

Basements Working Group

Thursday 14th February, 3.00 – 4.45, Kensington Town Hall

Present: Councillor Pascall, Kevin O'Connor, Simon Haslam, Julian Williams, Earl of Lytton, Sophia Lambert, Dr. James Thompson, Marina Murray, Amanda Frame, Penelope Tollitt, Preeti Gulati

Terms of reference: were circulated and agreed (attached to this note). All agreed to the caveat regarding confidentiality.

Policy Direction: A paper setting out the potential way forward in relation to the main policy issues was tabled, and agreed it would be used as an agenda.

There was an initial opening discussion.

a. "75%": This was the first item. The proposed reduction to 50% was broadly supported by residents, but of concern to developers. The reason behind the reduction – to protect the character of the gardens – was debated. It was found wanting, because it was asserted that developers would be able to reinstate the current gardens over the top of the proposed basements.

Actions:

- To find photographs of gardens where basements have been constructed, to demonstrate either that they do, or do not, adversely impact garden character
- To identify inconsistencies between Baxters and Arup reports

Basements Working Group

Monday 18th February, 3.00 – 5.05, Kensington Town Hall

Present: Councillor Pascall, Kevin O'Connor, Simon Haslam, Earl of Lytton, Sophia Lambert, Dr. James Thompson, Marina Murray, Amanda Frame, Clive Wilson, Penelope Tollitt, Preeti Gulati

Notes of the last meeting: were agreed subject to corrections on attendance.

Actions from last meeting:

- SH tabled photos of Hyde Park and Bloomsbury and Cavendish squares that have basement car parks, demonstrating mature tree planting over the top.
- SH also tabled a note from Adam Hollis, a tree expert with whom he works, on depth of soil to support trees.
- SH tabled photos of a case on which he had worked where the rear garden was small, and hard paved, where a single multi-stemmed tree was proposed that would make a significant improvement to the character of the garden.
- SH agreed to circulate all this material by email.

Policy discussion:

b. Single storey:

- Justification on limiting the size of the basement to reduce residential impact would be stronger if expressed as cubic metres, but 'single storey' is more understandable than cubic meters. Key issue is to avoid 'disproportionate impact on residential amenity'.
- Defining single storey: various suggestions including 4m, and the 'no subdivision' rule.
- 'Additional storey' – wide views, including measure from street not back garden, allow one more under 'original' basements, or allow only under 'semi-basements'. No consensus
- Large – generally accepted there needed to be elbow room for exceptional circumstances, but should be more exceptional than in the draft policy, and its not a matter of the size of the site, but the accessibility of the site. Question if developments like DeVeres 'needed' more than one basement – fairly strong view for not having any exceptions, single storey only.

c. Trees:

- General agreement that could strengthen to 'improve' not just 'not prejudice'.

d. Heritage assets

- Agreed 'substantial harm' was the wrong test
- Agreed better to be explicit in the policy that basements under listed buildings will not be permitted, but be clear what 'under' means – party walls?
- Questioned if should have basements under gardens of listed buildings.
- Clarify status of communal gardens in relation to heritage assets

Other comments: Basements under footways

- Should not be allowed if established through 'cut and cover' because of the inconvenience to residents

Actions:

- No specific actions were identified

Basements Working Group

Wednesday 20th February, 11.00 – 1.35, Kensington Town Hall

Present: Councillor Pascall, Cllr Holt, Kevin O'Connor, Simon Haslam, Earl of Lytton, Sophia Lambert, Dr. James Thompson, Marina Murray, Clive Wilson, Amanda Frame, Penelope Tollitt, Preeti Gulati

Notes of the last meeting: had not been prepared

Actions from last meetings:

- AF circulated copies of photographs of basements in gardens from property magazines

Policy discussion:

e. Character:

- in relation to garden character this should specify that it means 'green and leafy' and not hard paved, otherwise about right

f. Lightwells etc in the street scene:

- Is 'visible from the street' really what we mean? What about out of site but still with an impact on character?
- Do we mean 'the street' or the 'stretch of street with a coherent character' or streetscene?
- If we do mean 'not visible' should any wall or hedge that is screening the lightwell making it not visible be conditioned to remain in perpetuity?
- 'where they are a feature of the street' – should that say original, traditional or (probably best) positive feature of the street, to avoid repeating 'ugly' light wells.

g. SUDs

- The 1m soil is for both suds reasons and for landscape reasons. After much debate it was felt the policy framework would be clearer if suds and landscape were separated out into separate policies
- Should the 1m be prescriptive? No real consensus, but if the basement is not covered by 1m soil, and uses other suds, then there could be character/appearance issues with the basement, so 1m soil is a pragmatic way to ensure this doesn't happen?
- Problem of 1m soil being subsequently paved was not resolved – but the policy will not achieve a perfect world, just a better one. Could it be conditioned to be permeable in perpetuity? Would this result in enforcement issues?

h. Carbon

- Agreed to defer to a meeting at which JW is present

i. Traffic management

- Considerable discussion about cumulative impact. No perfect solution. Need to dovetail the planning and highways legal frameworks as much as possible.
- Need to clarify what the 'approval' is from the Highways team of the traffic plan prior to submitting the application – 'consulted', 'vetted'?
- Minority view that this strays beyond the realm of planning

j. Noise, dust etc

- As for i

k. Structure

- Party wall legal framework designed to be facilitative not punitive, and revolves around the 'unnecessary inconvenience' – ie. accepts that construction causes inconvenience.
- awards are very limited. Party wall surveyor can only get involved with those parts of the construction that relate to the party structure – they can't be involved with the rest. Be careful not to oversell what a resident can achieve through the party wall system. But accepted this is not the job of planning
- Role of the HSE?
- Strong view that the policy or supporting text should refer to the level of damage that is acceptable – although there are some pragmatic problems with this in some situations. If set at level 2, 'dumbing down' those situations where level 1 could be achieved. Further thought needed on how to deal with this.
- In addition to specifying that the engineer must be named and chartered, need also to do the same thing with temporary works engineer and the temporary works co-ordinator.
- Errors in both Arup and Baxters on party wall matters.

Actions:

- JL to find out more about how Grosvenor deal with the 'level 1 level 2' issue.
- Date of next meeting to be fixed around JW's diary, probably next week or week after.

Basements Working Group

Wednesday 27th February, 10.00 – 11.45, Kensington Town Hall

Present: Councillor Pascall, Councillor Holt, Kevin O'Connor, Simon Haslam, Julian Williams, Sophia Lambert, Dr. James Thompson, Marina Murray, Michael Bach, Terrance Bendixon, Clive Wilson, Penelope Tollitt, Preeti Gulati, Emily Marriott-Brittan

Notes of the last meeting: had not been circulated

Actions from the last meeting: none

Policy Discussion:

h. Carbon

- Concern that it could be unreasonable if a dwelling had recently been refurbished and had complex wiring and sound systems, and if it required plaster to be removed
- Is the principle justified? The policy has been in use since 2009
- General support that the policy was correct in general, but concern that the specifics – to be set out in the SPD – would deal with all matters: the policy was about carbon, but the various BREEAM tools covered more than this – unclear if the intent of the policy was to deal with other matters separately, or under this policy, if so the policy was not quite correct, and did not address all the matters in the London Plan.
- Agreed BREAMM related systems were not just cosmetic, and were a useful tool. The critical thing was to ensure the points were used to secure the benefits that the council was seeking – was it carbon or a wider suite? It should focus on the things that are less easily changed
- Waste recycling etc is controlled through the considerate contractor scheme.
- Do the mitigation measures have to be on site, or could off-set schemes be used?
- Feeling that off-set measures need to be local to the development, and certain of actually delivering the off-setting – actual measures being carried out.
- Concern that BREAMM assessments for domestic properties would not include car lifts, hydraulic pumps for swimming pools, pumps for drainage and other 'non-standard' but energy hungry installations.
- Need to have a single assessment document – don't want to end up with an energy statement and an eco homes statement and a waste management statement etc etc.

Policy CE2 (flooding)

- General support

Article 4s

- General support for a borough wide measure.
- Concern that we needed to think through the 'additional basement' policy in relation to PD. Currently an additional basement is PD, whether the existing

building has an existing basement or not. The policy was proposing to refuse a further basement if one already exists. If this policy is taken forward, it would not be right to say, therefore, that the Article 4 is only to impose controls on construction impacts, and not remove the rights for those basements, as it would be removing a basement under an existing basement.

AOB:

- Deeper (commercial) basements need to ensure ground water etc issues are properly addressed in the engineering report – surface and ground water, hydrology and geology.
- SL tabled feedback he had received from an architect in relation to listed buildings. The group noted that the comments were anonymous.
- Concern that Thames Water's comments should be taken very seriously.
- Next steps: a revised paper to be taken to Cllr Ahern on 20th March. At that time a decision will be made if a further round of consultation will be merited or not. If so, consultation will start on 21st March for 6 weeks. After that, the finalised policy is reported to Council in June, issued for 'soundness' consultation over the summer, submitted to PINS in the autumn, with the examination taking place hopefully before Christmas. Adoption would therefore be in the new year.

Actions:

- None

Thanks were expressed to all those who had participated in the working groups – with the number of long meetings in a very short space of time. If the policy is issued for a second round of consultation, the group would be re-convened.