areas should be encouraged and lightwells generally should be encouraged. Why should property owners not be allowed to make these newly formed basement areas as pleasant as possible? It is not difficult to design lightwells with handrails and glazing which are architecturally acceptable in a garden setting (particularly a rear garden). Where planning permission is necessary for basement development, a condition could be imposed providing for planting around lightwells .	The Council will only object to a lightwell where it will have a detrimental impact on the appearance of a property or the surrounding area. The benefits to a basement associated with a lightwell cannot outweigh any detrimental impact on appearance - an issue which lies at the heart of the planning process. There will be some circumstance where the principle of a lightwell will be unacceptable, whatever the design.
Black Onyx Developments Ltd (Black Onyx)	We agree in particular that light wells visible from surrounding properties will be considered on their own merits.	Noted.
Cadogan Estate	The Royal Borough's SPD discourages lightwells and railings that are visible from the street in areas where they are not a feature In some instances, lightwells may be acceptable even if they are not a feature of the street scene. Each proposal should be assessed on its own individual merits. If the provision of a lightwell and/or railings does not adversely impact on the character of the building or the surrounding area, then such proposals should not be resisted regardless of whether they are characteristic in the street scene or not. Therefore, changes to the existing SPD	It is not the Council's intention to make the policies related to lightwells to the front of a property more restrictive than that within the existing Core Strategy. However, there will be circumstances (where lightwells are not characteristic of the street scene) where there will be a presumption against the creation of a light well. Notwithstanding this the particular circumstances of a particular property will always be material.

	wording should be introduced to allow greater flexibility and to ensure that each application is assessed on its own individual merits. It is considered wholly inappropriate to make the policies and SPD wording more restrictive.	

Question 3 **Do you consider that the existing policies and guidance concerning basement extensions and their impact upon listed buildings provide sufficient control to mitigate any adverse impact?**		
Respondent Name	User's response	Response
Clive Wilson	No subterranean developments should be allowed within the curtilage of LB (CL4)	Whilst the Council is of the view that a basement extension beneath the footprint of a listed building is likely to harm the building's special architectural or historic interest, this will not necessarily be the case when the extension is beneath the garden and where the 'connection' to the listed building is of an insubstantial nature and appropriate design. As such it would not be appropriate to have a 'blanket ban' for extensions beneath gardens.
Trustees of the Phillimore Estate	Policy CL2 of the adopted Core Strategy resists subterranean development beneath listed buildings, and the SPD reinforces this stating that the Council will normally resist such proposals. The existing policy framework therefore provides sufficient control to mitigate any adverse impact upon listed buildings.	Noted.
The Chelsea Society (Terence Bendixson)	*The similar structure of listed and unlisted buildings* The Council's current policy on subterranean development is to give listed buildings a greater degree of protection than unlisted ones. The justification is the frail structural condition of listed buildings. But the structure of many unlisted buildings is, in many cases, no different in age and structural type as those that are listed. It follows that the Council should put greater weight on collateral structural damage when considering applications for subterranean development. The risk of such damage is always present. *Development under the gardens of listed buildings* Current policy is to allow subterranean development under the gardens of listed buildings. Since this policy was agreed several significant changes have occurred. a)Experience has been gained of the destruction done to the	The principal concern about the development of basements beneath listed buildings relates to the impact that it will have upon the hierarchy of the historic floor levels, and therefore the buildings special architectural or historic interest. The is also some concern about works that would remove the fabric of the building. With regard structural stability, the Council relies of the submission of a CMS whether the property is listed or within a conservation area. The applicants are to demonstrate that the works can be carried out whilst safeguarding the structural stability of the buildings around it. The Council notes that care should be taken to ensure that damage is not to occur to a listed

	character of houses and of Conservation Areas by adding extensive underground rooms. Sloane House and Sloane Lodge are one illustration of this experience. By the time that this particular redevelopment is complete, virtually none of the character of the historic building, or its garden, will remain. b)It has become clear that much greater importance needs to be attached to sustainable urban drainage. This requires a reduction in the extent to which gardens are replaced by underground rooms. c)The extent of basements in both depth and girth has grown and the impact of their construction on the houses and lives of adjoining and nearby residents has grown proportionately.	building when a consented development takes place. This can be achieved under the current regime. Requiring a photographic survey of a listed building (as part of the SPD) would allow for more effective enforcement, as would the submission of details at validation stage of how the applicants intend to implement a permission in an effective and sensitive manner. Ultimately unauthorised damage to a listed building is a matter for effective planning enforcement, although clearly prevention of damage in the first place would be desirable. The draft Core Strategy includes policies requiring effective sustainable urban drainage. This includes reducing the extent of basement extensions beneath gardens considered to be appropriate.
Tim Nodder	There is an element of mystique around the treatment of listed buildings and the significance of preserving the "hierarchy of floor levels". The present policies positively encourage the excavation of areas under the gardens of listed buildings, so as to avoid basements under the house.. Since the curtilage of the listed building is part of the property listed, one could fairly argue that there should be no messing about with its garden. Policy should be revised to deter excavation under the gardens of listed buildings.	Whilst the Council is of the view that a basement extension beneath the footprint of a listed building is likely to harm the building's special architectural or historic interest, this will not necessarily be the case when the extension is beneath the garden and where the 'connection' to the listed building is of an insubstantial nature and appropriate design. As such it would not be appropriate to have a presumption against extensions beneath gardens of listed buildings.
Susan Walker Architects (Susan Walker)	The term 'under listed buildings' needs to be defined: for instance, does it preclude development below the footprint of non-original extensions and should these be protected from demolition in order to construct the underground development ?	Whilst the starting point set out within the draft Core Strategy is that basement development beneath a listed building will be resisted, officers will consider the impact on a case by case approach. A non original extension may, and often is, of value. It may not.
Brompton Association (Ms Whewell)	I have also covered this point in Section 1, but I mention it here also as there is a close link between the sorts of issues of relevance to listed buildings and Conservation Areas.	The Council is of the view that development beneath a building in a conservation area (or its garden) does not necessarily have a detrimental

	I would ask that Council policy also extend to address where excessively large (in comparison with the property above) basements are proposed in a Conservation Area given that such basements risks damaging the essential character of the area.	impact upon the special character of that area. For a proposal to have a detrimental impact it must normally be visible. This has been confirm at appeal by PINS inspectors.
McVittie	The impact of basement extensions should apply to all buildings, not just listed buildings.	The Council is of the view that development beneath a building in a conservation area (or its garden) does not necessarily have a detrimental impact upon the special character of that area. For a proposal to have a detrimental impact it must normally be visible. This has been confirm at appeal by PINS inspectors. This is also the case for buildings that lie outside conservation areas.
Holland Park West Residents' Association (Sally Mizani)	Delete discourage and put enforce no light wells visible. Modern development lightwells emit massive light pollution. Why not restrict to other buildings as well as listed. Some other buildings might get listed in the future. These new developments are underpinning the history of our borough for the future. Buildings that are not listed or in a conservation area make up the atmosphere of RBKC that both locals and tourists like.	The Draft Core Strategy reflects the potential light pollution that can be caused by large lightwells. To minimise the impact, lightwells must be discretely located near to the rear of a building. This visual impact of a basement extension will be taken into account for all buildings, not just those that will be listed. A proposal can however only resisted (in terms of impact on the character of an area) when it is visible, or where the visible manifestations are considered to be harmful.
Oliver Parr	I have the impression that listed buildings are largely protected from basement developments. This is as it should be. However it begs the question of whether the general housing stock as a whole should be so protected on the grounds that (i) most streets in Central London were built with the appropriate number of basement levels (usually one) - or absence of basements, in the case of land with known underground water.	The Council is of the view that development beneath a building does not necessarily have a detrimental impact upon the character of that property. For a proposal to have a detrimental impact it must normally be visible. The presence, or otherwise of underground water will be addressed by the CMS/EDCS, although it should be noted that ultimately the responsibility for structural stability or dampness (associated with the development) rests with the developer.

RAB Pension Fund (RAB)	It is again inappropriate to have a blanket restriction on any amount of basement extension beneath any listed building, as the issue is as stated, namely whether an extension is such as to harm the hierarchy of floors of the listed building and its special character. In the case quoted in the current SPD regarding 15 Mallord Street the Inspector made clear that it was the scale of the basement extension proposed which caused that harm and not the principle of the extension per se. The policy should be reworded accordingly to make clear that basement extensions to listed buildings which harm the hierarchy of floors will be resisted. That both goes to the substance of the objection and it aligns it with the rationale and approach to above ground extensions.	The Council is of the view that a basement extension beneath the footprint of a listed building is likely to harm the building's special architectural or historic interest. Any application will however, be determined on the merits of the case. The draft Core Strategy does note that in "very exceptional cases" a basement beneath a listed building may be acceptable.
Andrew Pitcairn-Hill	Where similar, adjacent, properties have existing basements, applications should be accepted, subject to the usual precautions and conditions. But where the building is in a location and of a type where basements are inappropriate, consent should be refused.	Noted. The Council will use a range of criteria to assess whether a proposed basement is appropriate. Consent will be refused where the basement would be "inappropriate". The location of similar basements in adjoining properties would suggest that a new similar basement may be appropriate, but this will not necessarily be the case. The presence of a basement at an adjoining property does not necessary mean that it will be appropriate.
Susan Bicknell	Stricter controls on water courses and damp damage. Also better guidelines on underpinning of adjoining houses with or without permission.	These are issues addressed within the CMS/EDCS, although it should be noted that ultimately the responsibility for structural stability or dampness (associated with the development) rests with the applicant.
Leigh & Glennie Ltd (Christian Leigh)	The Council are not justified in stating in simplistic terms ' a basement extension would have a significant impact on the hierarchy of the historic floor levels' (paragraph 3.5 of the Issues document), and it is an inappropriate blanket restriction to say that there should not be excavation underneath a listed building (Policy CL(g)(i) of the Core Strategy). Every proposal must be	The Council is of the view that a basement extension beneath the footprint of a listed building is likely to harm the building's special architectural or historic interest. Any application will, however, be determined on the merits of the case. The draft Core Strategy does note that in "very exceptional

	considered on its merits. The formation of a basement may have a significant impact on the hierarchy of the floor levels of a building, but there may be a building where that does not apply, or there may be a creative design by an architect that ensures there is no harm to the acknowledged importance of the listed building. As worded, the Policy and the SPD simply rules out any such creative approach and ignores the specific circumstances of a building. I have been involved in proposals for basement extensions beneath listed buildings in other Boroughs. They have been accepted by the local planning authority and by English Heritage as having no harmful impact upon the building. That is because of the circumstances on the case and the sensitive design solution. It is relevant to note that Westminster City Council are currently consulting on a planning policy relating to new subterranean development (City Management Plan Consultation Draft 2011), and draft Policy CMP2.7 states that the Council will "protect heritage assets and, in the case of listed buildings, not result in the subversion of the buildings"; original hierarchy of spaces or otherwise adversely affect their significance."; This demonstrates that a case-by-case assessment will be taken in that instance to resist subterranean development at listed buildings only where there will be harm. The SPD should be modified in relation to basements beneath listed buildings. A generally restrictive approach can be set out, but it should not be the blanket ban that exists at present. Wording along the following lines for a revised paragraph 2.2.3 of the SPD is suggested 'The Council is generally resistant of proposals for subterranean development under listed buildings or directly attached to existing basements, cellars or vaults of listed buildings, unless it can be	cases" a basement beneath a listed building may be acceptable.

	demonstrated that there will be no harm to the special architectural or historic interest of the building. In particular it must be demonstrated that no significant impact would occur to the hierarchy of historic floor levels in the building.'	
Andrew Dobson Architects (Andrew Dobson)	Listed building always need to be considered with care but it is not to say that the addition of a basement can result in an unnecessary negative impact on the host building.	The Council is of the view that a basement extension beneath the footprint of a listed building is likely to harm the building's special architectural or historic interest. Any application will, however, be determined on the merits of the case. The draft Core Strategy does note that in "very exceptional cases" a basement beneath a listed building may be acceptable.
Chancery St James PLC (Mr Curwen)	We believe that the blanket objection to basements below listed buildings based on the impact on the hierarchy of the building is too onerous. A well designed basement can retain the hierarchy of the existing building allowing it to be properly interpreted whilst alleviating the pressure to adapt the existing building to meet the requirements of modern living. It can create a space that is more flexible than the existing building. The policy as it stands is unreasonably inflexible.	The Council is of the view that a basement extension beneath the footprint of a listed building is likely to harm the building's special architectural or historic interest. Any application will however, be determined on the merits of the case. The draft Core Strategy does note that in "very exceptional cases" a basement beneath a listed building may be acceptable.
The Residents of Strathmore Gardens (Chris Hunt)	What is needed is to have the policies extended to properties in conservation areas.	The Council is of the view that development beneath a building in a conservation area (or its garden) does not necessarily have a detrimental impact upon the special character of that area. For a proposal to have a detrimental impact it must normally be visible. This has been confirm at appeal by PINS inspectors.
West London Architectural Society (Charles Dorin)	We consider that existing policies could be less restrictive. Excavation under a listed building could be allowed, in order to provide the link to a subterranean extension under the garden, where the excavation was in a position in the building (the basement/lower ground floor) which did not compromise any part of its valuable historic fabric. Basements tend to incorporate valuable historic fabric to a lesser extent than elsewhere in the building.	The Council is of the view that a basement extension beneath the footprint of a listed building is likely to harm the building's special architectural or historic interest. Any application will however, be determined on the merits of the case. The draft Core Strategy does note that in "very exceptional cases" a basement beneath a listed building may be acceptable.

		The draft Core Strategy does note that basements beneath gardens of listed buildings may be acceptable where the connection to the listed building is of an insubstantial nature and of an appropriate design, located so that it does not harm the significance of the listed building.
Norland Conservation Society (Libby Kinmonth)	I would like to see a stop on all Sub Ts in Conservation Areas, under buildings listed and otherwise for reasons already stated above and below.	The Council is of the view that development beneath a building in a conservation area (or its garden) does not necessarily have a detrimental impact upon the special character of that area. For a proposal to have a detrimental impact it must normally be visible. This has been confirm at appeal by PINS inspectors.
Vanguard Working Group (John Simpson)	We would like to see some of the controls in respect of listed buildings extended to apply to unlisted buildings in conservation areas. Proper weight should be attached to the relevant policies in the Core Strategy, in recognition of the fact that the Core Strategy ranks above the Subterranean or any other SPD. We would like to see the principles originally set out in PPS5 applied. Proper consideration should be given to the significance of listed buildings and those within conservation areas and their settings. At present, we believe that the Subterranean SPD is used frequently as a way of bypassing such consideration.	The Council is of the view that development beneath a building in a conservation area (or its garden) does not necessarily have a detrimental impact upon the special character of that area. For a proposal to have a detrimental impact it must normally be visible. This has been confirm at appeal by PINS inspectors. The Council considers that proper weight is attached to all relevant policies, both those within the Core Strategy and the SPD.
Black Onyx Developments Ltd (Black Onyx)	We agree with the current policies in relation to listed buildings and do not consider there is any need for further control to mitigate against impacts.	Noted.
Cadogan Estate	In the context of the National Planning Policy Framework (NPPF), there should be a presumption in favour of sustainable development. The starting point for assessing any proposal should be the significance -of the heritage asset and whether the proposals materially affect the significance of the heritage asset. Paragraph 129 of the NPPF advises that: "Local planning authorities should identify and assess the particular significance of	The Council is of the view that a basement extension beneath the footprint of a listed building is likely to harm the building's special architectural or historic interest. Any application will however, be determined on the merits of the case. The draft Core Strategy does note that in "very exceptional cases" a basement beneath a listed building may

	any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal". At present, the Royal Borough's policy wording resists proposals for subterranean development under listed buildings or directly attached to existing basements, cellars or vaults of listed buildings. As stated in the NPPF, the Royal Borough should take account of the significance of the heritage asset in assessing any proposal. Each proposal should be assessed on its individual merits, assessing the weight that should be given to the significance of the heritage asset and whether the proposed changes would materially affect its significance. It would be wholly inappropriate to introduce a policy which assumed that, in all circumstances basement development affecting listed buildings was automatically detrimental to the significance of the building. For example, if a building has been listed for its historic value rather than architectural or group value, then physical alterations may have no bearing whatsoever on the significance and thus the consideration of whether a proposal is acceptable or not. Therefore, we consider that the existing policies are overly restrictive and contrary to the NPPF. It is inappropriate to introduce additional restrictions on subterranean development. Instead, greater flexibility should be introduced to allow for proposals that do not materially harm the significance of the listed building to be approved.	be acceptable.
Question 4		

Do you consider that existing policies and guidance concerning basement extensions and archaeology provide sufficient safeguards to mitigate any adverse impact?		
Respondent Name	Comment	
Clive Wilson	No subterranean developments should be allowed within the curtilage of LB (CL4)	Whilst the Council is of the view that a basement extension beneath the footprint of a listed building is likely to harm the building's special architectural or historic interest, this will not necessarily be the case when the extension is beneath the garden and where the 'connection' to the listed building is of an insubstantial nature and appropriate design. As such it would not be appropriate to have a presumption for extensions beneath gardens. Archaeological remains within a garden, be this listed or otherwise must be considered.
Trustees of the Phillimore Estate	Core Strategy Policy CL4 (clause h.) resists development which would threaten the conservation, protection or setting of archaeological remains. This therefore provides adequate protection against any adverse impacts on sites with an archaeological interest.	Noted
Brompton Association (Ms Whewell)	I have no comments.	Noted
Oliver Parr	No strong views.	Noted
Charik	Ove Arup should continue their work and the Council must impose constraints on developers to compel adherence to the practices they recommend for the avoidance of adverse effects.	Noted. The draft Core Strategy explicitly notes that archaeological remains should not be threatened by development, be this directly or indirectly.
Susan Bicknell	Have horizontal crack in wall to prove that underpinning does not help old (1806) houses	Noted. The structural stability of adjoining properties will be addressed by the CMS/EDCS, although it should be noted that ultimately the responsibility for structural stability rests with the applicant.
Andrew Dobson Architects	It is right in archaeological sensitive areas a watching brief exist.	Noted.

(Andrew Dobson)	This should not be Borough wide.	
The Residents of Strathmore Gardens (Chris Hunt)	My home as in an area of archaeological significance yet that fact has not factored into planning approval recommendations whatsoever.	Noted.
Vanguard Working Group (John Simpson)	We have no comments on this section.	Noted.
Black Onyx Developments Ltd (Black Onyx)	No comment on this.	Noted.
Holland Park West Residents' Association (Sally Mizani)	You need to check applicants surveys are thorough and accurate.	Noted.

Question 5 **Do you consider that the existing policy concerning subterranean development beneath garden squares is appropriate?**		
Trustees of the Phillimore Estate	Policy CR5 of the Core Strategy protects existing parks and garden squares and states that development which has an adverse impact upon garden squares, including proposals for subterranean development, will be resisted. This provides satisfactory controls of subterranean development beneath garden squares, and remains appropriate.	Noted. Policy CF5 will not be amended.
de Rosee & Sa (Max de Rosee)	I concur that subterranean development beneath a public space (garden square, and parks) should be resisted. However, I think that subterranean development adjacent to a public open space is not necessarily detrimental; it could be seen that this policy could be used to resist that. I also think that in people's private gardens a degree of subterranean development could be allowed, provided there is an allowance of topsoil for plant and tree growth.	Noted. Basements beneath dwellings, and their gardens, will be assessed on their merits, having regard to the Council's policies and validation requirements. One of these provisions relates to the protection of existing trees and the provision of at least one metre of permeable top soil to allow plant growth.
Tim Nodder	The present text in Policy CR 5 would seem to lead to arguments about whether a particular application involving subterranean development would have an adverse effect or not. Subterranean development under garden squares should be resisted absolutely.	Whilst the policies within the Core Strategy can introduce a presumption against certain types of development in certain locations the individual merits of a case have to be considered. Policy

	The policy should be extended to other open spaces not only garden squares.	CR5 will not be amended.
Holland Park West Residents' Association (Sally Mizani)	What about back and front gardens? This is over development.	The draft Core Strategy considers the impact that basements beneath gardens have on the character of the property, the garden and planting. It is not sufficient to suggest that ant development beneath a garden is "over development." The Council is of the view that development beneath a garden does not necessarily have a detrimental impact upon the character of that area. For a proposal to have a detrimental impact it must normally be visible. This has been confirm at appeal by PINS inspectors.
Oliver Parr	No subterranean development in any garden square should be permitted. As a shareholder in the largest private garden in London, Ladbroke Square, I have a vested interest in this issue; and would resist any attempt to develop this particular garden.	Noted. Policy CF5 will not be amended.
Tim Stranack	I would like there to be a planning policy against all such developments	Whilst the policies within the Core Strategy can introduce a presumption against certain types of development in certain locations the individual merits of a case have to be considered. It would not be appropriate simply to have a policy which resists all basement development, without demonstrating that all have an unacceptable impact (in planning terms) on the building or surrounding area. Policy CF5 (regarding development beneath garden squares) will not be amended.
Charik	provided that you do the above	Noted. Policy CF5 will not be amended.
Susan Bicknell	Development underground hampers water runoff etc....	Noted. The impact of a basement development on ground water flows forms part of the consideration of the CMS/EDCS. The draft Core Strategy seeks to limit the size of basements beneath gardens in

		order to ensure that water runoff can be properly mitigated. Policy CE2 (flooding) will not be amended. This includes the requirement that water runoff is not increased by development. This requirement is repeated within the draft basement policy.
Patrick Browning	Why does this question just refer to garden squares? What is the ratio between garden squares in the borough and the area of private gardens? If all private gardens in the borough were subjected to subterranean development presumably this would have a considerable impact both on the greenery in the borough and on the use of rainwater?	The building of basements beneath private gardens does have the potential to have considerable impact upon both the greenery in the borough and the use of rainwater. The draft Core Strategy contains policies to address this. This includes requiring the use of sustainable urban drainage techniques, restricting the extent of basements and requiring at least a metre of topsoil above a garden basement.
Leigh & Glennie Ltd (Christian Leigh)	It is inappropriate to automatically see subterranean development beneath garden squares as harmful. Yet that is what the wording of Policy CR5 states: it resists development that has an adverse effect upon garden squares (quite rightly) but then states that definition of 'adverse effect' automatically is one 'including proposals for subterranean development'. Subterranean development beneath garden squares may have an adverse effect upon a garden square, but it may not. It is unreasonable for the SPD to assume there would be harm. It may consider harm to be likely, but should recognise there may be good design, innovative solutions or particular circumstances that make such development acceptable. The SPD should be modified along the following lines: 'The Council is generally resistant of proposals for subterranean development under garden squares, unless it can be demonstrated that there will be no harm to the character of the square and the quality of the outdoor space.'	The Council is of the view that, in principle, a subterranean extension beneath a garden square is likely to be harmful. The policy as worded makes it clear that this is the Council's view. There is no intention to alter this policy. Any application will however, be determined on the merits of the case.
Ladbroke Association (Sophia Lambert)	We agree strongly that subterranean development beneath garden squares and communal gardens should continue to be	Noted. Policy CF5 will not be amended.

	resisted. We also urge the Council to agree to subterranean development under gardens adjoining garden squares only where it can be shown that the construction will not harm the trees in the garden square, whether by interference with their roots, by vibration from the construction, by an alteration in the local water table. There should be a requirement (as a condition) that any neighbouring garden tree seriously affected by the approved works within a five year period is replaced with the same species (or as approved by the LPA) as a semi-mature specimen or larger as appropriate. This condition would be in addition to any similar condition directed to trees on the application site.	Both the Core Strategy and draft Core Strategy seek to protect trees from the impact of basement development, whether they lie on the site, or would otherwise be affected. The Council requires the submission of an arborocultural report which considers the impact of a basement on trees within the application property and the surrounding area. This should ensure that all necessary measures are taken to protect existing trees.
The Residents of Strathmore Gardens (Chris Hunt)	No opinion.	Noted.
West London Architectural Society (Charles Dorin)	We consider that there should not be a blanket resistance to subterranean development under garden squares. Whilst it may be difficult to achieve technically it may be possible and appropriate in certain situations, subject to the preservation of trees and other valuable amenities.	The Council is of the view that a subterranean extension beneath a garden square is likely to be harmful. The policy as worded makes it clear that this is the Council's view. Any application will however, be determined on the merits of the case
Norland Conservation Society (Libby Kinmonth)	The quarrying of garden squares whether for car parks or Sub T's unless of a suitable depth (certainly considerably more than 1metre which is the permissible depth given for replacement soil in gardens) should not be permitted.	Noted. The Council is of the view that the principle of basements beneath garden squares, whatever the soil depth above, is unacceptable. Policy CF5 will not be amended. Any application does, however, have to be determined on the merits of the case
Vanguard Working Group (John Simpson)	We support existing policy but feel the way it is implemented needs to be strengthened. Subterranean development in houses forming part of a garden square will often have an adverse effect on the square and therefore should be resisted. The effect of a series of basement developments in a garden square over a period of years is likely to lead to a serious degradation of the character of the square. This should be specifically addressed.	The impact of a basement in terms of flooding and ground water flows will form part of the CMS/EDCS. A specific reference will be added to the associated SPD to explicitly recognise that the potential impact on a garden square should be assessed. The cumulative impact of basement extensions on the wider character of a garden square can only be assessed when these are visible.

Black Onyx Developments Ltd (Black Onyx)	No comment on this.	Noted.
Edward Davies-Gilbert	We strongly support the severe limitation of developments under garden squares [Question 5]	Noted. Policy CF5 will not be amended.
Edward Davies-Gilbert		
Cadogan Estates	As stated in our response to question 3, the NPPF highlights the presumption in favour of sustainable development. Again, proposals for subterranean development under parks, gardens, open spaces and waterways should be assessed in terms of whether the proposals materially affect its significance. In some cases, there will be no harm in progressing subterranean development under gardens or open spaces where there is no impact on the character of the immediate and surrounding area. Consequently, greater flexibility should be introduced into the wording of the Royal Borough's policies.	The Council is of the view that a subterranean extension beneath a garden square is likely to be harmful. The policy as worded makes it clear that this is the Council's view. Any application will however, be determined on the merits of the case

Question 6: **Do you consider that the existing policies concerning the basement extensions and protection from river flooding and surface water flood events are adequately covered within the Core Strategy and SPD?**		
ESSA (Anthony Walker)	Cumulative effects. No one has the specific duty to consider the cumulative effects of a series of subterranean developments. With regard to ground water it is assumed that it will flow round the obstruction but there appears to be no mechanism to verify this assumption. We believe that applicants for any subterranean development where buildings already have basements within or close to the water table, including those where consent has been granted and not expired, should provide an assessment of the possible impact on those buildings. A recent application in Abingdon Road which is for two deep levels of basement where the water table is only 2.5 metres below ground level anticipates that there may be excessive water penetration but relies simply on pumping the	The Council have commissioned consultants to consider the impact that basements will have upon ground water flow. They have concluded that excavations which are wholly above the perched water table of the upper aquifer are unlikely to be affected. If there is a groundwater flow it can continue in the ground below the level of the new basement. However, there will be circumstances when the impact of a basement on ground water flow may be more significant. This includes a basement which extends through the gravels below the water

	water away with no indication of where to and what the impact of that might be.	table into the underlying London Clay, or a basement where there are existing houses with basements and where the existing perched water table lies close to the lowest occupied area. Therefore, the CMS/EDCS will require applicants to specifically consider the impact of a basement proposal upon ground water. This consideration include the impact of continual pumping.
The Kensington Society (Amanda Frame)	Flood Risk: ban on basements in areas of historic flood risk or identified as at flood risk; more must be required to reduce flood risk both to others and protect the basement from flooding. Areas of flood events should be mapped and restrictions based on this data. There are areas of the Borough which have been subject to flooding in the past. The Local Plan needs to be updated to show all areas that have been subject to surface water and sewage flooding. Thames Water has now identified these areas and it is now possible to identify whether basement development in such areas could be at risk and require mitigation measures, such as FLIPS or pumps (not just recommend). There is a problem with requiring such measures for living space since often the use of the spaces are not defined or can be changed after construction. Similarly there is a need to ensure that new basement developments are designed to reduce rainwater and surface water runoff from the site. Action: Areas at risk from surface water and sewer flooding should be mapped as part of an improved evidence base for and included in the SPD, and all applications in such areas should be required by revision of the Local Plan to incorporate: SUDS sufficient to ensure a reduction of surface water run-off; FLIPS/non-return valves and pumps to avoid flooding Need for better evidence on water table levels through bore tests	The Council will resist the creation of self contained residential units within basements in areas at the greatest risk of flooding. The Council has commissioned consultants to map those part of the Borough that have critical drainage problems. These areas will be formally defined after the review of the Strategic Flood Risk Assessment and the Surface Water Management Plan, both expected to be completed in the spring of 2013. The draft Core Strategy requires the provision of positively pumped devices (similar to flips) for all new basements in such areas to mitigate the potential impact of flooding on the newly constructed basements. The consultants are developing a pro forma to ensure that issues such as structural stability and implications on the hydrological regime are properly addressed. This includes the need for a bore hole for each site to assess where the perched water table lies. The draft Core Strategy includes a specific reference to providing at least one metre of permeable top soil above the top of a basement

	and by recording the level at which the water table is hit, and for this information to be mapped to improve the evidence base. Protecting people the Local Plan should be revised to resist the use of basements for sleeping accommodation unless protected by mitigating measures such as sump pumps, etc. This should be incorporated in the policies. Natural ventilation and direct access to natural light and windows must be required; roof lights are not acceptable. Reduce/avoid paving over gardens and ensure more than 1m of soil over the basement and no water runoff as a result of building under/paving over gardens. This should be combined with rainwater harvesting to secure a reduction in rainwater runoff from the site.	beneath a garden in order to allow effective SuDS. In addition the draft document refers to Policy CE2 (not changed) which requires all suitable development in the Borough to reduce both the volume and speed of water run-off to the drainage system.
Clive Wilson	No subterranean developments should be allowed in areas which have recently (e.g. July 2007) suffered surface water and sewerage flooding.	The Council will resist the creation of self contained residential units within basements in areas at the greatest risk of flooding. If an applicant wishes to build a basement within an areas at risk of flooding, the basement is not for a self contained residential unit, and the basement does not increase flooding elsewhere, then the risk is his. The Council has commissioned consultants to map those part of the Borough that have critical drainage problems. These areas will be formally defined after the review of the Strategic Flood Risk Assessment and the Surface Water Management Plan, both expected to be completed in the spring of 2013. The draft Core Strategy requires the provision of positively pumped devices (similar to flips) for all new basements in such areas to mitigate the

		potential impact of flooding on the newly constructed basements.
Trustees of the Phillimore Estate	Policy CE2 requires a flood risk assessment to be submitted with applications in Flood Zone 2 and 3 (areas with Medium and High Probability of flooding) to demonstrate that there will be no adverse impact on flood risk Furthermore, RBKC's SPD on subterranean developments requires a Construction Method Statement (CMS) to be submitted with all applications for basement excavation. Applications should not be validated without this. The SPD (paragraph 6.1.3) sets out the issues which the CMS should cover, which includes: -whether the geology is capable of supporting the loads and construction techniques to be imposed -the impact of the subterranean development on drainage, sewage, surface water and ground water, flows and levels -how any geological, hydrological and structural concerns have been satisfactorily addressed We conclude that the current policy framework provides sufficient protection against river flooding and surface water flood events.	Noted.
Tim Nodder	It is not clear how these safeguards are applied to basements which are being constructed under permitted development rights, which obviously they should be.	These safeguards are only relevant when planning permission is required. To this end the Council is considering the use Article 4 Directions to remove all but the most minor of basement extensions from the provisions of permitted development. This could be done Borough wide or within specific areas. This would have to be the subject of further specific public consultation.
Brompton Association (Ms Whewell)	I would like the policy expanded to consider the impact of a significant increase in size/use of a property on local sewers and their capacity to cope. Some basement proposals are enormous, increasing the size of a property from e.g.. 2/3 bedrooms to 6 bedrooms and adding proposals for swimming pools, saunas and other water-using features. This opens up the possibility of existing sewers/drains	The Council does not consider that the expansion of new basement developments create a significant over loading of local sewers. New units are rarely created, merely the extension of existing. In addition the Council requires, through its BREEAM assessment, that all properties which include a basement development to make significant savings with regard water usage.

	being overloaded. While current policy appears to require protection of the property at which the proposed development takes place, these measures would not protect neighbours who could suffer (e.g. blockages and backflow) from over-use of the sewer by the new development. The policy should be expanded to require an assessment of whether large new basements and their use could overload local sewers to the detriment of other local properties.	
Holland Park West Residents' Association (Sally Mizani)	Swimming pools that empty into the main sewer. Filling swimming pools from a struggling water system. Having water bores that further deplete the water table (our source of water for mains pipes and rivers) for swimming pools, air con and grounds - could result in stand pipes for the rest of us and river life being nonexistent.	The availability of water to fill a swimming pool is a matter for Thames water.
McVittie	If there is no effective control on basement extensions, it follows that there is no effective control against flooding.	The Council recognises that the safeguards hat are available, concerning flooding are only are only relevant when planning permission is required. This includes requiring effective SuDs, and for a CMS/EDCS to consider impact of a basement on ground water flow. To this end the Council is considering the use Article 4 Directions to remove all but the most minor of basement extensions from the provisions of permitted development. This could be done Borough wide or within specific areas. This would have to be the subject of further specific public consultation.
Oliver Parr	The current policy does not appear to deal specifically with underground streams - both known and suspected. Indeed the anecdotal evidence for the existence of such streams appears to go well beyond the scanty documentary evidence. Greater recognition needs to be given to known underground water in the vicinity of proposed underground developments. There is a good case for the maintenance by the Council of a register of	The Council will requires the submission of a CMS/EDCS alongside all applications which include a basement extension. This will require developers to address the hydrologic regime and how they intend to mitigate the possible effects. This will include requiring a bore hole to establish water levels (and local geology) for each

	underground water to which local residents could provide information based on personal experience.	development.
Tim Stranack	No such extension should be permitted unless the developer can demonstrate to a proper degree of certainty that there will be no material impact on flooding of all sorts.	The Council will require the submission of a CMS/EDCS alongside all applications which include a basement extension. This will require developers to address the hydrologic regime and how they intend to mitigate the possible effects. This will include requiring a bore hole to establish water levels (and local geology) for each development.
Charik	Provided that you do the above	Noted.
Susan Bicknell	Much further examination of existing subterranean buildings and their effects should be taken into account.	The Council have commissioned applicants to consider the impact that basements will have upon ground water flow. This concludes that excavations which are wholly above the perched water table of the upper aquifer are unlikely to be affected. If there is a groundwater flow it can continue in the ground below the level of the new basement. However, there will be circumstances when the impact of a basement on ground water flow may be more significant. This includes a basement which extends through the gravels below the water table into the underlying London Clay, or a basement where there are existing houses with basements and where the existing perched water table lies close to the lowest occupied area. Therefore, the CMS/EDCS will require applicants to specifically consider the impact of a basement proposal upon ground water. This consideration include the impact of continual pumping.
Patrick Browning	I have to say that I do not feel very concerned about whether people who dig enormous basement extensions might be subject to flooding. They would have brought the problem on themselves.	Noted.
Andrew Dobson Architects	Sites should allow for drainage and policy does say basements	Noted. The draft policy will resist proposals which

(Andrew Dobson)	should not cover the whole garden.	included the creation of basements beneath the entirety of a garden. In addition effective SuDS are required.
Ladbroke Association (Sophia Lambert)	We are concerned that the Council only considers surface water and sewerage flooding. In the Ladbroke area, there are a number of springs and small hidden watercourses that are not on any maps but nevertheless cause problems, to such an extent that some normal basements already have permanent pumps installed. Full hydrological surveys should be conducted in any area where there is a history of flooding of any sort. It is also important that hydrological surveys should be done to adequate standards, which may mean several boreholes, and the taking of measurements several times over a prolonged period (a recent case in point is 57a Ladbroke Road, where despite anecdotal evidence from residents of problems with springs, a single borehole was drilled and apparently only one measurement taken). The Council should consider developing a standard to be followed.	The Council will requires the submission of a CMS/EDCS alongside all applications which include a basement extension. This will require developers to address the hydrologic regime and how they intend to mitigate the possible effects. This will include requiring a bore hole to establish water levels (and local geology) for each development.
The Residents of Strathmore Gardens (Chris Hunt)	In our case, the Planning Department simply consulted a map that said we were not in a flood zone and left the issue at that. Despite neighbours raising concern, the issue was never seriously considered or challenged by the Planning Applications Committee. However, not more than 100 metres away, also in an area that was not designated a flood zone, there is a lawsuit going on in which one property owner is suing his next door neighbour over groundwater damage to his property that has destroyed his floors as a direct result of a basement project gone wrong. We are not aware of the full details of the case but presumably it is from groundwater flows, or a spring, rather than Thames related flows. Is the system working? Apparently not. The Planning Department cannot simply rely on maps. If a neighbour raises an issue, the Planning Department needs to require the applicant to complete an analysis above and beyond simply consulting a map. This	The Council will requires the submission of a CMS/EDCS alongside all applications which include a basement extension. This will require developers to address the hydrologic regime and how they intend to mitigate the possible effects. This will include requiring a bore hole to establish water levels (and local geology) for each development. This requirement will be for all properties, not simply those within an area with critical drainage problems.

	would cost the Department nothing, yet would provide significant protection to affected residents.	
Norland Conservation Society (Libby Kinmonth)	Absolutely NOT. What I find quite frustrating is the lack of co-ordination between the Council's Core Strategy and its recent partnership with Thames Water developing SUDS to prevent localised flooding. Thames Water is very aware of the problem caused by recent in-fills in the past 10-20 years which has contributed to severe localised flooding. At a meeting at Kensington Town Hall 6 months ago one of three flood water/drainage experts now advising Thames Water, expressed extreme surprise at the scale and depth of subterranean developments allowed in RBKC. He certainly did not see any reason for complacency in fact he sees very un-joined up thinking with the Council's Core Strategy allowing deep excavations in a piecemeal fashion, while at the same time trying to implement SUDS . Likewise Thames Water is concerned at the scale and depth of displacement under private houses in such a piecemeal fashion.	The Council is currently consulting on a SuDS tool for small development , which will allow us to fully implement policy CE2 which requires developers to implement suds for all development. The Council will requires the submission of a CMS/EDCS alongside all applications which include a basement extension. This will require developers to address the hydrologic regime and how they intend to mitigate the possible effects. This will include requiring a bore hole to establish water levels (and local geology) for each development. This requirement will be for all properties, not simply those within an area with critical drainage problems.
Vanguard Working Group (John Simpson)	We have not examined this aspect specifically but we are concerned by a number of comments that have been made regarding the inadequacy of existing policy.	Noted.
Leo Cronin	Water Table: There is no evidence that subterranean developments have an adverse effect on the water table. Fears of residents in this regard are unfounded and seem to be fuelled by misinformation.	Noted. The Council have commissioned applicants to consider the impact that basements will have upon ground water flow. This concludes that excavations which are wholly above the perched water table of the upper aquifer are unlikely to be affected. If there is a groundwater flow it can continue in the ground below the level of the new basement. However, there will be circumstances when the impact of a basement on ground water flow may be more significant. This includes a basement which extends through the gravels below the water table into the underlying London Clay, or a

		basement where there are existing houses with basements and where the existing perched water table lies close to the lowest occupied area. Therefore, the CMS/EDCS will require applicants to specifically consider the impact of a basement proposal upon ground water.
Edward Davies-Gilbert	We also consider that any basement extension should not exceed 50% of the existing garden [not 85%as appears in 3.14] We are also concerned at the consequences of both surface and sewage flooding ; the accumulative effect of these basement developments needs to be addressed as well [Question 6]	In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement development below a garden to allow effective drainage. The extent of development must not exceed 75% for each garden, but this figure may reduce on clays where drainage is more problematical. These figures are based upon a study commissioned by the Council to help inform the Core Strategy review. The Council will requires the submission of a CMS/EDCS alongside all applications which include a basement extension. This will require developers to address the hydrologic regime and how they intend to mitigate the possible effects. This will include requiring a bore hole to establish water levels (and local geology) for each development. Cumulative impact has to be taken into account.

	Comment	Council's response
Question 7: Do you consider that the content of the existing policies concerning basement extensions and trees, vegetation and sustainable drainage are sufficient to mitigate any adverse impact?		
ESSA (Anthony Walker)	Gardens. We consider that the allowance for basements to extend underneath 85% of the garden is excessive. It restricts planting	In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement

	opportunities for future generations and also tends to limit tree planting to the perimeter where they will overhang neighbours property and thus may not be allowed to develop naturally. A line of trees along the ends of gardens is not traditionally characteristic and thus is potentially detrimental to the character of the conservation area. We believe a 50% coverage should be the maximum extent with a condition that the remaining areas have a surface which will allow water to soak away naturally.	development below a garden to 75% where lying on gravel, or 50% when on clay. These figures are based upon a study commissioned by the Council to help inform the Core Strategy review. In addition the draft Core Strategy requires the provision of at least 1 metre of permeable topsoil to be provided above the top of any basement beneath a garden, in order to allow assist drainage and to support the mature planting of scrubs. The draft document also refers to Policy CE2 (not changed) which requires all suitable development in the Borough to reduce both the volume and speed of water run-off to the drainage system. Existing trees will continue to be protected.
The Kensington Society (Amanda Frame)	Coverage/SUDS The amount of garden covered; 85% was far too much to provide for adequate drainage and retention of trees and not properly control some talked of 50% limit, but that too is no less arbitrary than 85%; 1m of soil is not enough; need more for trees. Require zero entire site surface water run-off and retention of permeable surfaces Interception of ground water to maintain supply e.g. Odeon Cinema development (NB: could not be done on 3-storey basement on De Vere Gardens development); and the 85% coverage rule is unsubstantiated and too small; it will depend on the size of garden, the slope of the site and effect on neighbouring gardens; but the unbuilt area must be large enough and	In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement development below a garden to 75% where lying on gravel, or 50% when on clay. These figures are based upon a study commissioned by the Council to help inform the Core Strategy review. In addition the draft Core Strategy requires the provision of at least 1 metre of permeable topsoil to be provided above the top of any basement beneath a garden, in order to allow assist drainage and to support the mature planting of scrubs. 1 metre of top soil is considered appropriate by our consultants. The draft document also refers to Policy CE2 (not changed) which requires all suitable development in the Borough to reduce both the volume and speed of water run-off to the drainage system.

	appropriately positioned to be an effective SUDS and, where needed, to retain or replace existing trees.	
Clive Wilson	The CS states: The Council will require the protection of existing trees and the provision of new trees that complement existing or create new, high quality green areas which deliver amenity and biodiversity benefits. Policy CL2(g). New buildings, extensions and modifications to existing buildings The Council will require that it is demonstrated that [for subterranean development] iii. there is no loss of trees of townscape or amenity value; iv. adequate soil depth and material is provided to ensure sustainable growth. Para 9.1.1 The Council will require that no mature trees are removed, felled, uprooted, topped, damaged or harmed in the long term, especially those with Tree Preservation Orders, in Conservation Areas or within the curtilage of a Listed Building, to make way for a subterranean development under a garden. Para 9.2.1 The Council will require the following for all basement proposals under gardens - 1m of permeable soil above the top cover of the basement; -No more than 85% coverage of the garden space (between the boundary walls and existing building), with the remainder of the space used for drainage, planting and 'tree pits'; In our experience this can become a fudge, with new trees planted to replace inconvenient mature trees. No more than 85% coverage is far too generous, and is likely to remove far too great a proportion of available soakaway space.	The Council considers that the existing policy, repeated within the draft Core Strategy, requiring the protection of trees of townscape of amenity value is appropriate. There will, however, be circumstances when it is appropriate for a tree to be replaced. This will be assessed on its merits by the relevant officers. In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement development below a garden to 75% where lying on gravel, or 50% when on clay. These figures are based upon a study commissioned by the Council to help inform the Core Strategy review.
Trustees of the Phillimore Estate	The policy framework requires the protection of existing trees and provision of new high quality landscaping (Policies CR6 and CL2). Where there are trees within the application site or in close	Noted. The council no longer considers that allowed the development of 85% of the garden to be acceptable.

	proximity to the boundary, an arboricultural assessment is required as part of any application to assess the impacts and identify any necessary mitigation measures. In addition the SPD on subterranean developments imposes a number of requirements to safeguard against adverse impacts on trees, vegetation and sustainable drainage. These include that the basement does not cover more than 85% of the garden space and that 1 m of topsoil is provided above the basement. As long as these policies are applied, the content of the existing policies and guidance is considered sufficient to ensure there is no adverse impact on landscaping and sustainable drainage.	
Tim Nodder	The document , at 3.14, focuses on protecting "green and leafy APPEARANCE"; (my emphasis). This is an unfortunate emphasis on how things look - rather than what works for long term sustainable urban living: such matters as breathing space and natural soil and ground cover for mammals, (including humans), birds and invertebrates, plants and fungi, the necessary third natural kingdom. A particular fault is the priority given to trees, especially mature trees (no doubt because of their appearance), to the exclusion of e.g. hedges and other elements of importance to wildlife corridors. The current SPD at 9.2.1 uses a limit of 85% coverage for subterranean development under gardens. Note that the remaining 15% could be used for drainage sumps and other works which could further reduce the "green" proportion. Overall, many parts of the Borough are thoroughly covered with roads, paved areas and buildings. added to this are the many extensions and conservatories being built at ground level, a process barely controlled by planning rules. As a result, the 15% being allowed for "garden"; will, as more subterranean	The provision of at least 1 metre of permeable topsoil above a basement beneath a garden is considered appropriate to allow mature shrubs and bushes to thrive into the future. This will also have benefits to wider biodiversity. The Council cannot resist the loss of existing shrubs (or hedges when made up of scrubs or bushes) as this does not require planning permission. In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement development below a garden to 75% where lying on gravel, or 50% when on clay. These figures are based upon a study commissioned by the Council to help inform the Core Strategy review.

	development is permitted, become a smaller and smaller portion of the Borough's surface. In some densely developed sectors, as whole terraces are developed with subterranean rooms, the result will approach Victorian back-to-back. There will be a strong case for reducing the 85% limit, and possibly prescribing much lower limits for some specified districts, where the natural garden cover is already only a small proportion of the total land.	
Brompton Association (Ms Whewell)	This policy should be extended to consider the drainage issues and risks posed by basement swimming pools which in addition to causing concern in relation to leakage of a large quantity of fluid, also raise pollution concerns (chemicals). In addition, drainage and pollution issues in relation to basement storage of fuels e.. to run plant should also be considered.	The responsibility for damaged caused to neighbours due to a leaking swimming pool rests with the owner of the property. There is no reason to believe that a swimming pool cannot be 'run' in an effective and safe manner on an ongoing basis.
Holland Park West Residents' Association (Sally Mizani)	Not enough checks by RBKC. I have known developers cut through roots of trees, then have an arborocultural report done to say the tree was diseased or dead. Not enough soil over basements 1 meter is not enough, it depends on the square area of basements. Where they are underneath gardens (green space) 1 meter would not support a tree which are the lungs of London especially RBKC which has high air pollution. 1 meter would not even absorb rain runoff from roof. No basement under gardens or only 30% of original building, not present with new extensions. We have lost too much green space when are you going to say enough. Where basement house or could house swimming pools, are sewage system now and in the future, with increasing over development cannot take it. Nor can our water supply or ground water (bore holes) the effect is river life dying off and becoming extinct. Lack of pressure in our water pipes for those living above a certain level stand pipes and drought for excessive use of water.	Care must be taken to ensure that submitted arborocultural reports are accurate. The draft Core Strategy resists ant development that will harm existing trees. Alan Baxter Associates have confirmed that the provision of 1 metre of topsoil will sustain healthy planting, and will contribute towards effective drainage. In addition the draft Core Strategy requires the provision of effective SuDS to ensure that a basement does not increase surface water run-off. The availability of water to fill a swimming pool is a matter for Thames water. Geology, and its potential impact on basement design is a subject for the CMS/EDCS to be submitted alongside a planning application.

	Flooding for excessive drainage of water. At the very least consider recycling water within a development, especially a large on - air con, w.c., C H, watering gardens, washing cars, swimming pools (Rain water) etc... Council need to do monitoring. Council need to know geology of borough themselves.	
McVittie	Basement extensions should come under the usual planning permission regime.	The Council is limited by national rules in terms of what it can or cannot assess in terms of a basement extension. The Council is considering the use Article 4 Directions to remove all but the most minor of basement extensions from the provisions of permitted development. This could be done Borough wide or within specific areas. This would have to be the subject of further specific public consultation.
Oliver Parr	I claim no special knowledge but I suspect that allowing gardens to be excavated across 85% of their surface area will prevent large trees reaching maturity and will inhibit the growth of existing larger trees and may ultimately lead to them becoming unstable. It is also likely to cause water run-off problems. Moreover, developing 85% of a garden's surface area will almost certainly mean excavating up to the boundary walls with all the inevitable consequences. A figure of 50%, at most, would seem more appropriate although it might be best for the Council to seek advice from a suitably qualified consultant.	In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement development below a garden to 75%. This figure may drop where lying on clay. This figure is based upon a study commissioned by the Council to help inform the Core Strategy review. This will allow the excavation up to some boundary walls. The impact of the excavation will be addressed by the content of the CSM/EDCS required to be provided at validation stage.
RAB Pension Fund (RAB)	The issue should be confined not to all existing trees, but only to those of amenity value. Thus Para. 9.1.1 should be amended to after "mature trees" the words "of amenity value". There is confusion between para. 9.2.1 which requires 1 metre of soil in every case and para. 4.3.1 which recognises that 1 meter of soil is not always required. It would be helpful for the text to	The proposed policy within the draft policy notes that the Council will resist the loss of, or damage to, existing trees of townscape or amenity value. The draft Core Strategy and SPD will be consistent with regard the provision of the metre of topsoil.

	explain where there is not such a requirement and the text of para. 9.2.1 should be revised accordingly e.g. where there is no existing soft landscaping; e.g. where SUDS provision significantly enhances the surface water drainage situation.	
Tim Stranack	I do not know - I am no expert	Noted.
Charik	Provided you do the above	Noted.
Susan Bicknell	More detailed and monitored instruction should be given by all depts. of RBKC - especially when it comes to retaining trees. Somehow they mysteriously die during the period of construction.	All applications for basements where there are trees will be accompanied by a full tree survey and tree protection proposal. These must include consideration of the construction phase of the proposal as well as the completed development.
Patrick Browning	I question whether the Council really wants to protect the trees in the borough. A recent proposal near us for an underground swimming pool would have meant the removal of the tree currently growing in that garden and, when I spoke to a Council officer about this, he said that they had already given approval for removal of the tree. Trees which can be enjoyed by everybody are therefore removed so that a swimming pool can be enjoyed by the property owner. I'm glad to say that at the moment this development does not seem to be going ahead.	Noted. The presumption within the policy is clear, that the Council will resist the loss of, or damage to, existing trees of townscape or amenity value, or risk to trees in the longer term.
Leigh & Glennie Ltd (Christian Leigh)	There will be examples in the Borough where it is not necessary or appropriate to retain 1m soil depth. Certain properties historically never have had a rear landscaped gardens, such as some of the formal squares with small rear yards, and which utilised the communal squares nearby. That was the finding of an Inspector at appeal at 17 Thurloe Square (refs 04/00946 and 04/00947), who accepted that it was acceptable to a minimal depth of soil above a subterranean extension beneath the garden. The Council have also accepted since that date at properties in Kensington Gate the absence of any depth of soil can be acceptable. The SPD should therefore acknowledge that in certain circumstances less than 1m of permeable soil may be acceptable.	The draft Core Strategy requires the provision of a minimum of soil for all basement developments below a garden. The supporting text notes that this can be topped by permeable paving in some circumstances. It also makes it clear that this approach will be taken in all circumstances as the aim of the policy is to ensure that basement developments improve the amount and speed of water run-off. As such the intension is to improve run-off not merely to ensure that no further harm is occurring.
Astell St et al. Residents' Association (Margaret Fawcett)	I have read your document and agree with most of it, indeed anyone who wants considerate development and, if possible,	In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement

	more controls could hardly disagree with it. One point, however, where there is considerable room for improvement (literally) is the proportion of gardens that may be undermined by basements. Whatever the developer says a garden that is once displaced is unlikely to be as satisfactory an amenity for the neighbourhood after it has been excavated. An arid stretch of terrace and a few potted plants is the normal degree of restitution. We live in an area where there is a significant risk of flooding, the more natural soakaways that are removed the greater the risk. I suggest that the permitted amount of garden space that may be excavated should be reduced from 85% to 50%. Those who need more space should buy larger properties or land that is suitable for large developments and they would be assisted in such decisions if they knew in advance about a 50% maximum garden development. If this deters some speculators so much the better, recent building projects and high-end purchases in Chelsea and Kensington threaten to turn the area into a characterless condominium, devoid of normal people or, indeed, many full-time residents.	development below a garden to 75% where lying on gravel, or 50% when on clay. These figures are based upon a study commissioned by the Council to help inform the Core Strategy review. This will also assist in enabling larger scale planting.
Andrew Dobson Architects (Andrew Dobson)	There is little evidence that 1m of soil is indeed necessary and to require more will result in deeper basements. The 1m soil has been applied by the LPA with little consideration of location in that is makes little, or no, sense under a small courtyard garden. Under a bigger garden then it does have more purpose. Again the Guidance needs to be applied as relevant to the situation.	The provision of 1 m of topsoil is supported by the Council's consultants as be an appropriate level to support the cultivation of a garden above it. The draft Core Strategy makes it clear that this approach will be taken in all circumstances as the aim of the policy is to ensure that basement developments improve the amount and speed of water run-off. As such the intension is to improve run-off not merely to ensure that no further harm is occurring.
Chancery St James PLC (Mr Curwen)	We believe these provisions are too onerous and inflexible. The impact on trees and vegetation should be considered in the same way as for any other application for development and be based on	In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement development below a garden to 75%. This figure

	the merits of the case and, where necessary, the results of an arboricultural assessment of trees likely to be affected. The 85% site coverage figure is arbitrary and fails to take account of the factors relevant to a particular site. The policy assumes that all garden areas are laid to lawn and planting which is clearly not the case. In many instances a well designed basement with an appropriate drainage system and landscaping scheme will provide a more sustainable option than the existing situation.	may drop where lying on clay. This figure is based upon a study commissioned by the Council to help inform the Core Strategy review.
The Residents of Strathmore Gardens (Chris Hunt)	The best way to evaluate a public policy is often to take it to the extreme. In this case, consider what the Borough would look like in 50 years if every property builds a basement and that every garden had a basement with only one metre of soil covering 85% of the garden. Would there be large growth? Old trees? What will we have left for future generations? We claim no expertise as arborists, so do not know the answer. But it has always seemed that the 85% number was quite high. Perhaps a balance between the 85% criterion and the one metre rule would be more sensible.	In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement development below a garden to 75%. This figure may drop where lying on clay. This figure is based upon a study commissioned by the Council to help inform the Core Strategy review. In addition the draft Core Strategy requires this remaining space to be provided in a single area in the rear garden resisting the provision of a narrow strip around the perimeter of the property to further assist the potential for future planting.
Environment Agency (Simon Banks)	The existing policies in the SPD create some confusion around the requirement for sustainable drainage for basement extensions beneath back gardens. Para 9.2.1 of the SPD states that the Council will require “1m of permeable soil above the top cover of the basement”. Para 4.3.1 appears to contradict this by stating where 1m of soil above a subterranean development is not required ...” We suggest that additional wording is included to provide guidance on the circumstances where the 1m of soil would not be required, so as not to undermine Para 9.2.1.	Noted. The draft Core Strategy makes it clear that the provision of 1 metre of topsoil will be required in all circumstances as the aim of the policy is to ensure that basement developments improve the amount and speed of water run-off. As such the intension is to improve run-off not merely to ensure that no further harm is occurring.
Norland Conservation Society (Libby Kinmonth)	Again to quote Mr Wilson: Policy CR6: Trees and landscape The Council will require the protection of existing trees and the provision of new trees that complement existing or create new, high quality green areas which deliver amenity and biodiversity benefits. Policy CL2(g). New buildings, extensions and modifications to existing buildings The Council will require that it is demonstrated that [for subterranean development	The presumption within the policy is clear, that the Council will resist the loss of, or damage to, existing trees of townscape or amenity value, or risk to trees in the longer term. In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement development below a garden to 75%. This figure

	iii. there is no loss of trees of townscape or amenity value; iv. adequate soil depth and material is provided to ensure sustainable growth. Para 9.1.1 The Council will require that no mature trees are removed, felled, uprooted, topped, damaged or harmed in the long term, especially those with Tree Preservation Orders, in Conservation Areas or within the curtilage of a Listed Building, to make way for a subterranean development under a garden. Para 9.2.1 The Council will require the following for all basement proposals under gardens 1m of permeable soil above the top cover of the basement; No more than 85% coverage of the garden space (between the boundary walls and existing building), with the remainder of the space used for drainage, planting and 'tree pits'; In our experience this can become a fudge, with new trees planted to replace inconvenient mature trees. No more than 85% coverage is far too generous, and is likely to remove far too great a proportion of available soakaway space. It is very debatable that 1mtre depth of soil is sufficient to allow a tree to reach maturity, when, drainage, drought, root structure and other competing trees, is taken into consideration.	may drop where lying on clay. This figure is based upon a study commissioned by the Council to help inform the Core Strategy review. This will also assist in enabling larger scale planting. This is in addition to requiring 1 metre of topsoil – a measure required to support both effective drainage as well as successful longer term planting of scrubs. The Council recognises that the 1 metre of topsoil is unlikely to be suitable for new tree planting.
Black Onyx Developments Ltd (Black Onyx)	The policy requires no more than 85% coverage of the garden space. We consider it is worth further clarification within the text that the remaining 15% can be used for drainage, planting and tree pits, and this zone could include permeable or other surfaces which provide drainage.	The Council's presumption is that the remaining space remains undeveloped to allow for mature planting in the future as well as contributing to effective SuDS.
Edward Davies-Gilbert	We strongly support stopping gardens being destroyed with all the environmental consequences.	Noted.

Question 8 **Do you consider that the existing policy within the Core Strategy satisfactory mitigates the**	

environmental impact of the construction and occupation of basement extensions?		
ESSA (Anthony Walker)	Eco home assessments. All that the applicant is required to do is to provide a statement that the proposals will meet the required standard. What checks are carried out to ensure that it does? With the enormous investment in energy-intensive excavation and deep construction, it appears often to be in some doubt that the building will meet the targets. A condition should be applied requiring the applicant to submit a post-construction review.	Noted. The draft Core Strategy includes a policy which requires basement proposals to demonstrate that the entire development, or where the basement is being constructed under an existing building, the entire building meets the appropriate carbon standards at both pre-assessment and post construction stages.
The Kensington Society (Amanda Frame)	Sustainability: more must be done to mitigate the unsustainability of these developments, including the disposal of soil, increase in energy and water consumption and construction waste; Ventilation and energy consumption: more must be done to control the increase in energy consumption, the lack of proper ventilation and the reliance on mechanical means of ventilation including proper access to natural light; 4. Sustainability: Large basement developments present major sustainability challenges: Excavation and disposal of very large quantities of soil Demolition and disposal of large quantities of demolition waste Large quantities concrete for construction Large embodied energy; Energy and water consumption in operation and use, air conditioning, mechanical ventilation, heating of water and saunas and filling and refilling of swimming pools and Jacuzzis; and Water runoff/harvesting and sustainable urban drainage systems. Solutions: At present the EcoHomes standard is used to ensure that, for residential basements, the building is retrofitted to achieve Code Level 4. Whilst we support the principal of improved	The draft Core Strategy includes a policy which requires basement proposals to demonstrate that the entire development, or where the basement is being constructed under an existing building, the entire building meets the appropriate carbon standards at both pre-assessment and post construction stages. This is considered to be an appropriate proxy to ensure that the carbon emissions associated with the construction of a basement development and its subsequent use are taken into account. This is considered to be the “detailed policy”, “specific to local circumstance” as set out in the London Plan Policy 5.3(D). Waste plans will be required for major development (as defined in the Site Waste management Plans Regulations.) These will demonstrate the efficient handling of construction, excavation and demolition waste and materials As suggested, the Draft Core Strategy refers to the relevant BREEAM standard for refurbishment.

	energy efficiency and the need for rainwater harvesting, this does not go anywhere far enough to effective address the environmental impact of the construction. All basement developments need to comply with: London Plan Policies 5.3 (sustainable design and construction) and 5.18 (construction, demolition and excavation waste). Sustainable Energy Act 2008; and New BREEAM standards due in July.	
Clive Wilson	No, But we are unable to make suggestions for additional measures.	Noted.
Trustees of the Phillimore Estate	The current policy requires the entire dwelling (following subterranean development) to meet EcoHomes Very Good. This is more than sufficient to mitigate the environmental impact of the construction and occupation of basement extensions.	Noted.
Tim Nodder	The retrofitting approach is fine; however, it needs to be carefully monitored for its effect over time, to ensure that permanent benefits are achieved and that it is not just a paper exercise.	Noted. It however, remains a considerable challenge to monitor such issues over the longer term.
Brompton Association (Ms Whewell)	I do not consider the policy sufficiently addresses the new uses to which basements can be put which have very detrimental impacts on the environment such as swimming pools and saunas. The policy should require additional mitigation measures to address the harmful impacts of such uses of basements.	The draft Core Strategy includes a policy which requires basement proposals to demonstrate that the entire development, or where the basement is being constructed under an existing building, the entire building meets the appropriate carbon standards at both pre-assessment and post construction stages. This is considered to be an appropriate proxy to ensure that the carbon emissions associated with the construction of a basement development and its subsequent use are taken into account. These standards include consideration of the impact of a swimming pool.
Holland Park West Residents' Association (Sally Mizani)	You cannot construct a basement or basements without damaging neighbouring properties. You should not allow basements in mews, too narrow for large plant equipment too	The Council's consultants have confirmed that it is possible to construct a basement without causing structural damage to neighbouring properties.

	much damage to properties and historic cobbles. Too much impact on very shallow foundations too high risk of flooding neighbours.	The Council requires a CMS/EDCS to be provided alongside the planning application, to ensure that an applicant can adequately demonstrate how he intends to implement the proposal in such a way as to safeguard the structural stability of existing buildings. The Council will require the conclusions of the completed CMS/EDCS to be confirmed by an additional suitably qualified structural engineer.
McVittie	The impact on the environment and the neighbourhood appears not to be taken into account.	The draft Core Strategy includes a policy which requires basement proposals to demonstrate that the entire development, or where the basement is being constructed under an existing building, the entire building meets the appropriate carbon standards at both pre-assessment and post construction stages. This is considered to be an appropriate proxy to ensure that the carbon emissions associated with a basement development are taken into account.
Oliver Parr	I strongly suspect that permissions granted for basement developments have been by no means always accompanied by the requirement to retrofit the rest of the property to achieve the highest environmental standards; e.g. the replacement of single glazing with double glazing or the insulation of lofts. Whether or not this is required, however, the greatest environmental impact of basement developments is felt by the immediate neighbours who have to put up with months (sometimes years) of noise, dirt and inconvenience ; and coincident or subsequent damage to their own properties Basement excavations are immensely disruptive and are little short of a nightmare for the neighbours. Lofty objectives to reduce CO2 emissions are all very well but are not the real issue when it comes to environmental impact.	The draft Core Strategy requires applicants to demonstrate that the property meets the necessary carbon standards at post construction stage. However, it is recognised that an applicant may be able to remove such features in the future (if provided in the first place and as demonstrated in the post construction certificate) without the need for planning permission. This is however unlikely given the nature of the measures required. The Council recognises that the greater environmental impact on neighbours does relate to the noise, dust, vibration and construction traffic associated with the building works. The Council takes an holistic approach to such matters using the relevant environmental protection legislation.

		However, whilst impact can be mitigated it cannot be reduced entirely. Works may not cause a statutory nuisance but still be considered to be unacceptable by residents. Measures such as requiring construction traffic and building methodology to be considered before an application is validated will assist, as will a presumption set out within the draft policy against double height extensions and building works to basements taking place at the weekend will assist in reducing the environmental impact.
RAB Pension Fund (RAB)	It is not appropriate to apply Policy CE1 c. EcoHomes Very Good standards as a requirement to the whole property, failing as that does the tests of Circular 11/95 not to impose requirements which are not directly relevant to development proposed, but which are addressing deficiencies in relation to the already existing dwelling, rather than simply addressing the consequences of the proposed development. It is particularly inappropriate to apply that in the case of listed buildings and the principle of a basement extension may be acceptable (even under the current policy in the garden area for instance), but it would be unfairly fettered because of the heritage asset impact limitations of "retrofitting" a listed building to achieve the "Very Good" standard for the whole property. The policy should be changed to apply only to the extension being proposed. Furthermore the requirements for Construction Method Statements and Construction Traffic Management Plans , Considerate Constructors Scheme, membership and the supervision of works by a chartered structural engineer should not be a general requirement, but should need to be justified in each specific case in terms of why the particular scheme would be unacceptable in material planning terms without those Conditions; there may be many cases where these may individually or in toto	The policy approach set out within Policy CE2 of the Core strategy was examined in 2010 and found to be sound. The Draft Core Strategy continue the same approach. The Draft Core Strategy does however, explicitly note that some flexibility will be allowed within a listed building, where it is demonstrated that the works needed to reach the necessary carbon standard are incompatible with the special character of the listed building. In these cases applicants will be expected to demonstrate that every effort has been to made to make the necessary carbon savings. The provision of a CMS and CTMP, are considered necessary in all cases to ensure that the works are carried out in an appropriate manner. Such requirements will be set out in the local list, a document which will be consulted on in due course. Similarly membership of the Considerate

	not be justified further regulatory limitations on development such additional unjustified regulation would be contrary to the objectives therefore of the National Planning Policy Framework.	Contractors Scheme and supervision by a chartered structural engineer is considered necessary given the potential difficulties associated with the implementing of a basement development.
Tim Stranack	I do not know - I am no expert	Noted.
Charik	Provided you do the above	Noted.
Susan Bicknell	Stricter controls that should be considered when giving planning consent	Noted. The approach taken is considered to be an appropriate proxy to ensure that the carbon emissions associated with a basement development are taken into account.
Patrick Browning	In the case of this and some other questions to which I have answered yes really the correct answer should be that I have no particular opinion. There should have been a wider choice than simply yes or no.	Noted.
Andrew Dobson Architects (Andrew Dobson)	The Eco homes ought to be relevant, to some degree, whatever the development. It should not be tied to basements.	Noted. The EcoHome assessment (now BREEAM for refurbishment) has been required for basements given the particular implications that such developments may have on carbon emissions. Convention extensions on buildings are likely to have a lesser impact. Policy CE1 does require larger residential developments (800 sq m or more) to meet the necessary carbon standards.
Chancery St James PLC (Mr Curwen)	The SPD should restore the caveat contained in the existing SPD in respect of Listed Buildings where it will not always be appropriate to achieve Eco Homes Very Good. This has been lost from the Core Strategy Policy CE1 despite cross referencing with the SPD. This should be clarified. The SPD allows for the possibility of basements beneath the gardens of listed buildings. The requirement should be relaxed where the impact of achieving it would be detrimental to the character of the listed building and the basement is acceptable in other respects.	The Draft Core Strategy does explicitly note that some flexibility, with regard meeting carbon standards, will be allowed within a listed building where it is demonstrated that the works needed to reach the necessary carbon standard are incompatible with the special character of the listed building. In these cases applicants will be expected to demonstrate that every effort has been to made to make the necessary carbon savings.
Metropolis Green LLP (Miranda Pennington)	As a consultancy, we have prepared a number of energy and sustainability statements and EcoHomes pre-assessments at the	Following the launch of BREEAM

	planning application stage for clients across the Royal Borough proposing basement developments. We are also currently involved in a number of EcoHomes assessments at both the design and post construction stages for developments incorporating basement extensions which have obtained planning approval. We would like to raise the following comments and concerns regarding the Royal Borough's current and potential future planning policy with respect to the mitigation of the environmental impact of the construction and occupation of basement extensions (Question 8). Metropolis Green has practical experience applying the Royal Borough's existing environmental policies to proposed and approved basement developments, almost exclusively for single family dwellings. We recognise that policies to mitigate the environmental impact of basement extensions and to encourage sustainable development should be applied at the planning approval stage, because this is an important intervention opportunity to future-proof and refurbish existing building stock in a positive manner. However, it is equally important to consider the challenges faced by homeowners and the development industry and reflect on opportunities to improve policy. The sections of our comments below outline the issues and challenges we have faced as a consultancy in the assessment of basement developments against the EcoHomes criteria. We discuss the forthcoming release of the BREEM Domestic Refurbishment assessment criteria and the implications of these future standards on the review of planning policy. Lastly, we provide some recommendations for an alternative energy and sustainability checklist or set of standards that can be applied to basement developments in the Royal Borough. Issues with EcoHomes Assessment A significant challenge associated with applying the EcoHomes assessment criteria to basement developments is the varying	Domestic Refurbishment. (BDR) in June 2012, RBKC has reviewed their policies to require refurbishments of residential properties to be assessed under BDR. The launch of BDR has followed an extensive pilot scheme, consultation process and independent peer review by the BRE Global Governing Body's Standing Panel and it is considered to be the appropriate method to assess domestic refurbishment and change of use project. Projects that have been already registered or assessed under EcoHomes will not be expected to be assessed under BDR. After construction, the BRE will issue a letter compliance showing the performance achieved under EcoHomes. BREEAM is the world's leading and most widely used environmental assessment method for buildings, and as stated above, BDR has been specifically designed to assess domestic refurbishment. Therefore, the introduction of a Sustainability Checklist seems unnecessary. .

	degree of refurbishment taking place in dwellings across the Royal Borough. The ability to meet the assessment criteria varies widely, depending on the extent of the refurbishment (i.e. if work is limited to the basement levels only or is occurring across an entire dwelling). The EcoHomes assessment was originally developed for new build residential developments and whole building refurbishments for conversion to residential use, and its application to single dwelling basement extension developments was not envisaged. Therefore, there are a number of credit areas which dwellings will struggle to achieve based on existing conditions which cannot be altered. Some examples of these credit areas include: Ene 1 and 2 (Dwelling Emission Rate and Building Fabric): Dwellings undergoing basement development are often subject to conservation restrictions; however, improvements to the fabric efficiency of buildings and to the efficiency of building services should be encouraged to the greatest extent possible, regardless of the credits achieved under one particular method of assessing energy and carbon reductions, as found in EcoHomes. Pol 3 (Reduction of Surface Runoff): The ability to reduce surface water runoff is limited by the size of the majority of sites undergoing basement developments. While sustainable drainage techniques can be applied to the extent possible (e.g. through permeable paving, rainwater harvesting, etc.), the scope of these measures does not necessarily translate to EcoHomes credits. As above, improvements over the existing condition should be recognised regardless of the particular assessment criteria being applied. - Hea 2 (Sound Insulation): Sound insulation improvements can be made to dwellings, but despite these improvements the EcoHomes criteria cannot technically be met without compliant sound testing. This sound testing requires access to adjacent habitable rooms which are often inaccessible to the design team,	

	because they are located in private dwellings. This is another example of a sustainability improvement which can be made, but is not necessarily rewarded by the EcoHomes assessment criteria. Lastly, EcoHomes is a relatively outdated environmental assessment scheme, as it was implemented in 2006 having been developed prior to that. Therefore, the credit criteria and evidence requirements of the scheme do not necessarily reflect current best practice and have been improved on in subsequent schemes developed by BRE. As an example, these schemes include the Code for Sustainable Homes, the BREEAM New Construction 2011 scheme and the unreleased BREEAM Domestic Refurbishment scheme. BREEAM Domestic Refurbishment - From 2 July 2012 BRE will begin accepting registrations under the new BREEAM Domestic Refurbishment environmental assessment scheme and EcoHomes will be phased out. The technical guidance for the BREEAM Domestic Refurbishment scheme will be released to assessors and the general public on 11 June 2012 after the end of a public/peer review consultation period. The release date occurs after the deadline for the Royal Borough's consultation period on basement development issues and as such we cannot currently comment on the appropriateness of applying this new scheme to basement developments until such time as the criteria and evidence requirements have been fully reviewed. We would have concerns if the Royal Borough blindly accepts an environmental assessment standard which has not been released and which has not been fully tested through the actual certification of any refurbishment projects in Kensington and Chelsea. Without further detail regarding the practical implications of the new assessment methodology it is difficult to advise design teams and clients on the most appropriate design decisions, or to provide a fully accurate pre-assessment to the Royal Borough for the purposes of planning applications.	

	Further to the above, greater certainty is required with respect to the environmental assessment standard to be applied to projects which have already been registered for EcoHomes assessments in the early stages of their design, but which may not be submitted for planning approval until after the introduction of the BREEAM Domestic Refurbishment scheme. As discussed previously, full details of the BREEAM Domestic Refurbishment assessment methodology have not yet been released; therefore it is not possible for projects currently being considered for planning applications to address and 'design in' the forthcoming standard. It is strongly recommended that any policy ensures that those projects which have been designed to the EcoHomes assessment standard and have been registered with the BRE for an EcoHomes assessment will have to option to meet the minimum sustainable design standards for EcoHomes (and not the BREEAM Domestic Refurbishment standard) should the Royal Borough continue to apply the BRE assessment schemes. Alternative Basement Development Energy and Sustainability Checklist Given the above noted issues and challenges associated with the application of the EcoHomes scheme (and the potential application of the BREEAM Domestic Refurbishment scheme) to single family dwelling basement extension developments, we recommend that the Royal Borough strongly consider the development of an alternative basement development energy and sustainability checklist. Such a checklist could recognise the particular circumstances of developments and account for the various degrees of refurbishment taking place across the Royal Borough, along with the restrictions associated with the conservation and listed status of buildings undergoing basement development. The goal of such an alternative checklist would be to encourage the implementation of improvements to the energy performance	

	and sustainability of existing buildings to the extent possible, without unfairly penalising developments through the application of a scheme that was not developed for the assessment of single building basement extensions. Metropolis Green strongly supports measures to increase energy efficiency, encourage water conservation, specify environmentally friendly materials, manage waste responsibly, etc. We believe that the Royal Borough can develop planning policy that accomplishes these goals without requiring developments to meet assessment standards which we have found are often not feasible and impracticable.	
Ladbroke Association (Sophia Lambert)	We are concerned that the long-term environmental effects of major basement developments may have been understated, especially in cases where permanent pumps are required. The long-term damage to soil structure caused by water diversion can be considerable, quite apart from the energy use. We are not convinced that the current proxy used by the Council (eco-homes) is sufficient and see a case for an in-depth study of the long-term environmental effects of developments with potentially energy-hungry facilities such as swimming-pools. We believe in particular that there may be a case for refusing consent to developments where a permanent pump is required. The environmental effects of the construction phase should also be taken into account in assessing sustainability. There is no way that these can be mitigated by an eco-homes approach.	The Council recognises that it is extremely difficult to measure the CO2 emissions and savings associated with basement development, and hence taking a pragmatic approach – of a BREEAM/ EcoHomes carbons standard. The Council's consultants considered the issue of permanent pumping of basements to keep them dry. They concluded that the power consumption of the pumps needed to deal with foul water is small. Low energy use can be achieved through using the basement structure as the primary barrier to water ingress and only pumping the minor seepage that might occur through it. The CMS/EDCS submitted with an application will address the issue of flooding, and the methodology used to minimise the need for continual and ongoing pumping. The environmental effects of the construction phase in terms of noise, dust and traffic generation are considered within the CTPM and Construction and Demolition Management Plan to be agreed before submitting the application to the Council.

The Residents of Strathmore Gardens (Chris Hunt)	Insufficient attention is paid to noise and odour from swimming pools. The system is deluded if it believes that the use of Conditions requiring future adherence to stated requirements will satisfy the problem. Take, for example, one of the circumstances we face. Our neighbour is proposing to vent his swimming pool odour no more than a few metres from our front door. The Planning Department's only requirement was to put in a condition that states that the equipment must comply with certain odour requirements. Are we truly to believe that this approach will work flawlessly? Even if the equipment passes testing requirements on day one, what happens 6 months later? Or 12 months later? And what about the fact that the system will operate differently under different ambient conditions? Are neighbours to now have the continuing burden of having to enforce or litigate these matters going forward? At what cost? There should be provisions in the new policy that state that, wherever possible, venting of odours and noise generating equipment should be located as far away from potential receptors as possible. In other words, if someone is going to build a pool in their basement, the policy should require that they build an exhaust system that vents the odour above the roof. Or the planning policy should require that noise generating equipment be placed inside so the owners of the pool have to listen to their own noise, rather than making neighbours do it. Simply putting in place a condition that equipment work on the day it is tested is NOT a suitable solution. Perhaps the Planning Department does not need to live with the consequences of whether these systems will work over time, but the rest of us residents do. Planning has to be done with long-term operational considerations in mind, rather than simply a drawing or condition that gets the application of someone's desk to become someone else's problem a year or two down the line.	The environmental protection regime is the appropriate regime to consider possible longer term 'nuisance' associated with the provision of a swimming pool.
Norland Conservation Society (Libby Kinmonth)	Please see previous reasons. I think the Council's Core Strategy would do well to interview residence where STDs have occurred to understand the environmental impact they have on the surrounding residential area, and also on their own properties.	The Council has conducted a borough wide survey to canvas residents view of basement development. Letter were sent to all those previously consulted about a basement

		development since 2009.
Vanguard Working Group (John Simpson)	Existing policy does not satisfactorily mitigate the environmental impact of the construction and occupation of basement extensions. Basement development works will necessarily have an adverse environmental impact (see Ove Arup 2008 report para 5.3). That impact has to be properly assessed and its impact justified. Retrofitting a house to high environmental standards should not give an owner an unqualified right to cause a high degree of environmental damage during a year or two of works. The assessment of environmental impact should cover the whole scheme, including the effects of all demolition, excavation, construction and transportation and disposal of demolition and excavation waste. It should be noted that the works involved in the case of a basement extension will tend to be significantly greater and of longer duration than above ground works, and will have a correspondingly greater environmental impact.	The environmental effects of the construction phase in terms of noise, dust and traffic generation are considered within the CTPM and Construction and Demolition Management Plan to be agreed before the applicants submit the application to the Council. The Council considers that the EcoHomes/BREEAM assessment is an appropriate pragmatic approach to considering (and mitigating) the impact of the construction (and occupation) of a basement on carbon emissions.
Leo Cronin	Onerous requirements: I think that the requirement to provide an EcoHomes assessment with the initial application is unduly onerous and, since it does not address the concerns of those who object to basement development, it should not be retained as an initial requirement. It would probably be more useful to objectors if a report addressing issues that are of concern e.g. noise, dust, traffic were required at this stage.	The policy approach set out within Policy CE2 of the Core strategy was examined in 2010 and found to be sound. The Draft Core Strategy continue the same approach. The provision of a Demolition and Construction Management Plan (considering noise and dust etc) and a CTMP (considering traffic), are considered necessary to ensure that the works are carried out in an appropriate manner. The Council will require that these documents are approved before validation, to ensure that these issues are considered and effectively addressed at the earliest stage.
Black Onyx Developments Ltd (Black Onyx)	Achieving Eco Homes very good standard for the entire dwelling where a basement extension is proposed is considered sufficient.	Noted. The Draft Core Strategy makes reference to the relevant BREEAM for refurbishment standards, standards that have superseded EcoHomes.

Question 9 **Notwithstanding the limitations that the planning system has with regard structural stability do you consider that the approach within the Core Strategy is satisfactory?**		
Clive Wilson	No. But we are not qualified to make suggestions for improvements	Noted
Trustees of the Phillimore Estate	As highlighted above, the SPD on subterranean developments requires a Construction Method Statement (CMS) to submitted with any application proposing a basement. Paragraph 6.1.2 states that "The CMS must provide specific details of the excavation, temporary works and construction techniques, including details of the potential impact of the subterranean development on the existing and neighbouring structures, based on the specific site characteristics, including the type of geology and hydrology found in the area. This must be prepared and signed off by a Chartered Civil Engineer (MI Struct.E) and submitted with the planning application, before the application will be validated" The SPD goes on to identify a number of criteria which the CMS must demonstrate that the development complies with. It is essential that this process is followed rigorously to ensure that there is no negative impact on structural stability on either the application property or neighbouring properties. Provided that the Council robustly enforces this, the approach within the Core Strategy and supporting documents is satisfactory.	Noted. The Council has employed consultants to consider the information that should be provided within a CMS/EDCS to ensure that all relevant issues are adequately addressed.
Susan Walker Architects (Susan Walker)	The protection of party fence walls to gardens should be increased - demolition and rebuilding to facilitate the construction of the underground structure should be specifically resisted	Noted. It is only 'substantial' demolition which requires conservation area consent. Its appropriateness will be assessed by officers taking account the impact that it has on the building and the character of the wider area.
Brompton Association (Ms Whewell)	I do not believe that current policies sufficiently address the potential impacts on neighbours of issues such as - Noise e.g. from proposed new plant and equipment in basements such as ventilation and air conditioning equipment, machines/plan in relation to swimming pools and saunas and the risk of noise from	The Council uses conditions to ensure that the plant associated with basement developments do not cause nuisance. Environmental protection legislation is the appropriate regime to control such possible nuisance. However, in an urbanised

	these (and from inhabitants and e.g.. cinemas and sound systems) echoing up light wells -Vibration - (from all the plant/machines/equipment listed above) The policy should be expanded to cover these issues and the potential impact of these should be considered as part of the planning process and if these cannot be mitigated, the development should not be permitted.	borough such as Kensington and Chelsea some noise from neighbours will always be evident.
McVittie	There are many more considerations than simply structural stability (e.g. noise, nuisance, flooding etc).	Noted. These are addressed within the existing and draft Core Strategy and within the existing basement SPD.
Holland Park West Residents' Association (Sally Mizani)	Not enough checks by RBKC are made to ensure applicants keep to traffic and construction plans and health and safety rules. Where checks are done, warnings are ignored, fines laughed at. The council needs to enforce properly. The council needs to understand properly.	The importance of effective enforcement is noted.
Oliver Parr	The provision of a Construction Method Statement is all very well but I have yet to hear of a situation where it has not been possible to find a structural engineer to provide the necessary (apparently plausible) CMS. The problem is that the process is entirely one sided. There is usually so much potential capital gain at stake to make the cost of a CMS pale into insignificance. Given the obvious aggravation likely to be caused to neighbours by a basement excavation it would surely be reasonable that the applicant be required to pay for a critique of the CMS by a suitable chartered surveyor - in the same way that he is required to pay for the neighbour's costs in connection with the Party Wall Agreement. More fundamentally, there appears to be considerable doubt among affected residents as to whether the Council is at present correctly interpreting its obligations under the relevant legislation. In particular, it appears that in considering any new PA the Council needs to consider the potential impact of the development on the structural stability of neighbouring properties rather than leave it to the PWA and CWS, etc. If it were to have done so, I suspect that many of the recent basement applications would have been	The Council has employed consultants to consider the information that should be provided at validation stage to ensure that an applicant can adequately demonstrate how he intends to implement the proposal in such a way as to safeguard the structural stability of existing buildings. The Council will require the conclusions of the completed CMS/EDCS to be confirmed by an additional suitably qualified structural engineer. The Council is clear of its responsibilities with regard structural stability. The purpose of the CMS is to demonstrate how the applicant intends to safeguard the structural stability of existing building. Liability remains with the applicant.

	rejected and the enormous stress caused to neighbours alleviated.	
RAB Pension Fund (RAB)	The policy provides fully for safeguarding material planning interests.	Noted
Andrew Pitcairn-Hill	RBKC should have a duty to back neighbouring households in any claim for damage caused by basement excavation works.	Claims for damage are a matter for affected residents and not for the Council.
Tim Stranack	I do not know - I am no expert - but see my previous replies also	Noted
Charik	Provided you do the above	Noted
Susan Bicknell	Consideration must be given to the construction and age of adjoining buildings.	The submitted CMS/EDCS to be submitted at validation stage will require applicants to have regard to the construction and age of adjoining buildings.
Patrick Browning	There is very little pressure on a developer to ensure that he does not harm other people. It would be much more satisfactory if there was some financial incentive for him to get it right, for example by providing money in escrow, or some sort of financial bond, which could be called upon in the event of damage to others or failure to meet requirements set by the Council. If the Council can require a contractor to be a member of the Considerate Contractors Scheme, then there is no difference in principle in requiring a developer to join a "Considerate Developer Scheme" which would provide some sort of financial guarantee for those who might be damaged by the development.	The Council cannot require the provision of bonds. This is beyond its remit.
Leigh & Glennie Ltd (Christian Leigh)	It is a sensible balance between the need to show that there is an 'in principle' approach in place prior to the grant of permission and imposing upon applicants the very great expense of additional work. Some other authorities do require the submission of extremely detailed and hugely costly information at the application stage to demonstrate construction matters; the application will not be registered without that. That is an unfair burden on an applicant since permission may not be granted for other planning reasons (not connected to construction). RBKC's approach is fair in requiring an applicant to have demonstrated the basement can be built in principle, and then to require the more detailed assessment at a later date and utilising other legislation too.	The Council considers that the provision of a CMS/EDCS at validation stage is necessary to allow the Council to be satisfied that the basement can be built without harming the structural stability of adjoining buildings. Whilst this may be costly, it is a cost that it is reasonable for an applicant bear if he is to extend his property in such a way that could have implications on his neighbours.
Andrew Dobson Architects	The structural stability is a Building Regulations issue. We would	The Council concurs with the view that the

(Andrew Dobson)	agree that the there is not always adequate consideration of temporary works but this is not the remit of town planning. It is wrong to say that a double storey basement will cause a structural problem as it may be wrong to say that a single storey basement will not. Much depends upon location, contractor and soils.	structural stability is considered by Building Regulations and to some degree the Party Wall Act. However, the Council considers that the provision of a CMS/EDCS at validation stage is considered necessary to allow the Council to be satisfied that the basement can be built without harming the structural stability of adjoining buildings. The Council does not suggest in the draft Core Strategy that a double story basement will necessarily cause structural problems.
Ladbroke Association (Sophia Lambert)	For the reasons set out in our response to Question 1, we would like to see the Council play a greater role in ensuring that planning consent is only given when the design and method aims to ensure that no more than minimal damage is caused to neighbouring properties. The Grosvenor Estate will not accept plans for basements expected to cause damage exceeding level 1 on a recognised scale. This does not guarantee that damage will not exceed that level, as unexpected problems can emerge during construction and constructors can themselves fail to follow the agreed construction method. But it is a reasonable starting point, and we have already suggested that the construction method statement be required to show how damage can be kept to no more than level 1. We understand that the Council believes that they do not have the powers to impose such a requirement. We suggest the way round this would be for the Council to require the method statement to show what degree of damage is expected. We think that, in cases where damage of Level 2 or more was expected, there would be a good case for refusing consent. We are also concerned that construction method statements vary widely in their thoroughness and that on a number of occasions planning consent has been given on the basis of an inadequate statement. In the case of 57A Ladbroke Road, for instance, the statement was described in terms as an “outline” one. On other	The Council has employed consultants to consider the information that should be provided at validation stage to ensure that an applicant can adequately demonstrate how he intends to implement the proposal in such a way as to safeguard the structural stability of existing buildings. The Council will require the conclusions of the completed CMS/EDCS to be confirmed by an additional suitably qualified structural engineer. The consultants have suggested that a suitable standard to design to should be “no more than level 2 cracking” as defined in the CIRIA report C580. Liability remains with the owner should structural damage occur. The Party Wall Act will remain the principal mechanism for redress.

	occasions, statements have made clear that further studied or surveys would be necessary. It should be Council policy only to accept planning applications accompanied by a full construction method statement where all necessary extra work proposed by the consultants has been carried out. We are also concerned that the Council does not necessarily have the expertise to assess construction method statements and suggest that the possibility of employing an independent structural engineer be considered	
The Residents of Strathmore Gardens (Chris Hunt)	The issue of structure stability is the biggest problem with the current policy. The current approach is woeful and entirely unsatisfactory. There are a number of suggestions to make. Apply reasonable limits to what can be built. In our case, the applicant wants to build a 10 metre-plus basement that would be the equivalent of four storeys below ground. He is proposing to have the basement extend out to the full edges of his property, going under shared party walls on three sides. By any measure, this is beyond the realm of reasonableness. Even if an engineer signed a statement saying the project could be done, the risks and long term issues are significant and there can be no assurance surrounding properties would be protected. Were there simply a requirement that the size of a basement be reasonable and that the Planning Department can take into consideration the reasonable constraints and conditions of the site then any normal person would say this would not be appropriate. Every property in the Borough is not granted an inalienable right to a large basement. The specific circumstances have to be acceptable and the Department should be allowed to disallow unreasonable projects. Require that CMSs assess the risks of construction and long term stability. At present, all a CMS does is to require an engineer to say a project is theoretically possible to get done. It does not explicitly	The draft Core Strategy restricts basement to no more than one additional basement storey. It also notes that deeper basement extensions may be acceptable on larger sites which are less constrained where impacts can be successfully mitigated. The driver for this relates to the impact of the construction phase and not to structural stability. Whilst double height extensions have the potential to have structural implications to neighbouring properties this will not necessarily be the case. It is for the CMS/EDCS to establish that the development can be built without harming the structural stability of adjoining buildings. The planning system does not allow for a LPA to require that the CMS is followed. The forthcoming basements SPD will include the requirements for the CMS/EDCS to ensure all are of an appropriate standard and provide an appropriate level of detail. The requirements are based upon the Alan Baxter's report commissioned by the Council to consider this issue. Liability remains with the owner should structural

	require any substantive assessment of how much risk a project may entail or, for that matter, what the mitigation steps might be. Imagine we were to have a CMS written about sending an astronaut to the moon. An engineer could legitimately state that it was possible to do that (it has been done after all) and sign a CMS. But we all know that such an endeavour is certainly not easy and there are huge risks involved. Going from a written report to doing it are two entirely different things A CMS should clearly articulate both the risks to surrounding property during and after construction. It should also articulate whether these risks are high or low. It should also identify what steps are being taken to limit the risks. This is a standard process across planning departments around the world so it is surprising that it has not been implemented here. There would be no cost to the Department as the obligation to prepare this would be on the applicant. Identify and assess the potential consequences of an accident or structural failure. At present, a CMS is not required to assess the potential consequences of a structural or engineering failure. In our case, a failure would lead to the potential destruction of three homes that share common walls. There are 25 people living in the surrounding homes that share a wall who would be put at risk. A public business shares a common wall. A tragic failure from digging a 10 metre basement would be catastrophic, yet we do not even require anyone to consider the possibility. This contrasts greatly from a basement dug in a fully detached home where the consequences might be quite low, yet the system does not currently differentiate between the two. BP never considered the consequences of a deep water oil catastrophe until it was too late. People do not necessarily have to stop building because an accident might happen. But one needs to consider that some projects could have disastrous consequences if they go wrong and to allow the planning system to have the latitude to not allow such projects, or require re-designs to reduce the risk of such	damage occur. The Party Wall Act will remain the principal mechanism for redress. It is not reasonable to require a completed Party Wall Agreement as a validation requirement. The Council is considering its monitoring requirements.

	consequences. Clarify that structural issues are not just a matter for Party Wall Acts. A structural problem is a Borough/Council issue. If a property under-goes significant damage and the party digging the basement fails to fix the damage (perhaps it is owned by an offshore shell company and they just walk away) then it is up to the property owner to make the repairs. It is not necessarily the case that a property owner can afford to do that. And because the Party Wall Act is so fundamentally flawed in dealing with issue like this, you could have the circumstance where properties remain in disrepair for extended periods. The Planning Department's current position that structural issues are only a matter for the Party Wall Act is a fundamentally flawed position. The new policy should state that the Council has the right, in certain circumstances, to refuse a project or demand security for structural issues that may arise Create the ability to defer approval until After Party Wall Act Agreements are done. In our case, the applicant has refused to engage on Party Wall Act negotiations of terms until after he has all his planning approvals. He knows his leverage is greater once he has planning approval and can work the system to force approval of terms that are more in his favour given that the Party Wall Act was never really designed for these types of projects. If the intent of the policy is to ensure structural stability, then the Council must, in those circumstances where there could be a high degree of risk, be allowed to defer planning approval until Party Wall Act terms are done and deemed to be satisfactory. That way, if a developer refuses to put in place a suitable bond, or refuses to agree to reasonable terms on damages, noise etc., the Planning Applications Committee has the right to refuse it. This is not intended to put the Council in the middle of a negotiation. It would still need to be agreed between neighbours. However, currently the Council is simply making the assumption that Party Wall Agreements will provide sufficient protection. In our case, this assumption may not prove to be valid as no one knows what terms	

	will eventually be agreed. By being allowed to defer approval until after a Party Wall Act is fully agreed, the Council will then be able to make a decision on approving an application only after it is clear that there is are sufficient terms in place. Again, this need only be required on cases where it is deemed that there is a high degree of risk. Collect the data! Amazingly, the Planning Department collects no data on structural stability issues related to basement construction even though they are required by law to do so. This makes it very difficult for anyone to be able to make an informed decision about these projects or to argue about the degree of structural risks out there. We all know there have been significant problems. But without the data, no one can truly pinpoint just how bad they are. The construction industry loves that this is the case as the lack of data insulates the issue from scrutiny. This is an easily solved problem. The policy should require that, at the end of every basement construction project, the applicant must submit a simple report of any structural problems that occurred. They should also be required to do a 6 or 12 month post-job assessment as well. Neighbours should also have a right to input to that repository of data. The data would be of critical importance so people can have some knowledge going forward. There is no reason not do to this as it would cost next to nothing. Limit to one floor in terraced properties. Just as the Planning Department argues that living in London means one has to accept some inconvenience during construction, so too can one argue that buying a home in London means you may not have an inalienable right to a swimming pool, particularly if you buy a terraced home. People do not have the right to do whatever they want. There have to be reasonable limits.	
Norland Conservation Society (Libby Kinmonth)	The Core Strategy does not reflect the escalation of the depth and sheer number of massive STD developments. The Core Strategy jeopardizes the quality of life of residence in favour of development	The Council has employed consultants to consider the information that should be provided at validation stage to ensure that an applicant can

	under residential houses that were never intended to expand up to three floors into the London clay. This is done in a piece meal fashion, the long term structural consequences have not been investigated. Unlike new-builds, or even the Victorian development of the Underground System, these private expansionist excavations have little merit, cause a lot of grief and do nothing to improve our cultural heritage.	adequately demonstrate how he intends to implement the proposal in such a way as to safeguard the structural stability of existing buildings. The Council will require the conclusions of the completed CMS/EDCS to be confirmed by an additional suitably qualified structural engineer. Liability remains with the owner should structural damage occur. The Party Wall Act will remain the principal mechanism for redress.
Vanguard Working Group (John Simpson)	Para 2.7 of the Issues Paper reads like an abdication from responsibility. When the Council is aware that a proposed development may impose a risk to the structural stability of neighbouring buildings it has a duty to protect the interests of the owners of those properties. Requiring a Construction Methods Statement but at the same time adopting a policy which allows it to be ignored and replaced at the developer's discretion does little to address the problem. The description at paragraph 3.18 of the Issues Paper does not accord with our understanding of the SPD and appears to be irreconcilable with anything we can find in the Council's stated planning policies. Policy CL2(g)(i) provides that the Council will require that it is demonstrated that [for subterranean development] the stability of the existing or neighbouring buildings is safeguarded. The subterranean SPD provides further guidance and builds upon UDP. Policy CD32, which resists subterranean development where, among other things, the amenity of adjoining properties would be adversely affected or the structural stability of adjacent listed buildings or unlisted buildings within conservation areas might be put at risk. While policy CL2(g)(i) may ultimately have replaced saved policy CD32, the wording of policy CD32 remains set out and embedded in the SPD.	The Council is clear of its responsibilities with regard structural stability. The purpose of the CMS/EDCS is to demonstrate how the applicant intends to safeguard the structural stability of existing building. Liability remains with the applicant. The Council cannot take this any further and cannot require that the development is carried out as set out in the CMS/EDCS. The drafting of Policy CL2 is misleading in the impression it gives that the stability of existing or neighbouring buildings is safeguarded. The draft Core Strategy policy will clarify this issue, requiring basement proposals to show “how it is intended to safeguard the structural stability of existing buildings." A newly drafted SPD will ensure consistency and clarity. Policy CD32 was not taken forward following the adoption of the Core Strategy in December 2010, and therefore no longer has any weight. It was relevant in May 2009, when the Subterranean Development SPD was published. The Council recognises the limitations of the Party Wall Act. However, it does remain the principle

	The SPD further provides "the CMS must provide specific details of the excavation, temporary works and construction techniques, including details of the potential impact of the subterranean development on the existing and neighbouring structures, based on the specific site characteristics, including the type of geology and hydrology found in the area; and the CMS will need to address the following: The impact of the subterranean development, and associated construction and temporary works, on the structural integrity and natural ability for movement of existing and surrounding structures; the engineering details of the scheme, including proposals for the excavation and construction; The impact of the proposed subterranean development on the structural stability of the existing and adjoining buildings, especially listed buildings;" The sequence for the temporary works, which mitigates the effects on neighbours (paras 6.1.2 and 6.1.3) Para 3.18 of the Issues Paper states the purpose of the CMS is not intended to spell out one particular engineering solution, but to demonstrate that the proposed development is capable of being carried out without having such a significant effect on structural stability that the quality of the street environment, listed buildings, conservation areas and neighbours' living conditions, all planning considerations, are permanently harmed. On the contrary it seems from the SPD that the intention of the SPD is that the CMS should spell out one engineering solution. Policies CD32 and CL2(g)(i) are very important policies and residents are entitled to rely on the Council (whether in the guise of the planning department, the building control department or any other agency) to stand by its promises. In each provision the bar is, quite rightly, set high. The purpose of the provisions is to safeguard	mechanism for redress. The CMS/EDCS should be used to inform the Party Wall process, however the Council cannot require that the development is carried out as set out in the CMS/EDCS. The occupation of a property after the development is completed is not a planning matter.

	and protect neighbouring properties from harm. We do not believe that the Council would have adopted, or the residents of the borough accepted, the SPD without the protection of policy CD32. Residents most certainly expect both policies to be followed. This is why objectors to proposals regularly cite and quote from CD32 and CL2(g)(i). The approach within the Core Strategy and the SDP to structural stability needs to be revised to take into account in particular - the real risk of structural damage to neighbouring properties from basement extensions (which applies to the majority of residential buildings in the borough, whether listed, in a conservation area or neither) - the expectation from residents that the Council is taking steps to protect them from this risk - the incidence of structural damage during recent years - the high proportion of basement extensions which are carried out by developers who will not reside in the property subsequently The Party Wall Act gives some (but not adequate) protection to neighbours. It is of no use to neighbours who are not "adjoining owners" under the Act. It is surprising that the Council should suggest that individuals otherwise seek redress through the courts for loss and damage sustained as a direct consequence of a Council policy. Projects of the scale now seen in the Borough are damaging homes far outside the reach of the Act. Where the Act does apply neighbours are entitled to know not only what is to be built, but how it is to be built, before an application is decided. If the Council does not require relevant information on how all aspects of the work affecting the party walls are to be carried out (e.g. demolition within the building, underpinning, piling,	

	temporary works, etc.) to be provided and examined pre validation, it is not possible for party wall surveyors properly to consider awards under the Party Wall Act.	
Leo Cronin	Foundations: There appear to be many unfounded concerns over the stability of a building which has been underpinned to enable a new basement to be constructed. The effect is that the underpinned building becomes more stable. The adjoining owner has nothing to fear - the underpinning sections, which also act as a retaining wall, will prevent any undermining. The fear that basement development in RBKC is undermining the very fabric of the borough is not grounded in fact.	The Council is aware that there have been considerable concerns relating to structural stability from those neighbouring properties that have/ seek basement extensions. The Council is also aware that basement extensions which are not carried out in a proper manner can have implications on the structural stability of nearby properties. The Council considers that the provision of a CMS/EDCS at validation stage is necessary to allow the Council to be satisfied that the basement can be built without harming the structural stability of adjoining buildings.

Question 10: **Do you consider that the existing policy approach within the Core Strategy and SPD satisfactory takes into account of the impact of the construction phase of basement extensions?**		
ESSA (Anthony Walker)	Construction work should be kept within the site boundaries and only in exceptional circumstances should they be allowed to encroach on any part of the highway. This use of the highway is often abused by contractors. Skips are frequently allowed to stand there and are emptied by a grab lorry which blocks the road, sometimes for half an hour or more. This has been a frequent occurrence in Abingdon Villas and has been the cause of blockages and traffic having to be diverted. A recent concrete delivery took all day with an impromptu closure of the road by the contractor. A viable scheme showing how the works will be contained should be submitted with the planning application.	The Council intends to amend its local list to require the submission of a Construction Traffic Management Plan alongside the planning application. The CTMP has to have been approved by the Council's Director of Transportation and Highways. This should have considerable advantages as will require applicants to address the issue of construction traffic at an early stage.

	Construction Management Statements, 6.1.3 of the SPD, requires that account be taken of adjoining buildings and neighbours. This should be expanded to include those within 'a possible zone of influence'. We suggest that this should at least include all properties within 25m or the road (including pavements and front gardens) width whichever is the greater. This is particularly important where deep excavations are proposed, even if these are only a single storey. It was suggested at the workshop that the cost of creating subterranean development is considerably less than the value achieved. We consider that this is because the adverse impacts on both immediate neighbours and those in the vicinity by disruption, noise, disturbance, etc are not taken into account. We feel that 106 agreements should be considered with a bond held until completion of the development to provide for compensation, including possible short-term accommodation where neighbours are affected. Part of the bond could be used to pay for Local Authority officers to respond to any complaints.	The Council has employed consultants to consider the information that should be provided at validation stage to ensure that an applicant can adequately demonstrate how he intends to implement the proposal in such a way as to safeguard the structural stability of existing buildings. Where relevant this will include buildings which do not lie immediately adjacent to the site. In addition the Council intends to amend the local list to require the submission of an approved Demolition and Construction Management Plan alongside the application. This will set out the methodology the applicant intend to use the permission and how impact on nearby properties be effectively mitigated. There does however, have to be a recognition that such development will have no impact. Construction, be it subterranean or 'conventional' will always have some impact on its neighbours The planning system does not allow for the paying of bonds to provide for compensation for building works. Such issues are for the Party Wall Act. The Council does, however, intend to use the powers it does have to charge developers for the cost of assessing CTMPs and DCMPs.
The Kensington Society (Amanda Frame)	Validation: the need or all of the documentation to be available at the point of Validation - or Validation should be delayed particularly the Construction Traffic Management Plan; 7. Managing the Construction Process. Construction Traffic Management Plan (CTMP). At present applications do not have the CTMP, leaving this to be agreed later, after the application has	The Council intends to amend the local list to require the submission of an approved DCMP and CTMP alongside the application. These documents will set out the methodology the applicant intend to use the permission and how impact of construction traffic on nearby properties be effectively mitigated. There is however a

	been determined and seldom seen by neighbours. It is also essential that in revising both the SPD on Subterranean Development and that on Transport the policy needs to be expressed in more concise and clearer terms. The extent and duration of suspensions for storing skips, materials and equipment on the highway (including the footway) must be minimised, with a presumption that it should be accommodated off-street wherever possible. In the case of narrow streets, mews and other properties where storing anything on the street should be avoided, no skips will be allowed on the street other than for immediate filling and removal and any deliveries should be limited to what can be immediately transferred into the property. In the case of basements that are permitted development, any certificate granted should include an Informative that a CTMP will be required to ensure that the disruption is minimised through minimising on-street activity/storage of materials/waste and where on-street space is very limited to only allow collection and delivery with nothing left on the highway.	recognition that the implementation of a basement development will have some impact on its neighbours. This cannot be mitigated completely. The requirements will be negotiated on a site specific basis. The guiding principles will be set out in a forthcoming basements SPD. The Council is unable to require the provision of a CTMP where planning permission is not required through an informative.
Clive Wilson	Not judging by the number and extent of complaints. Tighter timetables should be insisted on. Contractors should be charged for use of pavements and street space.	The Council cannot place a time table on the implementation of a permission, be this when it is started, or indeed the length of time it takes to be completed. The Draft Core Strategy does resist building works being carried out at weekends. This will reduce disturbance on these days, but will increase the total length of the build. The practically of this approach will be tested through consultation.
Trustees of the Phillimore Estate	The SPD on subterranean development identifies a number of Conditions which can be imposed to limit the impact on neighbours, these include submission of a Construction Traffic Management Plan, controlling the hours of construction work and requiring contractors to be members of the National Considerate Contractors Scheme. Each application should be assessed on its own merits, but provided that the Council imposes these Conditions when	Noted.

	necessary the existing policy approach is considered appropriate.	
Tim Nodder	Obligations to consult neighbours should be strengthened, and the Construction Management Plans should be open to consultation before being approved.	The Council intends to amend the local list to require the submission of an approved DCMP and CTMP alongside the application. These documents will set out the methodology the applicant intend to use the permission and how impact of construction traffic on nearby properties be effectively mitigated. These documents will be available to the public before the application is determined. Early consultation can have considerable benefits. Whilst the Council cannot require a developer to consult neighbours in any particular manner, there will be an expectation articulated by the draft Core Strategy that developers engage with the local community. This follows the advice within the NPPF.
Brompton Association (Ms Whewell)	There are certain streets with restricted access where it is conceivable that it is not possible to mitigate the impacts of a major basement extension upon neighbours. For example, in many Mews, there is barely room for 2 cars to pass. The placing of e.g.. skips or major lorries in such a street could result in unacceptable obstruction and dangers (e.g.. emergency service access) to neighbours. We would ask that where a property is in an area with restricted access, the applicant be required to demonstrate at the planning stage how they propose to manage the construction phase in a safe and sufficiently considerate manner. If they cannot demonstrate this possible, the planning application should be refused.	The Council intends to amend the local list to require the submission of an approved DCMP and CTMP alongside the application. These documents will set out the methodology the applicant intend to use the permission and how impact of construction traffic on nearby properties be effectively mitigated. There is however a recognition that the implementation of a basement development will have some impact on its neighbours. This cannot be mitigated completely.
Holland Park West Residents' Association (Sally Mizani)	The impact of construction, which is over a long period of time in some cases 18 months plus of extreme noise, vibration, dust and large vehicles and plant equipment in narrow streets of an over developed borough chaos and major impact on physical and mental health. ENOUGH.	The Council intends to amend the local list to require the submission of an approved DCMP and CTMP alongside the application. These documents will set out the methodology the applicant intend to use the permission and how impact of construction traffic on nearby properties

	Considerate contractors in practice means nothing it relies on public to know what they can report and how. Para 7.1.3 too mildly put you are not protecting current residents, but more concerned about prospective developers.	be effectively mitigated. There is however a recognition that the implementation of a basement development will have some impact on its neighbours. This cannot be mitigated completely.
McVittie	The impact of the construction phase in residential areas should be a factor taken into account when the possible grant of permission (planning or otherwise) is considered.	The impact of the construction phase of a development, be this in terms of construction traffic or noise, dust and vibration, is taken account when determining a planning application. Whilst the environmental protection regime is normally the appropriate mechanism to mitigate the impact of basement construction the Core Strategy recognises that there are some circumstances where it will be extremely difficult to build a basement without causing unacceptable harm on amenity, in particular the building of basements of more than one storey. The Council intends to amend the local list to require the submission of an approved Construction Traffic Management Plan alongside the application. The CTMP has to have been approved by the Council's Director of Transportation and Highways. This should have considerable advantages as will require applicants to address the issue of construction traffic at an early stage. Similarly, the local list will be amended to require the provision of a DCMP alongside the application require developers to address how they intend to mitigate the potential effect of noise and dust on nearby properties. There does however, have to be a recognition that such development will have no impact. Construction, be it subterranean or 'conventional' will always have some impact on its neighbours.
Oliver Parr	One of the fundamental issues of any development is the length of	It is beyond the remit of the planning system to

	time it takes to complete. By their nature, basement excavations are lengthy - often running into years. There appears to be no provision to penalise owners of properties having work done where the time frame runs beyond what might be considered reasonable. Given that any work of this kind is bound to be disruptive to neighbours, I believe there is a strong argument for requiring financial compensation to be paid where there is a time overrun (or beyond a period of, say, 12 months from the start of excavation) whether or not it is accepted that compensation should be paid to neighbours in any event (see answer to Question 11 below).	control the time taken for a permission to be implemented. Similarly a LPA cannot require payment of compensation when a development has been running for a given period of time.
RAB Pension Fund (RAB)	The policy provides fully for safeguarding material planning interests.	Noted.
Tim Stranack	I do not know but I do not see this type of work as being significantly different from above ground works in this context.	Noted. Whilst the principles relating to subterranean development are the same as those for conventional 'above ground' development, the Council does note that a basement development can cause particular problems. It is considered appropriate to require, for example, an upfront CTMP and DCMP in order to address such issues at an early stage.
Susan Bicknell	It would appear it is abused and disregarded on all possible occasions when a developer is hungry to have his own way regardless of existing neighbours, residents and character of the area.	The Council recognises that the planning system was not designed to address construction phase of a development. However, the current requirements of the SPD and the Environmental Protection legislation is considered to mitigate some of the excesses. Proposed changes, requiring the submission of a CTMP and DCMP alongside the application should further improve the impact as requires issues of construction impact to be addressed at an early stage.
Patrick Browning	How often does the Council prosecute developers and their contractors if work is not managed properly? It will be interesting to see some statistics. Is this monitored actively or only in response to complaints by neighbours?	The nature of monitoring is dependent on the nature of the development, and whether for example it is subject to a s61 prior approval. Large schemes usually have monitoring arrangements written in. This is not the case for smaller schemes. Breaches of s60, or of the

		agreed CTMP are normally reported to the Council by members of the public. There are considerable resource implications associated with proactive monitoring of all relevant proposals.
Leigh & Glennie Ltd (Christian Leigh)	This is clearly one of the most contentious elements in the whole issue of basements; the majority of objections to basements are on the grounds of noise and disturbance during construction. RBKC are sensible in seeking to control matters as much as they can through Construction Traffic Management Plans. However, detailed matters must be left to other legislation that is best placed to deal with noise, disturbance, damage, party wall issues, etc. It would be entirely unreasonable for such considerations to come into play in basement applications. It would also be inequitable: there is no provision in the other Core Strategy policies or any other SPDs that seek to control construction impacts of other forms of development, e.g. large householder extensions, alterations to shops, new offices, or whatever. Such schemes can, of course, bring major disruption. It is also important to be aware that the impact arising from basement work is somewhat overplayed. In my experience it is almost inevitable that a new basement forms part of a householder's wider scheme for extensions and complete refurbishment of their house. The digging of the basement is therefore frequently only part of the works at the house. It is in fact the work at upper floor levels that can cause the main disturbance: that is when there is work to party walls and adjoining walls, and digging of new foundations in the garden, etc. It is unfortunately the case that the noise and disturbance from the majority of the other works are attributed to the more obvious new work - the new basement - and so the perceived impact of basements is greater than reality.	Noted. There is, however, a clear perception amongst many neighbours that the implementation of basement permissions do cause particular problems. The Council shares the view in so far as a 'poorly run' site can have a severe impact on the amenity of a site's neighbours. These impacts can be greater for a subterranean development than a conventional 'above ground' development, given the nature and scale of excavation required for the latter. As such it is considered appropriate to require an upfront CTMP in order to address construction traffic and a DCMP to address noise and dust associated with a build at an early stage.
Andrew Dobson Architects (Andrew Dobson)	The PINS have previously concluded that the issues relating to construction of basements are considered under other legislation, e.g. party wall and building control. It is right that the adjoining owners maintain the enjoyment of their properties but it is not right	Noted. The Council does not intend to stray into those spheres which should be addressed by other regimes. However, the Council does note that construction impact is material when

	that the remit of planning be extended.	addressing and application, and must be considered accordingly.
Ladbroke Association (Sophia Lambert)	Many of the current problems with construction nuisance could be avoided if contractors were more professional and followed appropriate guidelines. We would like to see the Council following a four-pronged approach. First, it should insist not only that contractors belong to the Considerate Constructors Scheme but also to a specialist body dealing with excavation, as this is a specialised area. Second, it should develop a detailed code of practice for contractors undertaking basement developments. We welcome the development of Advice to Builders on the Council website, but this does not go far enough. One advantage of a detailed and respected code is that it makes it easier for party wall surveyors to include items of the code in their awards. Third, it should require the construction method statement to detail what measures the contractor will take to minimise noise, dust etc. This would provide a useful baseline in the case of later problems. Fourth, it should provide easy information on how neighbours can deal with problems that arise. See also our recommendation above that a planning condition should require the installation of noise monitors. There is also the problem of ensuring that the construction method statement (and the plans to which consent has been given) are actually followed. The council needs to make neighbours more aware that it relies largely on them (and their surveyors) to ensure this happens, and to take vigorous enforcement action when variations from the plans are brought to its notice. Retrospective planning approval should be the exception.	The Council requires those employed to carry out an excavation to be overseen by a qualified structural engineer and to belong to the Considerate Construction Scheme. The Council's consultants do not consider that other specialist bodies will offer the appropriate degree of reassurance, and membership does not ensure competence. Overseeing by a qualified structural engineer offers greater protection. The Council is committed to review the Advice to builders are part of a wider review of the Council's website. This review may include further information concerning Party Wall Agreements, although the Council must ensure it does remain detached from the Party Wall process. This review will include details on who residents should contact if problems arise. The Council will require applicants to submit an approved (by the Director of Environmental Health) Demolition and Construction Management Plan alongside the application. Its purpose is to demonstrate how noise, dust and vibration will controlled during construction. Where appropriate noise monitoring will be required. The purpose of the CMS/EDCS is to demonstrate how the applicant intends to safeguard the structural stability of existing building. Liability remains with the applicant. The Council cannot take this any further and cannot require that the development is carried out as set out in the CMS/EDCS.

	The situation might also be greatly improved if the Council could employ its own building inspectors for these complex projects, and if building regulations could be extended to neighbouring properties in the case of major excavations. We hope that the Council will pursue this with DCLG.	Developers are free to employ any registered building surveyor they wish. The Council regularly meets officers of the DCLG and has been given the clear message that further regulation will not be forthcoming.
The Residents of Strathmore Gardens (Chris Hunt)	REQUIRE that the Planning Department assess and weight impacts during construction. At present, the Planning Department ignores the impacts a construction project has on residents. This is patently wrong. We all accept that a part of living in London is the requirement to put up with some construction inconvenience. However, there needs to be a limit to that. Any reasonable person can accept that a person should have, say, a year to improve their properties. But as it currently stands, people are proposing projects that are so large and so complex that they may take two years or more. This is pushing beyond the realms of reasonableness. An explicit policy is needed to require this to be taken into account and to allow the Planning Department and the Planning Applications Committee to refuse a project if it would be too burdensome. There needs to be a clear obligation on the Department to do this as it is not currently being done in the slightest. Create guidance on what constitutes an acceptable level of inconvenience. Ideally, there should be guidance on what is acceptable and not acceptable. Without guidance, the Planning Department can pretty much just do what whatever it pleases and, by our experience, they have consistently decided in the benefit of development. Why, for example, would it be considered wrong to explicitly state that the Department will have a presumption against projects that create significant burdens for residential projects that have to the potential to exceed 18 months.; You would not be saying "no" but you would be putting out there an indicator that there is a time period beyond which a project is overly burdensome for others. You could do similar presumptions for traffic impacts, noise etc. This is simple fairness.	The impact of the construction phase of a development is considered when assessing a planning application. However, the Council considers that the appropriate regime to mitigate these impacts is through the Environmental Protection Acts and through the provisions of a CTMP. However, the Council does recognise that there are particular proposals relating to the construction of double height (or deeper) basements in residential areas, and as such the draft policy seeks to resist such extensions. Site safety is not a matter for the Planning regime. The Council is considering the use Article 4 Directions to remove all but the most minor of basement extensions from the provisions of permitted development. This could be done Borough wide or within specific areas. This would have to be the subject of further specific public consultation.

	Get rid of the Permitted Development exclusion. There is NO reasonable argument for why basements should be allowed to be built with no controls under the PD rules. Section 4 MUST be exercised. The public wants it. The Planning Department is answerable to the public. What more needs to be said? Build into the policy mechanisms that recognize that enforcement is imperfect. It is clear that building regulations, enforcement, environmental control, highways regulations etc. are all imperfect and are not working as they should. The recent HSE executive survey of basement construction was very clear in showing that our Borough is by far the worst when it comes to safety performance on basement construction sites. The Planning System needs to be able to anticipate that not everything will work right and that not all enforcement will be effective. It should have the leeway to be able to turn down a project if there is reasonable cause to have concerns about whether a project can be built safely and with full respect for the rights of all citizens.	
Environment Agency (Simon Banks)	Depending on the site, the soil excavated from basement developments may be contaminated. Depending on the nature of the excavated soil (i.e. if it is classified as waste), it would need to be removed from site by a licensed waste carrier to an appropriately licensed waste facility. You may wish to consider offering further guidance on this matter within the policies to ensure developers are fully aware of their responsibilities under relevant legislation.	Policy CE3 of the Core Strategy sets out the Council's requirements with regard the provision of Waste Management Plans for proposals which trigger the requirements under the Site Waste Management Plans Regulations 2008. Further detail will be provided within the amended Basements SPD.
West London Architectural Society (Charles Dorin)	We consider that it is the prospect of disturbance during the construction phase that is the principal trigger for neighbour objections to subterranean development. It may be difficult to devise but some form of financial compensation for residential neighbours, related to the floor area of the extension space, could go a long way towards mitigating their suffering during the	The payment of compensation is a subject of the Party Wall Act and not the Council.

	construction period.	
Norland Conservation Society (Libby Kinmonth)	The development of deep basements favours the development to the cost of the residents either side or living nearby. From experience I can say that when a small but deep new development opposite was build mirrors, books, and china fell of the walls and shelves. There was no warning, or indication that this would happen. My house literally shook. There is absolutely no consideration given to residents having to live either next door or with a party wall. Whereas the tanking and engineering sophistication of one, two or even three Sub T; developments meet existing planning conditions what are the long term consequences regarding the impact on older houses that have such massive excavations and underpinnings on only one side of them. The sophistication of STDs the rate of their development, the pressure to extract maximum financial returns and space has distracted from the rather more mundane issues, such as quality of life for residents marooned and feeling under attack by engineering works of such considerable force. Residents in Kensington and Chelsea who do not have bottomless pits either in their houses or their pockets feel very disenfranchised both by their Council, and especially by a legal situation which leaves the Council very little room to negotiate planning laws that favour this anti-social development.	The Council has employed consultants to consider the information that should be provided at validation stage to ensure that an applicant can adequately demonstrate how he intends to implement the proposal in such a way as to safeguard the structural stability of existing buildings. This includes in the long as well as the short term. The Council will require the conclusions of the completed CMS/EDCS to be confirmed by an additional suitably qualified structural engineer. The purpose of the CMS is to demonstrate how the applicant intends to safeguard the structural stability of existing building. Liability remains with the applicant.
Vanguard Working Group (John Simpson)	Although the Council accepts that construction impact can be a material planning factor the existing policy approach and the manner in which it is applied does not take account of the impact of the construction phase of basement extensions. There has been much public debate and press comment on the extreme repercussions that basement developments can have on neighbours, in particular because of the nature of the works, their	The impact of the construction phase of a development is considered when assessing a planning application. However, the Council considers that the appropriate regime to mitigate these impacts is through the Environmental Protection Acts and through the provisions of a CTMP. However, the Council does recognise that there are particular proposals relating to the

	long duration and the often cavalier attitude of developers who are aware that the controls by the Council are inadequate and often uncoordinated. Policy needs to be revised to take into account of the level of disturbance and disruption involved in basement extensions, the recent experiences within the borough and the frequency with which neighbours find themselves constrained to move out during the works - the need to assess construction impact in accordance with human rights principles and carry out the balancing exercise required under that the Human Rights Act, providing evidence of that assessment - the extended duration of works often involved, especially where one site follows another, which means that the disruption cannot reasonably be described as temporary - the need for a coordinated approach which is, and is seen to be, enforced. The approach to construction traffic needs special attention. In appropriate cases the Construction Traffic Management Plan should be required pre validation and should be available for comment by local residents. The procedures for approving CMTPs need to be revised to ensure that there is a better understanding of the local impact and that the legitimate concerns of residents are taken into account.	construction of double height (or deeper) basements in residential areas, and as such the draft policy seeks to resist such extensions. Whilst the First Protocol (Human Rights Act) identifies an entitlement to peaceful enjoyment of his/her possessions, this applies to those undertaking development as well as those who are do not wish it to take place. Similar competing interests exist with Article 8's right to respect for private and family life. Competing rights and interests need to be balanced in decision making. The Council intends to amend the local list to require the submission of an approved Construction Traffic Management Plan alongside the application. The CTMP has to have been approved by the Council's Director of Transportation and Highways. This should have considerable advantages as will require applicants to address the issue of construction traffic at an early stage. It will also allow interest parties to consider the provisions of the CTMP before the permission is determined.
Leo Cronin	Building control: Many residents at last week's meeting thought that there should be tighter control over the way works to basement extensions were carried out. (Again, I do not understand why they think that basements should be treated differently to other extensions or building works.) In other words they were not against basement	Noted. The Council is unable to require a developer to use its own building surveys for a given proposal.

	development per se, but would like to see RBKC playing a more active role in controlling methods of work and the time taken to carry out the works. RBKC have a highly competent Building Control department. A planning condition could be imposed to say that building control for basement projects must be dealt with by RBKC. This would give RBKC a very effective way of controlling how the works are carried out.	
Black Onyx Developments Ltd (Black Onyx)	The Construction Traffic Management Plan is considered a good tool for managing and mitigating the impacts of the construction of basements.	Noted.
Edward Davies-Gilbert	Where a large number of basement extensions are being carried out in a particular street, we would like to see a limit on the number of developments that can be progressed at the same time. These developments seem to take in a minimum of 12 months and too many simultaneous developments make life very difficult for residents. Coordination in planning policy to ensure that problems arising from, for example, spoil removal are addressed. This would make sure that streets are not blocked for long periods and pedestrians are not endangered or put at risk. Our members complain that where a basement development takes place a long term reduction on Res park bays, in excess of 12 months, is a further inconvenience.	The Council cannot simply refuse an application for a basement as there are others in the vicinity. However, one of the functions of the CTMP is to take the cumulative impact of construction traffic associated with other basements into account.

Other comments		
ESSA (Anthony Walker)	Basement Consultations ESSA does not object in principle to applications for a single level of basement below existing street levels but we think that the current position results in development which is not sustainable in accordance with the definitions in the NPPF paragraph 7 and	The Council takes account of the direct environmental implications of basement development by the relevant EcoHome/ BREEAM assessments. The structural implications are considered by the provision of a CMS/EDCS.

	which is thus contrary to national and local policy. It does not take proper account of environmental or social effects for either the current or future generations. We do not agree that the role of planning is to take account only of the impact of the final product. Even if it were the case the impact cannot be measured solely by considering whether or not it is visible. The provision of large, unlit rooms with no natural ventilation, sometimes several levels below ground, distorts the mix of accommodation in our area and does not sustain the LDF core objective 6 which states the strategic aim is to have a diversity of housing at a local level which will cater for a variety of housing needs. Similarly the extension of basements into 85% of the garden, often close to the boundary, denies the opportunity for future generations to improve water run-off or change planting, including trees which do not have adequate areas for growth and which, in being located along the boundary, would overhang adjoining owners' property. At the same time this restriction on the garden areas can potentially prejudice the open and green environment which is seen as characteristic of the area. The Vision set out in section 3 of the LDF, paragraph 3.2, states that Our residential quality of life will be improved for everyone. That quality of life is very significantly affected by the disturbance and disruption caused by major building works, in particular subterranean works. One of our residents has commented recently that living next to such excavations is like having a cabin next to the boiler room in the Titanic. Another resident had her basement kitchen flooded with sewage following a lack of understanding of the water flows by the developer of an adjoining sub-basement excavation. If planning is to improve the quality of life it must include a full assessment of the viability of proposals even where the impact is not continuous. The Setting of Heritage Assets recognises that even transient	There is a large variety of housing across the Borough, and the provision of a relatively small number of deep basements increasing the size of some properties cannot be described as significantly reducing the diversity of housing across the Borough. The conventional format of such proposal is increasing the size of an existing single family dwelling which is suitable for family occupation. The Draft Core Strategy requires new basement development not to have a detrimental impact on the rate of volume of surface water runoff, requiring the provision of effective SuDS. Similarly a requirement for the provision of a metre of topsoil above a garden basement is considered appropriate and does maintain an open and green environment. The draft core strategy supports the provision of at least 25% unaltered space which will allow the planting of trees in the future. This is likely to increase in areas on clay. Planning should not stray into those matters better considered by other regimes, and mitigation of noise and vibration is controlled by the environmental protection acts. However, the Council will require the provision of both a DCMP and CTMP at the validation stage of an application to ensure that matters such a noise mitigation and careful planning of construction traffic is at the forefront of the process. The Council will develop a pro forma to ensure

	effects can have an impact on the setting of these buildings and spaces (Key Principles considers the impact of environmental factors such as noise, dust and vibration) and therefore the impact of works within our Borough, considering that it is largely a series of conservation areas, should be assessed using the same standards. Supporting documentation. We consider that the range of documents required is probably sufficient, but what is actually submitted is often inadequate in both scope and detail. In particular the construction management plans frequently rely on statements that the contractor will present proposals for the approval of the design team. While that may be desirable for the client's team it removes any control or approval from the planning process and denies the opportunity for both officers and neighbours to comment on the proposed methods. The approved proposals may protect the client but not the adjoining neighbours or the wider community. We consider that viable proposals should be required as part of the planning application. This would not prevent the applicant coming back with a modification to the approved method if his contractor wished to propose alternative methods. This would require an application and therefore a fee which would assist in meeting the planning department's costs in reviewing the new proposal. Article 4, directions We consider that article 4 directions should be imposed to limit the size and depth of any new basement. A time limit should be set for the construction process. It is appreciated that it is unlikely under current legislation that any action could be taken with regard to the progress of the works but ancillary agreements such as the suspension of parking spaces could be prevented. Any suspension of parking bays should have a limited duration before it has to be renewed. Renewal should only be granted subject to special circumstances	that the standard of all CMS received will be of an appropriate level. The Council will continue to require these to be self certified by a structural engineer The function of the CMS is allow the Council to be satisfied that the basement can be built without harming the structural stability of adjoining buildings. The actual construction process is not a matter for planning, and as such the Council cannot require a particular method to be used. The Council is considering the use Article 4 Directions to remove all but the most minor of basement extensions from the provisions of permitted development. This could be done Borough wide or within specific areas. This would have to be the subject of further specific public consultation. The function of the CTMP is to ensure that the impact of the construction phase of the development is mitigated as far as possible. This will include suspension of parking bays. The comment concerning neighbour notification on basement developments is noted. The Council has yet to have completed its review on this matter. The Council will consider adding informatives to certificate applications, as well as other method to better communicate the need for an effective Party Wall Agreement and other matters. The Council intends to increase the validation requirements for basement applications. This

	Notification. We recognise that the Council is going through a separate process regarding public consultation. Because of the potential for damage, disturbance and disruption we consider that the definition of neighbouring properties should, for the purpose of notification, be extended. We understand that Lord Selsdon's Bill proposed those within 50 metres: we recommend that this be the minimum distance. Permitted development. We consider that even where permitted development rights are exercised, the Council should issue information to applicants and adjoining owners advising them about Party Wall and other similar controls over the works, and the exercise of restrictions over the use of the highway. Registration of applications. We understand from the Workshop discussion that it was suggested that it takes too long to process applications. We consider that this is because the information provided is often inadequate. We urge that the Council exercise particular vigilance in assessing subterranean applications to make sure that they are complete. It is vital to ensure that applicants are aware that this will be the case and that they cannot get away with inadequate information. The use of 106 agreements could recover some of the cost of additional verification procedures. We appreciate that some matters may require amendment to national policy or legislation. Where that is the case we ask that the RBKC commits itself to using its best endeavours, in conjunction with other Councils or organisations, to get the legislation changed. We consider it to be part of the RBKC commitment in the LDF to protect and enhance the environment and, as noted above, to improve the quality of life. The significant increase in the amount and scale of subterranean development runs counter to that aspiration.	includes the provision of a CTMP and a DCMP at validation stage. It also intends to develop a subterranean check list to ensure greater consistency.

The Kensington Society (Amanda Frame)	Scale: maximum size of basements; majority wanted no more than one level with the depth include structural foundation expressed in metres not floor levels; We recognise that RBKC was one of the first to do so and that it is now timely to review both the policies and guidance on the subject based on what we have learnt in the last 5 years. As the Planning Portal says The planning regime covering the creation of living space in basements is evolving and under review. http://www.planningportal.gov.uk/permission/commonprojects/basements The Government sees basements as just another form of extension of an existing dwelling, and has failed to provide the level of detail on dimensions of and what constitutes permitted development as for other types of extensions. In practice, Government policy is silent and indeterminate about this type of development, leaving the matter to be dealt with by local policy. From our experience many basements are pushing the boundaries and the envelope of the planning system in ways that the system has yet to fully respond in terms of sustainability, structural stability, risk to life and property and, not least, in finding appropriate ways of assessing proposals let alone setting the management framework for their implementation. This means that the planning system needs to be a lot smarter in the way it ensures that their impacts are controlled and mitigated, both during the construction process and in terms of the final outcome. 2. Issues raised by basement developments. Basement developments raise a number of issues that should be regarded as material planning considerations when assessing such proposals. The Borough's current policies in the Local Plan and the guidance in the Supplementary Planning Document (SPD) on Subterranean Development cover some but not all of these: damage to adjoining and nearby properties and to listed buildings;	The Council recognises the particular implication on residential amenity associated with the construction of deep basements beneath houses. As such the draft core strategy seeks to restrict such proposals. The Council note the issues that the Kensington Society suggests should be considered in assessing an application for a basement development. These are addressed within the Draft Core Strategy, and outlined in the relevant part of this document. Pre application. The draft Core Strategy makes an explicit reference to the need for developers to consult neighbours before submitting the planning application. Pre-application discussion with neighbours cannot however be a requirement. CTMP. The Council will amend its local list to require the provision of a CTMP at validation stage. This will be in the public domain before the application is determined. Bring basements within planning control. The Council intends to use Article 4 directions to bring all basement development under planning control. The Council has been discussing changes to legislation with the CLG. It is, however clear, that there is little appetite for more regulation.

	loss of garden space, trees and greenery; increased flood risk to both other properties and to the basement itself; sustainability issues due the amount of soil, demolition and construction waste, increase energy and water consumption; and nuisance to neighbours from the construction process and associated traffic generation. 3. Impacts Basement developments; not just domestic ones; are likely to have impacts on neighbouring properties, terraces, listed buildings, especially where excavation goes below foundations; and trees in gardens, where insufficient room left for trees and where buildings, obstruct the supply of ground water (e.g. Earls Terrace basements and the effect on trees in Edwardes Square) and on garden squares if car parks were built under them. Solutions: Party Wall Agreements only cover directly adjoining properties, but impacts may affect other buildings in the terrace; 6. Assessing Proposals, Consultation and procedures a. Pre-application consultation: All applicants should be advised to consult neighbours as well as the Planning Department before submitting proposals. This will make them aware of neighbour's concerns as well as to ensure that they produce all the documentation required for assessing the proposals. b. Validation: One of the biggest problems for neighbours is if the applicant does not submit all of the required documents required for assessing the proposal and making the decision. All of these should be submitted before the application is validated, including the draft Construction Traffic Management Plan (CTMP). The aim should be that neighbours should be able to see and understand	

	what is proposed and to be able to comment in time for officers to seek to negotiate the necessary improvements to overcome any problems. 8. Changes needed - national, CS and SPD and to Council's procedures Lobbying for change Revise/clarify permitted development with regard to basements: Need to bring basements within planning control to ensure that they are all subject to the same requirements/conditions; need to be specific about the parameters (e.g. depth of development) that constitute permitted development, if it is retained.	
Cllr David Lindsay	In general, the development of many houses in the borough has enhanced them greatly –and we have all benefited. However, there are a number of dynamics regarding subterranean developments. First, they cause great disruption to those living nearby – for a protracted time. Second, despite reports from structural engineers, I would submit that we do not know the long term effect of such developments on the water table or on the relevant building's foundations. Third, I would insist on very full drawings and the written agreement from all utility companies etc prior to the planning department even considering a given planning application. Overall, I think there is a case for limiting subterranean development to one storey down, and in exceptional cases only, to two.	The Council recognises that the implementation of any planning permission can have an impact of those living nearby. This is particularly the case for basement extensions, where the extent of excavation can cause particular problems. The Council intends to amend the local list to require the submission of an approved DCMP alongside the application. This will set out the methodology the applicant intend to use the permission and how impact on nearby properties be effectively mitigated. Similarly the submission of a CTMP at validation stage will require applicants to address the impact of construction traffic. The Council has employed consultants to consider the information that should be provided at validation stage to ensure that an applicant can adequately demonstrate how he intends to implement the proposal in such a way as to safeguard the structural stability of existing buildings. Where relevant this will include buildings which do not lie immediately adjacent to the site.

		There have considered long term impact and note that the greatest risk occurs during implementation. An appropriately designed proposal should not have a long term impact on an area. The Council's consultants have confirmed that the major risk to structural stability occurs during the construction process. When the basement construction is complete there may be small ongoing movements which continue for many months but often these are imperceptible. The CMS/EDCS is the vehicle to address structural stability. This includes the need to detailed drawings.
Peter Crookson	I wish to express my hope that the RBKC Council will introduce legislation to curb the unrestrained development of extraordinarily deep basements that is taking place in many houses within the borough. In the house next but one to ours a deep basement excavation went on for a year, causing intolerable noise, diesel fumes, disruption of pedestrian use along the pavement, congestion of the roadway as truckloads of clay were removed, and actual structural damage to our next door neighbour's basement, for which he had to resort to protracted legal action for compensation. On one occasion a cement mixer lorry arrived at midnight to pump cement into the excavation for about an hour because it was in danger of collapse. When I confronted the contractors about this next day. to complain about the noise this operation had caused they denied it had happened.	The Council recognises that the implementation of any planning permission can have an impact of those living nearby. This is particularly the case for deep basement extensions, where the extent of excavation can cause particular problems. The Council intends to amend the local list to require the submission of an approved DCMP alongside the application. This will set out the methodology the applicant intend to use the permission and how impact on nearby properties be effectively mitigated. Similarly the submission of a CTMP at validation stage will require applicants to address the impact of construction traffic. The draft Core Strategy introduces a presumption against deep basement extensions given the particular impact that these can have in terms of noise and traffic associated with its

	It astonishes me that the smallest alteration to the exterior of a house in this area is - quite rightly - subject to planning consent, but basements deep enough to hold swimming pools, cinemas or gyms can be built and the council seems powerless to prevent the disturbance, disruption and damage these constructions cause.	implementation.
English Heritage	English Heritage would highlight that archaeological impacts may experience a secondary or indirect impact as a consequence of changes to the water table and the Royal Borough may wish to highlight this matter as part of this proposed piece of evidence; English Heritage welcomes the Royal Borough's close attention to this issue and supports all efforts to monitor this activity as we consider that there is potential for severe adverse impacts on the historic environment if this is not undertaken. It must be noted that English Heritage supports the close involvement of the Royal Borough's own conservation staff throughout the development of the Local Development Framework as these staff members are often best placed to provide advice concerning: local historic environment issues and priorities, sources of data, and consideration of options relating to the historic environment.	Specific reference to the indirect effects of basement development on archaeological remains is made within the draft Core Strategy.
Clive Wilson	The Council's existing policy recognises that there is a particular concern regarding the impact of basement development on the special interest of listed buildings. For this reason The Council will normally resist proposals for subterranean development under listed buildings or directly attached to existing basements, cellars or vaults of listed buildings. Subterranean development should be resisted anywhere within the curtilage of LB, - in keeping with CS clauses CO5, CL1, CL3 and CL4: Most subterranean developments do not respect the existing context, nor do they improve the quality and character of buildings and the area The same argument should also be applied to houses of similar age in Conservation Areas, which may not be worthy of listing, but which most likely are subject to the same	Whilst the Council is of the view that a basement extension beneath the footprint of a listed building is likely to harm the building's special architectural or historic interest, this will not necessarily be the case when the extension is beneath the garden and where the 'connection' to the listed building is of an insubstantial nature and appropriate design. As such it would not be appropriate to have a 'blanket ban' for extensions beneath gardens. The Council is of the view that development beneath a building in a conservation area (or its garden) does not necessarily have a detrimental impact upon the special character of that area. For

	arguments about hierarchy of floor levels. The Council should therefore also normally resist proposals for subterranean development under all buildings (of a certain age and heritage value, therefore not including modern or commercial/industrial premises). A survey would be required to determine which should be so treated. The Core Strategy includes a wealth of strong arguments against subterranean developments in Conservation Areas. Building on these clauses, the Council's presumption against proposals for subterranean development under listed buildings should be extended to all buildings in Conservation Areas of heritage value even if not listed - , and to those for subterranean development within the curtilage of LB.	a proposal to have a detrimental impact it must normally be visible. This has been confirm at appeal by PINS inspectors. The physical manifestations of a basement (the roof lights etc) will be considered when assessing the impact of a proposal.
Kings Road Association of Chelsea Residents (James Thompson)	BASEMENT DEVELOPMENT WISH LIST: ACTION FOR LOCAL AUTHORITIES DCLG continue to argue that Councils have adequate powers to deal with the nuisance caused by subterranean development. We do not believe that current powers are adequate. But we think that Councils could do more than at present. These are all measures that we believe Councils could take to alleviate the plight of those unfortunate enough to live next to a property where a basement development is taking place. We think that they could all be done within existing powers, including the new power of general competence. We know that DCLG is planning to hold a meeting with the four London boroughs most affected by subterranean development in residential areas. Insofar as Councils believe they lack the powers to take any of these measures, we hope that they will raise this with DCLG at that meeting and urge upon DCLG the need for appropriate legislation.	Article 4s. The Council intends to use Article 4 directions to bring all basement development under planning control. Pre application. The draft Core Strategy makes an explicit reference to the need for developers to consult neighbours before submitting the planning application. Whether an applicant has carried out such consultation will be asked as part of a 'subterranean checklist' to be completed as part of validation. Pre-application discussion with neighbours cannot however be a requirement. Consultation A review as to the extent and nature of the notification that the Council carries out with relation to planning applications is currently taking

	The proposals below are not in any particular order of priority. 1. Councils should impose Article 4 directions to make all basement excavations beyond a certain minimum size, including those under the footprint of the house, subject to planning permission. The easiest way of achieving this would be for DCLG to exclude specifically such developments from the General Permitted Development Order (GPDO), and they have never really explained why they are reluctant to do so, beyond suggesting that there is legal ambiguity as to whether the GPDO does cover such developments - clearly an unsatisfactory situation. The exclusion could be limited to excavations in residential areas. If DCLG will not act, the alternative must be for Councils to impose an appropriate Article 4 Direction, and this is what DCLG suggest. But Councils are reluctant, partly because they believe that they could be legally challenged by an aggrieved developer and partly because for the first 12 months they would have to pay compensation to any developer whose plans were thwarted by the Direction. Experts from the four Councils should get together with the DCLG experts to talk this through and decide on a course of action by one side or another to achieve the desired result. Lady Hanham has said that she supports the principle. 2. Councils should make it a condition that the developer should consult adjoining owners before applying for planning consent. All the indications are that prior consultation makes subsequent relationships between owners run much more smoothly. Often the developer can adjust his plans in small ways to meet particular concerns of the neighbours, and that could help the planning process (as otherwise the Council risks having to deal with more objections, and the developer with more hostility). For this reason, it should be possible under planning legislation for the Council to make prior consultation part of the validation requirements; by requiring applicants for subterranean developments beyond a certain size to show that they have consulted all adjoining owners	place. Valid UK agent. This requirement goes beyond the powers available to the Council. Coordination of extent of excavation beneath garden. This Council's understanding as that no other Councils have adopted polices which set a limit for the amount of excavation beneath a garden. Camden resist light wells above a certain size but not extensions themselves. Westminster have a draft policy concerning basement depth but this has yet to have been through an EIP or adopted. In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement development below a garden to 75%. This figure may drop in clay, where effective drainage is more difficult. This figure is based upon a study commissioned by the Council to help inform the Core Strategy review. This will also assist in enabling larger scale planting. Demolition It is only 'substantial' demolition which requires conservation area consent. Its appropriateness will be assessed by officers taking account the impact that it has on the building and the character of the wider area. The comment on the need for accurate descriptions for proposals is noted. Hydrology

	and state what account if any they have taken of their views. If Councils take the view that they do not have the legal power to do this, they should take active steps to encourage such consultation on a voluntary basis through information on the planning pages of their websites and on planning applications, which should ask whether such consultation has taken place (if the latter seems to be ruled out because DCLG have prescribed a uniform format for planning applications, Councils should take this up with DCLG). 3. Councils should consider extending the distance within which the Council informs neighbouring properties of the application - Lord Selsdon's Bill suggests a radius of 50 metres. This is particularly important for the first application for a subterranean development in a street, as it will create a precedent. < 4. Councils should make it a condition that developers based overseas should appoint a valid agent in the UK who can deal with all matters on their behalf before and during the whole construction period and for 12 months thereafter. Many developers involved in major basement developments are companies based in places such as the British Virgin Islands whose owners remain anonymous and it is almost impossible for neighbours to find a valid interlocutor with whom to discuss their concerns. The Council may also need a valid interlocutor to deal with planning enforcement matters, so this also is a condition that should be acceptable in planning terms. 5. Councils should coordinate policy on the amount of garden that can be taken up by basement developments and the depth to which they can go. Practices differ, with some Councils already making it their policy not to approve excavations under more than 50% or 75% of gardens, and there may also be good reasons to oppose double basements under terrace houses. As regards gardens, in St John's Wood, there is one particularly bad case	The Council will require a CMS/EDCS to be submitted alongside the application which considers hydrology in a more systematic manner. The Council is being advised on the contents of the CMS/EDCS by Alan Baxter's Associates. This is likely to include a requirement for a bore hole investigation on each site. Where problems are likely a full explanation of how this will be addressed will be required. Alan Baxter's have been asked to comment directly on whether permanent pumping would have significant environmental effect. We are advised that when properly designed such pumping will be minimal. Details of how the applicant intends to consider pumped water flow will be expected. Solutions are possible. CMS. The Council is considering the standards that a CMS/EDCS should work too. The Council's consultants have confirmed that cracking of less than level 2 usually not considered to be structural in nature. The Council is developing a pro forma which is intended to bring all CMS/EDCS up to the same high standard. Details of the requirements will form part of a new basements SPD. Sustainability The Council is satisfied that the current approach towards environmental sustainability is appropriate. The standard to work to is "very good BREEAM for Refurbishment" standard. Considerate construction

	where the owners of a house in Hamilton Terrace which has a big garden behind and a mews house at the bottom of the garden have demolished the mews house and excavated the whole area (they have not yet filled in this mega-hole). We suggest that there should be a 50% limit unless there are exceptional circumstances. Basement excavation under a garden can be less problematic than under a building, however, so it might be appropriate to allow a greater proportion of garden to be built under if no or only limited excavation is planned under the house. 6. Councils should make it their policy not normally to give planning consent for residential buildings to be demolished merely to allow access by machinery to the site (we know of one case in Camden where a mews house was demolished on these grounds; and another in Chelsea of a building similarly being demolished). This sort of destruction may be appropriate for major projects likely to bring real benefits to the community and/or the local economy. But for domestic subterranean developments, they are unjustified in terms of sustainability and merely increase the nuisance that neighbours have to put up with. If necessary, material may have to be brought in and out by hand. 7. Councils should ensure planning applications are comprehensible to the lay person and give a realistic idea of what is planned. The drawings are often difficult to understand and the architects of applicants are not above putting in imaginative drawings and computerised simulations which give a misleading idea of what is proposed. The brief description on the planning application form (then used for the notices to neighbours) is often also misleading. A recent application in RBKC for demolition of existing dwelling house and erection of replacement dwelling house; concealed, for instance, the fact that the application involved a major new subterranean development. We believe it is within the power of Councils to be more active in policing applications and insisting on better planning applications.	The Council requires those employed to carry out an excavation to be overseen by a qualified structural engineer and to belong to the Considerate Constructor's Scheme. The Council's consultants do not consider that other specialist bodies will offer the appropriate degree of reassurance, and membership does not ensure competence. Overseeing by a qualified structural engineer offers greater protection. Informative relating to need for a Party Wall Agreement. The Council has started using this as a standard informative for relevant cases. Code of good practice for developers. Noted. The existing code will be further developed and updated. This will form part of a wider review of the business groups website. Enforcement. Noted. Noise The Council is currently considering amending its local list to require applicants to submit a Demolition and Construction Management Plan alongside any application which includes an element of subterranean development. This plan would have to have been agreed with the Borough's Environmental Health section, and would include details as to how the applicant intends to address the issues of noise, dust and vibration during the construction phase. The applicant would be expected to comply with the key principals agreed within the plan. Where appropriate, this may include a noise mitigation strategy,

	8. Councils should take better account of hydrological problems. RBKC requires a hydrological survey if properties are on the relevant flood risk map. But in hilly areas off the map there are can be underground streams and springs that are well known to residents (some of whom have to have permanent pumps in their basements). Where houses are built without basements in areas where basements are the norm, this is also often an indication of past problems. Councils should require proper hydrological surveys (and details about how any problems revealed by the survey, including run-off, will be dealt with) whenever there is evidence of hydrological problems. There may be cases where the hydrological problems are severe enough (e.g. where permanent pumping is required) for sustainability requirements to dictate refusal of the application (see also Proposal 11). Not only does pumping add to CO2, but in the longer term the flow of water can destabilise the soil. We note that the Grosvenor Estate bans all basements requiring dewatering on these grounds. Councils should consider developing policies on this, perhaps making clear that only shallow basements or none at all will normally be allowed in certain hydrological conditions. 9. Councils should require construction method statements that Demonstrate that damage of more than level 1 to neighbouring properties can be avoided. This will not guarantee that such damage will be avoided as unexpected problems may arise during the excavation or construction, and the contractors may not stick to the specification. But it will at least show that, on the basis of the information available, the construction can be done in a way that avoids such damage. We are aware that doubts have been expressed as to whether such a requirement would qualify as a planning matter. However, it seems no different in kind from other information already required in method statements with the aim of addressing the possibility of ill-planned and poorly constructed development causing damage to existing and neighbouring	The highway The Council intends to amend its local list to require the submission of an Construction Traffic Management Plan alongside the planning application. The CTMP has to have been approved by the Council's Director of Transportation and Highways. There is an expectation that developers take all reasonable measures to minimise construction impact. Impact will not be removed altogether. Council tax As suggested, the vast majority/all of properties in the Borough likely to seek a new basement will already be in the highest Council tax band. Back analysis The Council is considering appropriate methods to better monitor basement development.

	structures (to use wording from the RBKC Supplementary Planning Document). We are also concerned that construction method statements differ markedly in their degree of detail. Some are excellent, with full geo-technical and hydrological surveys and a good account of the effects expected on neighbouring properties. Some, however, are pretty summary and make almost no realistic assessment of the effects on neighbouring properties from heave/settlement, any hydrological problems etc.. We think there may be a case for the council specifying in more detail what it expects as regards geo-technical and hydrological information - e.g. methods of calculation; extent of data to be collected (for instance, a proper hydrological survey needs a minimum number of boreholes and a survey over time); level of heave/settlement of neighbouring properties expected. The Council recognises that the implementation of any planning permission can have an impact of those living nearby. This is particularly the case for basement extensions, where the extent of excavation can cause particular problems. The Council intends to amend the local list to require the submission of an approved DCMP alongside the application. This will set out the methodology the applicant intend to use the permission and how impact on nearby properties be effectively mitigated. Similarly the submission of a CTMP at validation stage will require applicants to address the impact of construction traffic. Consent should also be conditional on the applicant providing a fully worked up construction method statement at least one month before starting work. This should be sent to adjoining owners so that there is time for their surveyors to take it into account in negotiating an award. 10. Councils should be prepared to make use of Section 106	

	agreements to alleviate community problems during construction. Possibilities might include: Using S.106 agreements to pay for a dedicated officer to facilitate the resolution of problems during the construction phase (with each developer paying a small sum that would go towards the officer's costs). We understand that Camden has already done this. The flow of subterranean developments is now such that there should be an assured flow of finance, especially if organised on a tri-borough basis. Using S.106 agreements on a similar basis to pay for the employment by the Council of a structural engineer to scrutinise construction method statements submitted to the Council with a view to judging whether they adequately provide for the minimising of nuisance to neighbours. This might not be so easy as the scrutiny would have to be done in advance of giving planning permission. But it might be possible to devise a scheme under which developers who received permission were billed retrospectively. Using a S.106 agreement to require the developer to put in place noise monitoring equipment around the perimeter of the works, to facilitate the taking of action by the Council under noise legislation if noise levels rose too much. Again this would be to the benefit of the community. Using a S.106 agreement to obtain an undertaking from the developer that, in the event of really major damage to neighbouring properties, he will pay for an independent structural engineer (approved by the Council) to make a study of the cause of the major damage, with a view to benefiting the community by showing how this could be avoided in future. 11. Councils should take more account of the sustainability of developments in deciding whether to grant planning approval,	

	including the effects of the project during the construction phase. Subterranean developments for non-residential purposes, with facilities only open to the occupants of that house, causing real environmental problems during their construction (and possibly in the future) and adding little to the economy should not be subject to a bias in favour of development. At the moment RBKC's Supplementary Planning Guidance primarily requires demonstration that a dwelling can achieve Level 4 under the Code for Sustainable Homes, an approach which is used as a proxy for the environmental impact of a development due to difficulties in calculating and assessing CO2 emissions relating to such a scheme. A more sophisticated approach is needed, perhaps based partly on the amount of reinforced concrete in the build and taking full account of subsequent energy consumption. The Councils concerned should perhaps work together to develop a sensible set of criteria. Temporary loss of amenity suffered by neighbours which is of long duration and disproportionate to the community benefit from the development should also be covered 12. Councils should require contractors to belong not just to the Considerate Constructors Scheme, but also to an appropriate specialist body such as the Association of Specialist Underpinning Contractors. 13. Councils should include an Informative in planning consents drawing attention to the need for a party wall award before any work begins. 14. Councils to draw up and publicise a code of good practice for developers. Some have already done some good work on this, but more needs to be done, and the code needs to be vigorously promoted and publicised. 15. Better enforcement by Councils. There is a lot of anecdotal evidence that even when Councils have enforcement powers, these are not used as they should be. There is also still	

	uncertainty in the minds of many as to what they can ask the Council to do and how to approach the right bit of the Council. Councils need to make sure that user-friendly information is available on their websites 16. Councils to work together (possibly with DCLG and Defra) to develop noise standards for excavations. This was a proposal in the Ladbroke Association Report. Even though such standards would be voluntary, if an agreed voluntary standard was in place, it would be easier for Councils to use their powers under the Control of Pollution Act 1974 if they were breached. They could also then require construction method statements to show that the noise standards could be met. 17. Tougher conditions to be imposed by Councils on use of the highway. In some cases, e.g. where there is a narrow mews, it may be appropriate for spoil to be removed by hand. Even though this would impose extra cost on the developer, it would be justifiable under sustainable development principles, which require the balancing of economic factors against social and environmental ones. 18. Properties to be revalue for Council Tax purposes once the works are complete. This is a proposal in Lord Selsdon's Bill. We suspect, however, that many of the properties are already in the highest band. 19. Councils to make a representative selection of completed basement developments to make a back-analysis of the impacts, with particular reference to structural impacts. The results could feed into decisions on what should be on the validation list.	
Trustees of the Phillimore Estate	Each application must be considered and assessed on its own merits. The Core Strategy and SPD on subterranean developments provide a clear and rigorous framework to control subterranean development.	The Council notes that the NPPF makes no specific references to subterranean development. However, given that the issue is relevant to a small number of Borough's in the capital this is as

	There have been no legislative changes in relation to basements. Furthermore, the Government's recently published National Planning Policy Framework March 2012 (NPPF) does not make any statements about or place any limits on subterranean developments. There is therefore no justification for changing the approach to basements in RBKC and the existing policy framework is considered sufficient, and works effectively to control subterranean development.	expected. The lack of a specific reference does not preclude a Council from developing policy which takes account of the specific issues relevant in its area. Furthermore, the Council considers that the existing policies and procedures need amending to ensure that the possible impacts of basement developments are fully considered.
Tony Holt	The following submissions are in addition to those made by the Considerate Basement Group of the Ladbroke Association. 1) Article 4 etc. It is essential that the civil servants in the DCLG who are advising that local government has all the powers needed to control this problem should be required to demonstrate how those regulations can be used. These claims are made repeatedly by the civil servants advising Baroness Hanham. They must be put to the test. 2) Bond or insurance to completion. It must be a condition on planning permission that a bond or insurance is taken out to cover completion of the works in the event of problems with the developer. This is to ensure that works are not left half-completed in the event of the developer running out of funds or the developer sacking the builder. The latter has happened at Abingdon Villas with the result that the hole was left half completed for the whole of the winter 2011/12 to the harm of neighbouring properties. 3) Bond of insurance after completion. This is to insure against problems to neighbouring properties long after completion. Cover should be for at least ten or fifteen years, by which time the developer will be long gone. No one knows the long terms effect of	The Council intends to use Article 4 directions to bring all but the smallest basement developments under planning control. There are no provisions within the Planning Acts to require bonds or insurance to or after completion. The Council cannot take into account the nature of the ownership of a particular property when assessing an application. The Council has commissioned a multi disciplinary firm specialising in engineering solutions, including those for basements, to consider the structural implications of new basements. This includes the developing of a methodology to be used by applicants to demonstrate that proposals can be constructed without having a detrimental impact on the structural stability of neighbouring properties. Given the nature of development, the Council is rarely made aware of specific problems associated with basement development. Once the permission

	disturbing the foundations of properties of this age, usually built in 1850 to 1880 in the Royal Borough. Most to the basement excavations are in Victorian terraces. 4) Multi-ownership. Subterraneans should be banned altogether beneath buildings in multi long-term ownership (flats or long leases) unless (1) all lease owners agree; (2) alternative accommodation of equivalent quality during the works is provided; (3) some significant financial compensation for the nuisance. At the moment the only control is if the building is listed, which most of our Victorian buildings are not. Most are in conservation areas which is not, at present, enough protection. It can be argued that the leaseholders have the opportunity to acquire the freehold and thus stop works, but this is costly and often difficult to arrange with many leaseholders using them as second homes or living abroad. The inevitable damage is covered by the Party Wall Agreements by these take effect after the event and after the damage is done. 5) Long term damage. Research is required into the risk of long term damage to neighbouring buildings as a result of introducing a stiff reinforced concrete box to relatively flexible building. The whole question of long-term damage to our Victorian buildings has not been explored. They were mostly built with bricks and lime mortar on shallow foundations. This means that they are more flexible than, say, reinforced concrete. Inevitably, buildings shift with time. They always have done. If they shift at different rates, there are inevitably going to be problems. The research needs to be done by structural engineers, not planners. The flexibility of bricks and mortar may be the reason why so few, relatively, collapsed during the bombing of 1939-45. 6) Records. The Planning Department should be keeping records of progress with subterranean and any problems associated with	has been granted and the relevant conditions discharged the Council's involvement usually ends. The Council has, however, carried out a survey of some 8,000 occupiers who live adjacent to properties which have benefitted from permissions for basement developments since the end of 2008. This survey has helped inform the emerging Core Strategy. The 'next steps' outlined by the Ove Arup study (2008) was to consider whether it was appropriate to include an explicit planning policy relating to subterranean development in the Borough. A policy was prepared in the Core Strategy (2010). Furthermore the existing Subterranean Development SPD reflected the Arup report.

	them. This is to establish a track record of these developments to see how serious the problem is. The Ove Arup Report of several years ago touched on the problem and recommended that they by investigated further. This was never done. There are numerous examples of subterranean which have gone wrong.	
Cadogan Estates Ltd (Kathy MacEwen)	The Cadogan Estate is one of the largest single land holdings in London comprising 38 hectares of one of the capital's most fashionable districts stretching from Knightsbridge in the north to Cheyne Walk in the south and from Cadogan Place in the east to Beaufort Street in the west. Today, the Estate currently comprises some 3,000 flats, 200 houses, 255 shops and stores, 6 schools and approximately 40,000 sq m of office accommodation. The shops and stores include world famous fashion names. In addition, the Estate also owns the Royal Court Theatre and Cadogan Hall, along with a number of hotels and public houses. As a result of these landholdings, Cadogan are extremely aware of the day to day practicalities of maintaining the efficient use and balance of land and buildings that make up thriving communities. Cadogan's underlying estate management objectives can be broadly summarised as follows: - to ensure that buildings meet the expectations and requirements of occupiers and conserve the character and quality of the area; - to maintain an effective process of urban regeneration and enhancement through the continued maintenance and creation of high quality buildings set in an attractive environment; - to strike the optimum balance between conservation and development whilst taking a long term view based on the	Noted.

	husbandry of the Estate as a whole. In summary, the Cadogan Estate is not only a major landholder for this area of London but has taken, and is continuing to take, a responsible approach to the long term stewardship of the Estate and its role within the Royal Borough of Kensington and Chelsea. Due to the on-going management by Cadogan, the Estate has evolved to respond to market demand which they are able to do through flexible management of their portfolio. In terms of basement extensions, as a matter of principle the Estate seeks to ensure that any basement proposals do not impact on the character of the building or the surrounding area. As noted in the basement extension document (section 2.4) the Royal Borough has an exceptional urban realm and extending homes upwards or rearwards may not always be acceptable. In order to preserve the character of the building and surrounding area, in some instances basement extensions remain the only option to retain viable buildings.	
Golborne Forum (Susie Parsons)	The Golborne Forum is not submitting detailed comments in response to this consultation as the map on page 9 of the document shows that no planning permissions were granted for development including a basement extension in 2010 or 2011 in Golborne. We do, however, support the focus on defending gardens and trees in the consultation document.	Noted.
The Chelsea Society (Terence Bendixson)	Views of Chelsea residents. Subterranean development is a great concern of Chelsea residents. At the Society's recent Floral Chelsea exhibition in the King's Road many residents raised the issue with staff. They were not anti-development. They just wanted "conservation" in Conservation Areas to be effective and were convinced that the Council had a responsibility to protect their quality of life. While recognising the Council's need to balance change and stability, residents are convinced that the new fashion for underground construction has pushed the balance too far towards drastic	The Council is happy to share the Alan Baxter Associates report with the Chelsea Society. It has been made available to the public as part of this consultation. Internal alterations to buildings within a conservation area do not in themselves require consent. Consent is only required when "substantial demolition is proposed. When consent is required the proposal will be assessed on its merits, with Policy CL3 of the Core Strategy noting

	change. The driving force The driving force behind the new fashion is money first and expanded accommodation second. In drafting a totally new SPD (because that is what is needed), the Council therefore needs to consider, not only the recent past, but also the future. It needs to recognise, in particular, that uncertain economic conditions in the Eurozone can be expected to persist for five or more years and that these conditions will continue to drive money into the London property market. What is this movement of money about? It is not about living in Chelsea. It is about protecting capital and maximising property values. The impact of this flow of hot money on Listed buildings and Conservation Areas and on the quality of life for residents must be considered as a material consideration in planning. The new Ove Arup report The Council asked Arup's to present a draft of their first report to residents. That was much appreciated and the Society urges the Council to do the same with the second report. The scope of conservation in Conservation areas. The Council has a responsibility under the Planning Acts to protect Conservation Areas. This responsibility goes beyond protecting facades. The character of houses in conservation areas flows just as much from the design of their stairs, floor plans, closet wings, ceiling plasterwork and so on. Total internal demolition should therefore be treated as the total destruction of historic character. It is incompatible with conservation. The extent of subterranean development The potential for collateral damage and nuisance due to excavation under a building is proportionate to the scale of that excavation. The deeper and the more extensive a basement, the longer the period of works, the greater number of skip-fulls of	that development in a Conservation Area must take opportunities to enhanced its character. The Council is considering the use Article 4 Directions to remove all but the most minor of basement extensions from the provisions of permitted development. This could be done Borough wide or within specific areas. This would have to be the subject of further specific public consultation. The Council recognises that the impact of the construction phase of any development is material in determining that application. The Council recognised that in a Borough such as ours the construction of a basement may be the most suitable method of increasing liveable space. This will not always be the case. The Core Strategy intends to provide the criteria against which suitability shall be assessed. In order to allow effective draining, the draft Core Strategy looks to limit the extent of basement development below a garden to 75%. This figure may be lower when lying on clay given the drainage problems associated with this medium. This figure is based upon a study commissioned by the Council to help inform the Core Strategy review. The Council is unaware of any defensible justification to resisting any/all basement development beneath garden space, or indeed resisting all basements in specified "sensitive areas". If a basement has an acceptable visual impact, can be shown that it can be constructed

	waste, the more numerous the deliveries of mixed cement and other materials and so on. This relationship should be recognised in the SPD and become a material consideration in decisions on subterranean development applications. Consideration should be given to reducing the scale of permitted subterranean development. What limits should be put on excavations? In a place as intensively developed as Chelsea (a characteristic that often leads to narrow streets, narrow fronts, tiny gardens etc) there should be no blanket allowance for subterranean development. Every application for excavation should be judged on its merits. The basements SPD, and the revised Core Strategy, should say no more than that the Council ”may” permit subterranean development in Conservation Areas. The Council's current policy is to allow sub-basements of up to 85% under gardens. In future there should be no allowance beyond excavation under the footprints of houses. The Council should indicate a presumption against sub-basements of more than one floor. The Society believes that the Council should also consider defining “sensitive areas” ones where the scale of streets is particularly small or historic character is particularly strong - where there would be a strong presumption against all subterranean development. The character of Conservation Areas One side effect of the inflow of capital into Chelsea is that the nature house modernisation has changed. The architect Richard Rogers may have gutted a house in Royal Crescent in the 1970s but, at that time, such action was exceptional. During the last ten years total reconstruction has become increasingly common. This	without a significant impact on the structural stability of neighbours, not cause flooding, or not cause excessive construction traffic there may be no valid reason for its refusal. Given the particular difficulties associated with the construction of deep basements, in terms of impact on residential amenity, the draft Core Strategy does introduce a presumption against basement excavations of more than one storey deep. The Draft Core Strategy and associated changes to procedure will place greater obligations on applicants intending to construct new basement. This will be coupled with expanding the advice to builders (and residents) on the Council's website. This can include links to guidance concerning the Party Wall Act.

	is due to significant changes in both the economic context of development and in fashion. These profound changes now need to be met by changes in development control and in the extent of conservation in Conservation areas. If they are not the original intent underlying the designation of Conservation Areas will be lost. Developers and residents - unequal participants A serious imbalance exists between the skills and resources deployed by the promoters of underground development and affected residents. The Council, as the body representing, and elected by, residents, needs to consider how to redress this imbalance. Ways of doing so could include not only putting additional responsibilities on developers, but also helping to strengthen the knowledge and capability of residents. This is the nub of the challenge facing the Council. How can developers be made to take greater responsibility for the collateral effects of their actions? How can residents, and residents' groups, be given greater effectiveness in protecting themselves from the side-effects of subterranean construction. The Party Wall Acts Operation of the Party Wall Acts is not part of town planning nor a responsibility of local authorities (except where their own buildings are concerned). However they are one of the few instruments by which residents can protect themselves from possible structural and superficial damage inflicted by basement development. The Council should consider using its website to help residents to maximise the protection offered by the Acts. It would be very helpful if residents were well briefed on what is the maximum redress that can be achieved through the Party Wall Acts. Conclusions Subterranean development damages the property and the quality of life of far more residents than it benefits. It is driven more by international capital flows than the need of residents to expand	

	their living space. And it is cumulatively inflicting irreversible damage to the character of Chelsea and, in particular, Conservation Areas. Will the inward flow of capital continue? Given the deep uncertainties facing not just Mediterranean states but the Eurozone itself, it is highly likely that it will both continue and expand. The new SPD and the revised Core Strategy needs to address this prospect. The Society therefore urges the Council to support residents in their desire for stronger protection to be given to the character and appearance of Chelsea. To do so would be in keeping with the Coalition government's emphasis on localism.	
Susan Walker Architects (Susan Walker)	A review of policies relating to subterranean development is welcomed - each case throws up particular issues but I hope the resulting document will be as comprehensive and clear as possible	Noted.
Holland Park West Residents' Association (Sally Mizani)	People have a choice - stay in RBKC with it restrictions due to shortage of space or move. People will always want to live here as long as we don't change it to detract from its historic attractions. When is the council going to stop allowing over development. You are turning a pleasant place to live into a cramped, polluted, noisy, stressful environment, with increased crime and stretched resources. If developers/residents are refused planning and go out of borough for a larger property there is a queue of others waiting who do not want or need basements. The Royal Borough is a popular place to live at the moment. Please do not create a ghetto in parts of the borough. You have to be flexible as the borough geologically and geographically as well as conservationaly is very diverse and one rule cannot suit all areas. But basement development and developing gardens, garden squares, sport facilities and any bit of green space is getting out of hand. Try having a block of flats, with basements in your own back gardens, then perhaps you would understand. You are there to protect	The Council can only refuse planning permission for a basement when there are good planning reasons to do so. The Draft Core Strategy attempts to provide the criteria to allow the Council to effectively mitigate the impact of basement development. These measure are discussed within the relevant parts of this report.

	current buildings, land and residents not just attract developers. You need to do more testing and surveying on the impact new existing basements have had and are having.	
Oliver Parr	All development is disruptive to neighbours but basement excavation is in a class of its own, with the added threat of serious damage not being discovered until several years after the work has been completed. Given that most basement development adds considerable value to a property - and yet causes considerable aggravation to the neighbours who, unlike the owners of the subject property, usually have little alternative to staying where they are throughout the work - there is a strong case for the provision of financial compensation to neighbours based, in part, on the gain obtained by the development. This would go a long way to easing the pain suffered by those living next door to such developments and would also cause those planning to embark on such work to consider very carefully whether the work really can be justified. The scale of compensation could be geared t include a rising penalty for projects that are not completed within a pre-agreed time frame. I would also add my support to the suggestion at the Town Hall on 24 May that there should be an absolute restriction on successive basement developments of the same property (say max one approval per 10 years). A further provision might restrict basement developments by adjoining properties to a neighbour previously affected by the same for a period of, say, not less than 5 years following the last development, the object being simply to protect neighbours from a succession of back to back (i.e. continuous) projects.	There are no provisions within the Planning Acts to require the provision of compensation for neighbours effected by a basement development. Redress may be achievable through individual Party Wall Agreements though this mechanism is wholly separate from the Council. Each proposal for a basement has to addressed on its own merits. There can be no mechanism to refuse a proposal because it lies in an area which has experienced a number of other basement excavations. However, the CTMP, which will be required at validation of an application, can and does require the cumulative impact of construction vehicles for multiple developments to be taken into account.
RAB Pension Fund (RAB)	In general terms it is right for the policy to continue to be a permissive policy as in principle basements do not cause long term harm to the environment or material planning considerations.	Noted. The Council does however recognise that that there will be circumstances where basement extensions may not be appropriate. The draft Core Strategy provided the criteria to assess these circumstances.

Shiach	The restrictions are overly (and unnecessarily) onerous. The study commissioned in 2008 showed the negative impact of subterranean development was MINIMAL and it is largely whinnying old biddies who don't like modernisation kicking up the fuss that has led to the ridiculous hoops through which one must jump to build a basement.	Noted. The Council does however recognise that that there will be circumstances where basement extensions may not be appropriate. The draft Core Strategy provided the criteria to assess these circumstances.
Tim Stranack	Underground extensions have characteristics relating to water, potential structural impact and the like which are specific to their particular nature. Planning should address such works with those characteristics particularly in mind and remove, so far as possible, any automatic or quasi-automatic levels of approval from the system.	The CMS/EDCS which must be submitted with any application for a basement must consider ground water, flooding and structural impact and demonstrate that the proposed method of construction will not have a significant detrimental impact on nearby properties.
Catrin Treadwell	We are aware that that the council will not consider the stress and disruption that this scheme would impose upon existing, long-term residents to be a viable cause for objection. I nevertheless suggest that it is inappropriate to champion the desires of rich newcomers over the concerns and well-being of long-term residents who have lived quietly in this area for many years. We were for two whole summers unable to enjoy the pleasures of our garden due to the noise, vibration and general disruption that emanated from the building site at 18 Queensdale Place. We now, within two years, face the prospect of a similar trauma by the excavation of the nearby garden at 41 Addison Avenue by applicants who have very recently bought the property; and due to current legislation this is a situation that might be repeated indefinitely should there be further such development in the vicinity. There appears to be no check upon this situation.	The Council notes that construction impact is material to a planning application. Such matters are however usually best considered by the relevant Environmental Protection legislation. Panning should not stray into those matters considered by alternative regimes.
Susan Bicknell	The construction of basements in the area only leads to the further overpopulation of an exceedingly overpopulated Borough, thus ruining the existing character of the area. Small houses are needed in the borough, and enlarging them only puts them out of reach financially and characteristically of many people living on their own, or hardworking local tradesman needed to support the Borough and continue to keep it a Residential Borough of London.	Noted. It is not a role of planning to resist a property owner from seeking to increase the value of their property.
Andrew Dobson Architects	This questionnaire is phased to provide only comment if the policy	The questionnaire has been designed to allows all

(Andrew Dobson)	is not considered adequate. This would see one sided on this major issue.	views to be made.
Ladbroke Association (Sophia Lambert)	1. Although Government policy is to encourage the consultation of neighbours before planning applications are made, we are concerned that the Council still does not do enough to encourage this. It should be the norm, at the pre-application stage, for the Council to ask the applicant to consult the neighbours and if he has not done so to provide an explanation why not. 2. The Ladbroke Association is also interested in the idea put forward at the consultation meeting that there might be more restricted criteria for basement extensions in restricted sites;, e.g. narrow mews, landlocked sites and very narrow terrace houses (where damage can be caused several houses away). 3. Given what is known about local soil structure and lack of foundations in Victorian London, questions remain about the long term effect of sub-terranean developments which introduce rigid foundations abutting structures with little or no foundations, thereby introducing discontinuity in the flexibility of adjoining walls. Over time, this discontinuity may cause considerable damage, and this damage may not be confined to the immediate party walls, but could express itself equally in non-adjacent walls. Current party wall agreements do nothing to address this issue, and it is not satisfactory simply to state that where the Party Wall Act is not relevant, for example where damage is to a property that does not abut the development, it is for the individuals to seek recourse through the courts. We see no easy solution to this problem, but believe it is one that the Council should keep in mind. 4. The Ladbroke Association, in conjunction with the Better Basement Group, has prepared a 'wish list' of actions that it would like to see the Council undertake to ameliorate the lot of those unfortunate enough to live next door to a property undergoing a basement extension. This wish list remains valid, even if not all the points in it are mentioned in this response.	The draft Core Strategy makes an explicit reference to the need for developers to consult neighbours before submitting the planning application. Whether an applicant has carried out such consultation will be asked as part of a 'subterranean checklist' to be completed as part of validation. Pre-application discussion with neighbours cannot however be a requirement. The nature of a street, and the constraints on it should be taken into account within the CTMP and the DCMP which will be required with the submission of the planning application. This is more appropriate than specifying the type of basement appropriate by area. The Council does however recognise that double height extensions will be resisted in all the most exceptional circumstances given the impact that the construction phase has on the amenity of those in the vicinity. The Council notes the limitations with the Party Wall Act. The component parts of the Ladbroke Association wish list have been considered in the appropriate part of this document.

The Residents of Strathmore Gardens (Chris Hunt)	There needs to be some sort of process whereby applicants have an incentive to actually talk with neighbours. At present, developers have no incentive whatsoever to establish a dialogue or to be reasonable. However, it could save everyone a tremendous amount of time and effort and cost. In our situation, we attempted to have a conversation with the developer but they refused to co-operate. We sent over 30 letters to no avail. The end result has been a tremendous amount of cost and headache for both the Planning Department and the residents, all of which could have been avoided had the developer simply been reasonable and engaged in discussion. Require a Neighbour Consultation Period, If the Borough were to receive a large number of complaints about a project, could the Borough not try to encourage a process for neighbourhood resolution by requiring, say, a 60-day period to resolve any dispute? This would encourage developers to actually talk to residents and try to achieve resolution to save time on their approval processes. This would potentially save a substantial amount of cost for the Borough as it could be the case that fewer applications get contested and taken all the way to the Planning Applications Committee. Of course, there is no guarantee neighbours would resolve disputes within this time period, but at least you would have encouraged the dialogue to actually happen. As it is now, developers simply ignore residents because there is no requirement for them to talk nor are there any consequences if they don't. 2. A Mediated Discussion Approach Perhaps the policy should consider adding a provision that says something to the effect, "The council recognizes that effective dialogue between neighbours can often resolve difficult issues related to basement construction. While the council does not wish to intervene or take responsibility for discussions between neighbours, it may on occasion request that applicants and	The Council recognises the value that pre-application discussion with neighbours may have. As such the draft Core Strategy makes an explicit reference to the need for developers to consult neighbours before submitting the planning application. Whether an applicant has carried out such consultation will be asked as part of a 'subterranean checklist' to be completed as part of validation. Pre-application discussion with neighbours cannot however be a requirement. The comment regarding a need for a better complaint process regarding the Council, and the way it considers planning applications is noted.

	neighbours meet jointly with planning officers to try to resolve legitimate issues through a construction and collaborative". If you simply encouraged a three way dialogue, you could probably avoid a lot of challenges. Officers with a small amount of training in mediation would help. 3. Complaints Process There needs to be a better process for residents to complain about the performance of the Planning Department related to basements. The current complaints process is not useful. It requires a long process of letters directly with the people about whom you are complaining so the likelihood of a useful response is remote. It then goes to the CEO of the Council who, understandably, tends to rely on the expertise of the Department and defer to their judgment. The end result is an unsatisfactory process. Perhaps there could be an alternative approach whereby the Councillors can serve a more direct role that has teeth to resolve problems. Or where aggrieved neighbours can raise issues directly with the Planning Applications Committee.	
Norland Conservation Society (Libby Kinmonth)	The Council's existing policy recognises that; there is a particular concern regarding the impact of basement development on the special interest of listed buildings.; For this reason The Council will normally resist proposals for subterranean development under listed buildings or directly attached to existing basements, cellars or vaults of listed buildings. The same argument should also be applied to houses of similar age in Conservation Areas, which may not be worthy of listing, but which most likely are subject to the same arguments about hierarchy of floor levels. The Council should therefore also normally resist proposals for subterranean development under all buildings (of a certain age and heritage value, therefore not including modern or commercial/industrial premises). A survey would be required to determine which should be so treated.	The Council is of the view that development beneath a building in a conservation area (or its garden) does not necessarily have a detrimental impact upon the special character of that area. For a proposal to have a detrimental impact it must normally be visible. This has been confirm at appeal by PINS inspectors. The physical manifestations of a basement (the roof lights etc) will be considered when assessing the impact of a proposal.
James Bartholomew	I do not object to basement developments. Quite a few have taken place in Sheffield Terrace. The one that is two doors along seems	The comments are noted. The Draft Core Strategy does not intend to ban all basements. It is,

	to have been very successful - increasing the area for a family, making their lives more pleasant and producing more housing space without spoiling the view for others. I feel it would be unnecessary, undesirable and indeed unfair on those who have not done the same to make it more difficult and expensive in future. The high value on square feet in this area reflects the fact that people want to live here - and live pleasantly. Does it not make sense to build where people want to live rather than the opposite? And if it can be done in a way that does not damage the historic appearance of the area, is that not a pretty good and logical answer? I understand some people object to the idea that people may make a profit out of it. I think it is almost a definition of mean-spirited jealousy to object to others making themselves more secure and well-off when they are doing no harm to others. Stamp duty for people in these houses in now extremely high. So it is only natural, if one has increasing needs - perhaps to make more room for a teenager -; to be able to enlarge the house. It is one thing for others to restrict one's ability to develop property one has bought in a way that damages the appearance of the area but it is really an infringement of one's freehold and freedom generally to restrict even that development which is underground. So I am against changes which lead to more onerous and restrictive conditions on basement development though with a few exceptions. I have sympathy with the idea that one should be careful of causing damage to nearby houses and that party wall agreements should be in place. These are strictly considerations of good sense. It is also reasonable for conditions to be made about noise and dust. But I am against going beyond these minimal practical things.	however, reasonable, to try to ensure that the impact on neighbours of those basements that are permitted is minimised. This may be via the design or extent of the basement, or through the use of CTMPs, DCMPs or EDCSs.
Markham Square Association (Nick Tarling)	Three members of the Association have been involved in preparing the response on basement extensions submitted by the working group of the Vanguard project. We do not therefore feel it	Noted

	appropriate to submit a detailed separate response from the Association. We endorse the response of the Vanguard group. We would add that the experience in Markham Square over the past three years demonstrates not only the inadequacy of existing policies but also the repeated, and often alarming, failure to implement them. The many problems that have arisen on nos. 36 and 44 lead us to believe that the current review needs to place considerable emphasis on the way policies on basement extensions are applied and the steps needed to ensure that they have their intended effect.	
Vanguard Working Group (John Simpson)	Background What is the driving force for basement extensions? Section 2.4 of the Issues Paper gives a misleading impression. We believe that basement extensions are largely driven by a desire to increase the square footage of a property (which has a major - often disproportionate - influence on market value). The additional space is often used for swimming pools, other leisure space or utility/storage, rarely for the needs of a growing family. (Between Jan. 2001 and June 2007 there were 235 basement applications. Of the 85 where the purpose was stated less than a quarter were for living space; see Ove Arup 2008 report para 4.3.3.). There is a distinction to be made between modest subterranean expansion, which provides decent, habitable, space with natural daylight and ventilation and is thus necessarily limited in size, and expansion which does not. The properties concerned are often second or third residences not occupied full time. It would be more accurate to say that a prime driving force for basement extensions is to generate financial gain for the	The Council recognises that there are many reasons why an applicant may wish to extend his property. This is not a matter that can be taken into account when determining an application. In terms of planning, a basement extension includes the extension of residential floor space, and is assessed accordingly. The Council does recognise the particular impact that the construction of a double height basement can have on the amenity of those living nearby. The draft Core Strategy, therefore, resists such basements in all but the most exceptional circumstances. The GPDO sets out the size of a basement that can be built without planning permission under a property's permitted development rights. The SPD sets out the criteria against which those proposals which do require planning permission will be assessed. It is not reasonable to refuse all applications simply because they are of a scale that would require planning permission. Planning permission should only be refused where the

	owner/developer and to cater for the peculiar ambitions of the wealthy. This is important since it has a bearing on the answers to many of the questions. Dimensions of subterranean extensions In addition to revising the 85% rule (see under Question 7 above) limits should be introduced as to the size of basement extensions including the total depth of the basement, its volume, the extent of encroachment beyond the imprint of the existing structure, the context and setting. In addressing the question of dimensions it is necessary to understand the current position. The planning department rarely if ever recommends refusing an application for subterranean extension, whatever the proposed depth, as long as the extension covers less than 85% of the area of the garden, whatever that may be, and the right documents are submitted with the application. They do not even require applicants to confirm the exact depth of the proposed basement or the excavation, even though these details may be needed to satisfy the requirements of the Party Wall Act. Indeed, we wonder if there is any limit to the number of subterranean floors that might be permitted. We think the situation has arisen because the Subterranean SPD builds on the provisions of the GPDO Part 1, Class A, which deals with extensions, but does not mention basements, and contains no depth restrictions. The SPD assumes that subterranean development is expressly covered in the GPDO, whereas it is not. Even if it were, why does the SPD permit more than the GPDO, given the conditions that prevail in Kensington and Chelsea? The result of the 85% rule is that almost the entire plot can be undermined and the size of the subterranean extension permitted is linked directly to the size of the plot. While this might work for a detached house with no close neighbours it simply does not work in areas of densely packed terraced housing. We do not believe	basement is likely to cause significant harm, or when the Council is not satisfied that applicants have provided the necessary information to show that this will not be the case. The CLG Supplementary Report does not alter this position. It did not introduce any new controls. The draft Core Strategy sets out the criteria against which basement developments will be assessed. Structural Stability is considered in so far as the Council requires an applicant to demonstrate that the method that they intend to use to implement the permission will not harm the structural stability of its neighbours. The mechanism to achieve this is the EDCS. The work of the Health and Safety Executive is not a matter for the Core Strategy.

	that it is logical, sensible or reasonable. We not think it can be justified and we think it must be changed. A good starting point might now be the CLG Supplementary Report produced specifically to consider subterranean extension (generally and throughout England and Wales). This suggests many different ways of permitting, restricting and controlling the size of subterranean extension. It is clear from the Supplementary Report that controls can and should be applied to this form of development. Evidence When the initial work for the SPD was undertaken there was little evidence of the effects and impact of major subterranean works in densely developed residential environments such as Kensington and Chelsea. The Ove Arup Scoping Study however referred repeatedly to the difficulties and risks of such complex engineering works in this type of environment. There is now ample evidence of failures, for example, the collapse in Chester Row, Belgravia, the collapse of a basement and death of a builder in Ellerby Street, Fulham, the serious and widespread damage caused by the development in Upper Phillimore Gardens, the very visible damage sustained to several houses in Smith Terrace and the collapse at 278-280 Fulham Road. And no doubt there are many more that have not hit the press. In November 2011, the Health and Safety Executive saw fit to take enforcement action at more than a third of the basement construction sites they visited in four London Boroughs, including Kensington and Chelsea (where the failings were proportionately the worst: 41 sites visited, 18 improvement notices and 25 prohibition notices served). The evidence of experience during the past few years should be	

	made available and given appropriate weight when revising policy.	
Leo Cronin	Party Wall Awards: Many of those objecting to basement extensions who attended the meeting on 24th May do not seem to be aware of the protection afforded to adjoining owners by the Party Wall Act. I did mention it at the meeting last week and suggested that perhaps a condition referring to Party Wall Awards could be included in planning permissions where relevant. At the very least, maybe the Planning Department could draw attention to the party wall procedure on its website? Adjoining owners who might otherwise be concerned about basement development may feel less concerned if they know that the building owner can be asked to lodge a security deposit and any engineer's fees incurred by adjoining owners in connection with party wall matters have to be paid by the building owner. Many residents seemed concerned that developers may go bust before finishing basement works - the fact that a security deposit assessed by a qualified quantity surveyor can be insisted on does provide protection to adjoining owners. It is also worth noting that Party Wall Awards do not just last for the duration of the works. The benefit of an award passes to a subsequent owner. From a developer's point of view, the obligations imposed by a party wall award are onerous. The party wall procedure does protect adjoining owners. The majority of concerns expressed by residents last week are addressed by the Party Wall Act. (I should add that I cannot understand why they are more concerned about the implications of basement works than any other form of extension). At the planning meetings I have attended where subterranean development has been discussed, it is apparent that there is a misconception about detrimental structural implications to	Whilst the Party Wall Act is not a matter for the Council, the Council does recognise its value. As such it has added an informative to all permissions (which include a basement) notifying applicants of the Party Wall legislation. Further information on the Party Wall Act will be provided on the Council's website. This will form part of a wider review of the content of the intended to take place in 2013. It is not considered reasonable to use a condition to require a Party Wall Award to be in place before an application is implemented, as the Party Wall Act is a separate regime form that of planning. The Council recognises that light wells can greatly enhance the nature of a basement extension for the user. However, they can have an impact on the character of the property and of the surrounding area. They must therefore be appropriately designed. The Council is also of the view that in some circumstances, particularly to the front of the property, and when not characteristic of the street they will be inappropriate. The Council recognises that it has extensive validation requirements for basement developments, requirements that are proposed to be extended in the future. These requirements are however reasonable if the Council is to be satisfied that the proposal will not have a significantly detrimental impact on construction

	adjoining properties. In subterranean developments I have been involved with, party wall surveyors and independent structural engineers have been appointed by adjoining owners to protect their interests. These professionals are able to consider, comment on and ask for amendments (if necessary) to the building owner's proposed design to ensure the complete structural integrity of surrounding buildings. Where planning permission for subterranean development is required, a condition stating that party wall awards should be in place before works start could be imposed perhaps this would make the concept more acceptable? Lightwells: I want to reiterate an earlier comment I made on the Consultation Response Form submitted last week - the provision of a basement which provides extra accommodation should be encouraged to be made as pleasant as possible by the use of innovative design to get natural light into the basement digout. On a general note I think that requirements for a lot of information to be submitted with the planning application are unfair. This information is costly to obtain and a householder trying to extend his property to accommodate an expanding family has every right to feel aggrieved by these requirements. It is not clear to me whether or not the planning department has adequately qualified staff to properly consider the reports that are currently being submitted with the application - if this is the case I would have thought their usefulness is questionable. The government of the day has stated that it wants to cut red tape where possible. Maybe this should be remembered so as to curb the tendency for unnecessary information to be required. General: It is clear that planners at RBKC have had to field a lot of complaints from residents about basement extensions, but it is not	traffic etc. As such these documents are essential. The Council, be this the Planning department or colleagues in Environmental Health or Highways, have the expertise to assess these document. The exception is the CMS (soon to be EDCS) concerning structural stability. However, this is designed to be self certified by the applicant's structural engineer. The structural engineer is a member of a professional body, who ultimately will be responsible for the conclusions of the CMS. The Core Strategy does not stray into those spheres which should be considered by regimes others than planning. Construction impact can clearly be significant and therefore matters such as construction traffic, construction noise and structural stability are material to determining an application. It is appropriate that they are assessed as part of a planning application. A realist approach is taken by the Council, as clearly the implementation of a basement development will often have an impact on amenity. This impact is often greater than with a conventional extension given the nature of the works proposed. This impact cannot be removed completely, but the measures in place can mitigate it to a 'reasonable level'. Where this cannot be done, it is reasonable to require the application to be amended so that the impact is reasonable. The Council have commissioned Alan Baxter's Associates to consider whether it is appropriate to set a % limit for basement development beneath a garden. This considers the amount of

	appropriate for the majority of the issues being raised to be dealt with under the planning regime. The majority of those who object to basement extensions do so because they are inconvenienced by noise, dust etc caused by the works. They are trying to use unsubstantiated arguments to curb future basement development and in so doing they are wasting planners' time and council taxpayers money. The planning regime should not be used to regulate issues which are not planning issues. In addition to the Party Wall Act there are other legal remedies available to those with a genuine grievance about non-planning matters. Planners should only judge proposed works on planning criteria and they should not be unduly influenced by the vociferous minority rather than the fairer minded silent majority. It would be unfair for policy to be changed to make it more difficult to carry out basement extensions based on the views of a vociferous minority. The silent majority are not opposed to these extensions and indeed the fact that so many residents are doing basement extensions in the borough shows that they are popular. Most residents want to enhance their assets and it is quite right that they should be allowed to do this. It would be grossly unfair on the vast majority of residents if planning policy were changed to make it more difficult to carry out these extensions. It is possible to do these basement extensions without causing irreparable damage to surrounding properties. By its very nature building work does tend to cause a bit of disruption to neighbours, but this is the same with all building work not just work to basement extensions I was interested to note that the 85% limit was a figure that is not based on any sound evidence. It will be interesting to read the outcome of the report that I understand RBKC has commissioned on this issue. Everyone who lives in the Borough should remember that the	undeveloped land that is appropriate to allow for effective drainage. The extend of development which is appropriate will also depend on the nature of the external manifestations of the basement (light wells and roof lights etc) and also the impact of the development on the character of the garden and the ability for mature planting in the future. The Council recognises that the process of obtaining permission for a basement and the implementation of that permission may have positive impact on the local economy. This boost cannot outweigh the dis-benefits associated with a poorly designed basement, or a build that does not take a considerate approach to the build itself. The Council recognises that a subterranean development can enhance a property. This does not remove the need to assess its impact on neighbours and the character and appearance of the property and surrounding area.

	development of the housing infrastructure in the Borough is providing additional living space for residents to enjoy and is helping to boost the local economy. Employees working on the sites are paying tax and National Insurance, local builders merchants have the benefit of an increase in business, other local shops also benefit from an increase in business (e.g. those working on the sites have to buy food and drinks) and there is also a boost to local surveyors, architects and others involved in the construction industry. Subterranean developments enhance properties. Subterranean development should be considered in a positive light. Property owners are simply seeking to enhance something they own and they are entitled to do this. Neighbours may not like the fact that building works are happening close to them, but it is all a question of give and take. At some time every house in the Borough will be worked on and neighbours have to learn to accept this, because at another moment in time it will be their houses that are undergoing works of some sort.	
Black Onyx Developments Ltd (Black Onyx)	Basement extensions are an important means of making the best and most efficient use of urban land within the Borough. The provision of basements within existing buildings and homes can provide additional living space for families within the Borough where there is an identified need for more family accommodation. It is important that controls over basement extensions are not overly restrictive and would not prevent these developments from being viable, or prevent them from being designed in a way that is appropriate to the particular characteristics of the property and surrounding area. On this basis we would not support, for example, any further restriction in the amount of garden coverage beyond the current 85% restriction, or any further restrictions relating to the provision/size of light wells.	The draft Core Strategy seeks to reach the balance between allowing basements, and people to extend their homes, but ensuring that those are permitted are appropriate in scale and do not harm the character of the area, no cause an unacceptable impact on those living in the vicinity. The extent of basement development permitted beneath a garden is being reviewed to ensure effective SUDS and to ensure the visual impact (including the potential for mature planting in the future is properly taken into account.
Edward Davies-Gilbert	In September 2011 the Knightsbridge Association produced a	Support for basement development wish list noted.

	paper on Basement Developments, which we have adopted as our policy guidelines: attached. We are also supportive of the proposals included in Basement Development Wish List: Action for Local Authorities dated 8 March 2012 circulated by James Thompson 1. Knightsbridge Assoc. The Knightsbridge Association is not opposed in principle to the provision of basements beneath existing houses but is concerned about aspects of their design, construction and usage. The purpose of this paper is to establish the Association's position on the many aspects of the question and to make clear to the relevant local authorities and others involved in the process, the Association's views on how regulating the construction of basements should be approached. 2. London Terrace Houses. The type of property with which we are primarily concerned is the terrace house. As in other parts of London most of the 19th century's housing in Knightsbridge was built as terraces of family housing of varying width and number of storeys. This type of property has proved remarkably adaptable to changing housing need; changes of tenure, household size and composition, mode of transport, way of life; In recent years these properties have had to accommodate the desire to attach a bathroom to each bedroom and to find space for such activities as home cinemas and gymnasia. It is factors such as these which have led to the demand for subterranean development and we believe that it is a demand that, other things being equal, should be permitted expression if the terrace house is to retain its attraction to Londoners. On the other hand basements and in particular their construction can and do cause considerable nuisance. Digging out a basement requires the removal of very substantial quantities of spoil and the	The Council recognises the limitations of the Party Wall Act, but also recognises that it is this that remains the principal mechanism for redress in terms of structural stability. The requirements for CTMPs and DCMP at the validation stage of the application should reduce the impact of the implementation of a basement extension on the amenity of those living in the vicinity. The Council is aware of the approach taken by Westminster in its development management policies. It should be noted that these polices have yet to have been examined by an independent inspector, and do not form part of the Council's development plan. Whilst it is not for this Council to comment on the appropriateness or otherwise of another Council's draft policies, we are not aware of any justification for the position taken with regard resisting extensions which span more than half a garden. The draft Core Strategy considers ground that should be left undeveloped to allow effective SUDS. Whilst 50% may be appropriate in clay soils it is unlikely to be necessary in all cases. Visual impact of the basement and its direct visual manifestations will be assessed on a case by case approach. This Council does require information on hydrology, structural stability and the like. It takes a more formal approach that Westminster, requiring a EDCS to be submitted at validation

	foundations and subterranean walls which support the house above require an almost equal quantity of material to be brought to the property. The result is demands to use more of the street for building purposes for longer periods than is usual during the refurbishment of above ground extension of terrace houses. Our streets are beautiful; that is why they are in conservation areas and full of listed buildings. All building sites in our streets are eyesores; a badly run building site is intolerable. Urban streets are complex, multifunctional organisms. They provide for through movement, for access to property, for emergency services, for the supply of water, gas, electricity, telephone and cable. They need to provide an environment appropriate to the activities that line them. Since any one of these functions is capable of rendering others difficult or impossible to carry out, local authorities have duties under various Acts to maintain a proper balance. Even well run building sites deprive the street of scarce resident's parking for many months, are at times noisy even when carefully regulated by the local authority, make access to neighbouring properties difficult and for thieves easier - the list of potential problems is very long and too familiar to need setting out in full. We believe the present system of party wall agreements between the developer and his neighbour is not proving adequate to protect the interests of those affected by the excavation of basements. Too many schemes have gone wrong or been abandoned. As a result we believe that provision should be made in party wall agreements for a bond to be put up by the developer or an insurance taken out to ensure that neighbours are able to obtain redress where problems are caused. 3.Planning Many of the basements problems that have arisen in the past are now being tackled by the adoption of more detailed planning policy by our two local authorities. The Royal Borough has adopted	stage. The amended Basement SPD will include details of what is required within such a study. Light wells can have a considerable impact on the character of a property. An approach by which a front light well will only be permitted where they are characteristic of the street is considered to be reasonable. Similarly rear light wells must be sensitively designed and not 'urbanise' a rear garden to an unacceptable degree. The draft Core Strategy resists the creation of deep basement extensions in all but the most exceptional circumstance. This is on the ground of the impact that the implementation of such builds can have on the amenity of neighbours rather than the impact that they can have on structural stability. The EDCS is the mechanism whereby structural stability is considered. The construction of any basement beneath a listed building will be resisted as will not be appropriate. The Council does not resist deep (but invisible) developments within a conservation area due to changes to character. Planning inspectors have been clear in this matter. For a basement to have an impact it must be visible. Assuming the light well is only a single story the visual impact of a double height basement is likely to be identical to a single storey basement. Like Westminster this council does not propose a specific policy relating to basements and car parking. The impact of access to a new car park will be assesses on a case by case approach by

	Supplementary Planning Guidance. The City Council consulted, earlier this year, on Policy options for the City Management Plan and since this body of policy is still fluid it will form the framework of consideration here. The first of Westminster's sets of policy options covers the straightforward planning aspects of basement development and should be supported. Particularly welcome is the restriction to 50% of gardens. POLICY OPTION 7.2: SUBTERRANEAN DEVELOPMENT Subterranean development will: a. have no adverse visual impact on the existing building or the surrounding area; b. include a satisfactory scheme of landscaping, including at least 1 metre soil depth and ensure that adequate planted material will be provided to mitigate the reduction in the natural storm water infiltration capacity of a site and/ or the loss of biodiversity; c. extend under no more than 50% of the garden area; d. not result in the loss of trees of townscape, ecological or amenity value; e. be naturally or passively ventilated where practicable; f. not adversely affect neighbouring properties in terms of light pollution; and g. not result in the loss of existing boundary walls where they contribute positively to the character and appearance of the building and/ or the surrounding area. The second set of draft policies (Option 7.3) require that basement applications be accompanied by reports on engineering, hydrology, construction method and where appropriate, archaeology. These policy options should also be supported. The third set concerns lightwells and is unduly harsh. They read	the Council's Highways team. The starting point is that no completed development must increase on-street parking pressure or congestion. Access and loss of existing spaces will form part of this assessment as will the ability for existing cars which have off-street parking permits to be taken off the streets. It is difficult to control the use of a specific part of a property using the Planning Acts as the use lies within the larger 'residential' use class. Permission would not be required, for example, to use a study as staff accommodation. That said the Council does consider the need for light and ventilation for habitable rooms when assessing any applications. The Council will require the applicants to submit an approved CTMP upfront as a validation requirement. This must have been approved by the Council's Transportation department. Whilst not a panacea it should reduce the impact of the construction phase of a development. Currently the need for a CTMP is required before the implementation of the proposal, but once permission is granted. Bring the need for a CTMP forward allows it to be taken into account before the decision is made. It also brings the CTMP into the public domain at an early stage. The comments on the issuing of licences are noted. The Council's Environmental health team uses considerable resources assessing the noise implications of the construction all types of

	as follows: POLICY OPTION 7.4: LIGHTWELLS ASSOCIATED WITH SUBTERRANEAN DEVELOPMENT Lightwells will not be introduced: a To the front of properties, except where there is an acceptable historic precedent, or b To the rear of properties, except where they are located immediately adjacent to the rear wall of the existing building. Where the introduction of a new lightwell is considered acceptable in the above cases, it must not a) result in the substantial loss of garden space; b) harm the appearance or character of the existing building; or c) impact upon the safety or operation of the highway. This is over-restrictive. It may well be unobjectionable to introduce front garden lightwells in relatively modern buildings. Even with 19c terrace houses it is such a familiar feature that introducing one to a terrace house without an original basement may well be permissible, particularly if to do so would make a windowless room habitable. Certainly considerable weight should be attached to giving the new accommodation natural light and ventilation, whether the light well is at the front or rear. The next policy option (7.5) reads Subterranean development will not involve the excavation of more than one additional basement storey. The justification for this restrictive policy is given as: A growing number of large basement excavations are being proposed. There is no certainty of the long term cumulative impact that these excavations may have on the structural stability or the water environment of the local area and a precautionary approach would be to restrict subterranean development to only one additional basement storey. Furthermore, in line with the Council's aim to mitigate the effects of climate change, natural ventilation is	development, and in monitoring/ enforcing as necessary. The Council is considering putting the cost of agreeing DCMPs and CTMPs onto the applicants, a cost currently met by the Council.

	encouraged, where viable, in all developments. Where excavations go down more than one additional storey, mechanical ventilation and comfort cooling is required which is contrary to this objective. A great deal of experience of deep basements has been gained from commercial development; it seems unlikely that uncertain impact would be sustained as a reason for restricting basement to one storey. On the other hand, where the houses have a valued character, are listed or in a conservation area; the amount of new space created below ground should not be disproportionate to the floorspace already existing. We believe that the Policy should be supported. Policy option 7.6 deals with effects on underground water and can be supported. Policy option 7.7 demands that the new floors follow the plan of the old and seems unduly harsh; it reads Subterranean development will be designed to ensure the character of historic buildings is respected in terms of plan form and room proportions. One of the difficulties in adapting London terrace houses to modern ways of living is creating large open-plan rooms. There seems little objection to new basements being used to achieve this. The final policy option (7.8) deals with depth and width below footways and can be supported. Some planning issues that arise with basement development are not dealt with by Westminster's policy options. Firstly it is not desirable that basements are used to make garages except possibly on really large sites. Valuable kerb space is lost if vehicle access to a basement is needed and the resulting cavernous opening is unsightly in most situations. The use of basements for	

	car parking should not generally be permitted. Exceptions may be permissible where existing car parking, in a mews perhaps, is to be extended below ground. We are concerned, in addition, that some non-habitable rooms may be used for purposes needing natural light and ventilation - staff accommodation, for example. All possible planning powers should be used to avoid this. The activity for which new non-habitable space is intended should be described in the application and conditioned to that activity in the permission. Finally it would seem valuable to examine whether housing should once again be subject to density controls. If these could be properly calibrated to particular streets and housing types then property owners would have advance understanding of broadly the amount of space they could gain by basement development (and other forms of extension). 4. Highways licences. The greatest nuisance caused by the development of basements is the disruption of the building period. The prime means of controlling this is the license given to builders permitting them to occupy the highway with their various excavation systems, skips, materials, vehicles etc. Where a planning permission has been given, it is not possible, as we understand the law, for a local authority to refuse a highway license outright. On the other hand all kinds of restrictions and conditions can and should be imposed in order that the street functions as well as possible during the building operations. Trevor Place is a street of some 45 houses of which 34 were built in the first half of the 19th Century. Since the beginning of 2010 a dozen of these houses have had basements created, or are in the process of building work to create a garden extension of the basement or have applied for basement work to be carried out. It	

	has not been unusual for half a dozen of them to be worked on simultaneously. The disruption caused is not difficult to imagine. The failure to coordinate and regulate these works is in our view a failure of the local authority to carry out its duties under the Highway Acts. Councils have ample powers; builders must receive consent before using skips or scaffolding or before storing materials or rubbish on the street or before using the street as a workplace. Consent can be refused if a proposed structure would cause an unreasonable obstruction of the highway. In addition the Highways Acts contain provisions for charging for such uses of the street or for charging if the agreed period for a licence is overrun. It is anomalous that these powers to make charges are not used when charges are made for other uses of the highway such as parking and street vending. We recommend that a) Local authorities should refuse licences in places where a licence or licences have already been issued and further works would create unreasonable obstruction to the normal functioning of the street. b) Local authorities should devise charging schemes which would provide an incentive to minimise the time that the works take. In particular, skips and other builder's licences should be charged by the day like a parking meter. The issuing of highway licences is a fairly obscure corner of local authority regulation, rarely the subject of the political or public scrutiny that the planning application process receives, with its consultations, public committees and appeal processes. In a dense urban environment the highway licensing system is, however, crucial to the ability of those neighbouring a building site to continue their ordinary existence reasonably undisturbed. This is especially true in the streets of terrace houses with which we are primarily concerned. We recommend that Local authorities put before their elected	

	members and make public an annual report detailing numbers and locations of licences issued, the use of conditions, the extent of overruns/extensions of time, complaints etc. Such a report would enable all concerned to assess the effectiveness of current practise. Other non-planning powers. Other officers outside the planning system are needed if basements are to be introduced without the disruption to existing residents which has so often occurred. Sufficient resources among the environmental health workforce need to be directed to, for example, ensuring that the noise from the building process is minimised and that the Housing Acts are respected in the use of underground non-habitable rooms. Equally the greatest vigilance is needed through the Building Regulations to ensure that complex engineering operations are carried out successfully and that the resultant space is properly lit and ventilated. We recommend that local authorities should review the adequacy of their resources and practices in relation to the regulation of the construction and use of basements.	