

Main Modifications to Basements Submission Planning Policy (BAS 01)

Introduction

This document sets out the 'main modifications' to the submitted Basements Planning Policy, February 2014 (BAS 01). Formal hearings to examine the submitted policy (BAS 01) were held on 16, 17, 18, 23 and part of 24 of September 2014. These modifications were discussed during the hearings and agreed by the Council during the course of the above hearing sessions. These 'main modifications' are subject to a 6 week consultation starting on Thursday 2 October 2014 and the deadline for responses is **noon on Thursday 13 November 2014**. Representations relating to the 'main modifications' should be sent to the Inspector, via the Programme Officer Mr Chris Banks (contact details below). It is important that responses, two paper copies and one electronic copy, are sent to the Programme Officer (not the Council) by the deadline.

Mr Chris Banks
Banks Solutions
21 Glendale Close
Horsham, West Sussex, RH12 4GR
Telephone: 01403 253 148 or 07817 322 750
Email: bankssolutionsuk@gmail.com

Reasoned Justification

Paragraph No.	Submission (BAS 01) wording	New Wording	Reasons
34.3.47	Basements are a useful way to add extra accommodation to homes and commercial buildings. Whilst roof extensions and rear extensions add visibly to the amount of built development, basements can be built with much less long term visual impact – provided appropriate rules are followed. This policy sets out these rules.	Basements are a useful way to add extra accommodation to homes and commercial buildings. Whilst roof extensions and rear extensions add visibly to the amount of built development, basements can be built with much less long term visual impact – provided appropriate rules <u>requirements</u> are followed. This policy sets out these rules <u>requirements</u> .	Amend wording to add clarity
34.3.57	On larger sites, basements of more than one storey and greater than half the garden or open part of the site may be permitted in certain circumstances. These will generally be new developments located in a commercial setting or of the size of an entire or substantial part of an urban block ¹¹ and be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site. Larger sites can offer more	On larger sites, basements of more than one storey and greater than half the garden or open part of the site may be permitted in certain circumstances. These will generally be new developments located in a commercial setting or of the size of an entire or substantial part of an urban block ¹¹ . and <u>They should</u> be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site larger sites can <u>and</u> offer more opportunity to	To clarify the Council's position concerning a more flexible approach to be taken for large sites

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	opportunity to mitigate construction impacts and carbon emissions on site.	mitigate construction impacts and carbon emissions on site.	
34.3.58	Where a basement has already been implemented following the grant of planning permission or through the exercise of permitted development rights, the policy does not allow further basement floors or basement extensions that would exceed 50% of the garden or open part of the site. This is to ensure consistency of approach.	Where a basement has already been implemented following the grant of planning permission or through the exercise of permitted development rights, the policy does not allow further basement floors or basement extensions that would exceed 50% of the garden or open part of the site. <u>This provision would not apply to a basement which forms part of the original property, or where a later addition, was constructed prior to 1st July 1948¹.</u> This is to ensure consistency <u>and fairness</u> of approach. <u>¹ The Town and County Planning Act 1947 came into effect on 1st July 1948.</u>	To ensure clarity that the Council's intention is not to resist basements being constructed beneath existing original/ historic basements.
34.3.59	Trees make a much valued contribution to the character of the Borough, and bring biodiversity and public health benefits. Works to, and in the vicinity of, trees, need to be	Trees make a much valued contribution to the character of the Borough, and bring biodiversity and public health benefits. Works to, and in the vicinity of, trees, need to be planned and executed	Since the footnote was requiring an exception to a British Standard and was a planning policy in itself, it was considered that this approach was not

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	<p>planned and executed with very close attention to detail. All applications for basements likely to affect trees¹² either on-site or nearby must be accompanied by a full tree survey and tree protection proposal for the construction phase. Core Strategy Policy CR6 Trees and Landscape will also apply.</p> <p>Foot note 12 Works to trees should be carried out in accordance with BS 5837 2012 (with the exception that tunnelling underneath the root protection area should not be undertaken) and the Council's Trees and Development SPD.</p>	<p>with very close attention to detail. All applications for basements likely to affect trees⁴² either on-site or nearby must be accompanied by a full tree survey and tree protection proposal for the construction phase. Core Strategy Policy CR6 Trees and Landscape will also apply.</p> <p>Foot note 12 Works to trees should be carried out in accordance with BS 5837 2012 (with the exception that tunnelling underneath the root protection area should not be undertaken) and the Council's Trees and Development SPD.</p>	<p>justified. It would be more reasonable for the Council to consider such proposals on a case by case basis to establish any harm.</p>
34.3.66	<p>It is very important to minimise the visual impact of light wells, roof lights, railings, steps, emergency accesses, plant and other externally visible elements. Care should be taken to avoid disturbance to neighbours from light pollution</p>	<p>It is very important to minimise the visual impact of light wells, roof lights, railings, steps, emergency accesses, plant and other externally visible elements. Care should be taken to avoid disturbance to neighbours from light pollution through roof lights and other forms of lighting.</p>	<p>The Council wishes to stop obtrusive roof lights at end of gardens, but does recognise that their location will depend on the nature of the garden.</p>

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	<p>through roof lights and other forms of lighting. Introducing light wells where they are not an established and positive feature of the streetscape can harm the character or appearance of an area. Where external visible elements are allowed they need to be located near the building, and sensitively designed, reflecting the existing character and appearance of the building, streetscape and gardens in the vicinity.</p>	<p>Introducing light wells where they are not an established and positive feature of the streetscape can harm the character or appearance of an area. Where external visible elements are allowed they need to be located near the building, and sensitively designed and sited, reflecting respecting the existing character and appearance of the building, streetscape and gardens in the vicinity.</p>	
34.6.68	<p>The carbon emissions of basements are greater than the equivalent above ground development and the policy contains a provision to mitigate this impact. A BREEAM methodology is used as a proxy to achieve energy savings across a whole dwelling or commercial property to which the basement relates. For residential development (including listed buildings), the standard is BREEAM Domestic</p>	<p><i>If the inspector were minded to remove the requirement within CL7(k) to the need to retrofit the existing dwelling when a new basement is proposed, the Council would suggest that both the entire criteria and the associated reasoned justification is deleted. This is because the requirements for new developments are covered by policy CE1 of the Core Strategy. The Council is, however, of the view that CL7(k) (and the reasoned justification) is sound as written.</i></p>	<p>The Inspector will consider the submitted evidence in coming to a view. This is suggested to clarify the position in case he is minded to remove the requirement within Policy CL7(k).</p>

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	<p>Refurbishment “very good” including a minimum standard of “excellent” in the energy section and a minimum of 80% of credits in the waste category¹⁹. For non-residential development, the standard is BREEAM “very good”. This approach is in-line with the London Plan²⁰ requiring targets for carbon dioxide to be achieved on-site.</p>	<p>The carbon emissions of basements are greater than the equivalent above ground development and the policy contains a provision to mitigate this impact. A BREEAM methodology is used as a proxy to achieve energy savings across a whole dwelling or commercial property to which the basement relates. For residential development (including listed buildings), the standard is BREEAM Domestic Refurbishment “very good” including a minimum standard of “excellent” in the energy section and a minimum of 80% of credits in the waste category¹⁹. For non-residential development, the standard is BREEAM “very good”. This approach is in-line with the London Plan²⁰ requiring targets for carbon dioxide to be achieved on-site.</p>	
34.3.70	<p>Basement development can affect the structure of existing buildings. The applicant must thoroughly investigate the ground and hydrological conditions of the site</p>	<p>Basement development can affect the structure of existing buildings. <u>Aspects of how this will be secured will be set out in a forthcoming Basements SPD (see para 34.3.73).</u> The applicant must thoroughly</p>	<p>Deleted text moved to new paragraph 34.3.73 set out below.</p>

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	<p>and demonstrate how the excavation, demolition, and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural stability²². The structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues.</p> <p>²²The details of what is required will be set out in the Basements Supplementary Planning Document.</p>	<p>investigate the ground and hydrological conditions of the site and demonstrate how the excavation, demolition, and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural stability²². The structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues.</p> <p>²²The details of what is required will be set out in the Basements Supplementary Planning Document.</p>	
New paragraph 34.3.73	New paragraph 34.3.73	<p><u>A Basements SPD will be adopted which will provide guidance for the information that will need to be submitted with basement applications, including the following:</u></p> <ul style="list-style-type: none"> <u>Accompanying (but not part of) a planning application, a construction method statement (CMS) will need to</u> 	To ensure that a basis for the requirements of the SPD is included within the Development Plan.

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		<p><u>be submitted by an appropriately qualified civil or structural engineer, which will contain a report into the ground and hydrological conditions of the site including groundwater flow and explain how these matters will be dealt with during the construction of the site. The CMS will also demonstrate how the excavation, demolition and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural stability. The structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues.</u></p> <ul style="list-style-type: none"> • <u>Ways to minimise disturbance will also be included in the CMS. Detailed matters will include the drilling of boreholes; impact on trees; the sequence of temporary works to</u> 	

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		<p><u>minimise the effect on neighbours; water flow; the consideration of related cumulative impacts; the link between a basement and the host property and the need for professional verification of certain works. Guidance relating to safeguarding amenity, that is noise, vibration and dust from construction works will also be included.</u></p> <ul style="list-style-type: none"> • <u>A draft construction traffic management plan (CTMP) will be required to be submitted with the application and where planning permission is granted the Council will attach a condition requiring a full CTMP. The CTMP will address issues relating to highway safety, the free flow of traffic, noise associated with from construction vehicles and the availability of parking. Detailed matters will include vehicle stationing, manoeuvring and routeing, parking suspensions and issues in relation to residential and</u> 	

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		<p><u>workplace disturbance, arising from vehicle stationing, loading and unloading and movement. The CTMP should take into account and allow for other active or permitted construction works nearby (including those of utility companies).</u></p>	
New para 34.3.74	New para 34.3.74	<p><u>The Council will monitor the policy to assess its effectiveness and to review as appropriate.</u></p>	Need to clarify what might trigger a review.

Policy CL7

Policy Criterion	Submission (BAS 01) wording	New Wording	Reasons
Policy CL7 (beginning)	<p>The Council will require all basements to be designed, constructed and completed to the highest standard and quality.</p> <p>To achieve this basement development should:</p>	<p>The Council will require all basements to be designed, constructed and completed to the highest standard and quality.</p> <p>To achieve this basement development should:</p> <p><u>The Council will require all basement development to:</u></p>	As drafted the impression is given that the criteria within Policy CF7 relate solely to basements being designed, constructed and completed to the highest standard and quality. Redrafting to make clear that this is not the case.
CL7 (e)	not cause harm to the significance of heritage assets;	not cause <u>comply with the tests in national policy as they relate to the assessment of</u> harm to the significance of heritage assets;	Criteria e and g duplicate each other and can be combined. The text is amended to ensure that it reflects national policy.
CL7 (f)	not involve excavation underneath a listed building (including its pavement vaults.);	not involve excavation underneath a listed building (including its pavement vaults.);	Redrafting to reflect importance of all vaults.
CL7 (g)	demonstrate that there is no harm to the special architectural and historic interest of the listed building when proposed in the garden;	CL7(g) Demonstrate that there is no harm to the special architectural and historic interest of the listed building when proposed in the garden;	Criteria e and g duplicate each other and can be combined. The text is amended to ensure that it reflects national policy.

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CL7 (h)	not introduce light wells and railings to the front or side of the property unless they are already an established and positive feature of the local streetscape;	not introduce light wells and railings to the front or side of the property unless they are already where they would seriously harm the character and appearance of the locality, particularly where they are not an established and positive feature of the local streetscape;	Requested by the Inspector in order to make the Policy criterion effective.
CL7 (i)	maintain and take opportunities to improve the character or appearance of the building, garden or wider area, with external elements such as light wells, roof lights, plant and means of escape being sensitively designed and discreetly sited;	maintain and take opportunities to improve the character or appearance of the building, garden or wider area, with external elements such as light wells, roof lights, plant and means of escape being sensitively designed and discreetly sited; <u>in the case of light wells and roof lights, also limit the impact of light pollution;</u>	Light pollution was mentioned in the reasoned justification. Text was amended for clarity and reflect paragraph 125 of the NPPF.
CL7 (j)	include a sustainable urban drainage scheme (SuDS), including a minimum of one metre of permeable soil above any part of the basement beneath a garden. Where the character of the gardens in the locality is small paved courtyards SUDs may be provided in other	include a sustainable urban drainage scheme (SuDS), <u>to be maintained in perpetuity;</u> New criteria of CL7 (j (ii)) <u>include</u> including a minimum of one metre of permeable soil above any part of the basement beneath a garden;	The need to distinguish between the requirement for effective SuDS and the provision of a metre of topsoil above a basement for reasons other than those solely related to hydrology.

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	ways;	Where the character of the gardens in the locality is small paved courtyards SUDs may be provided in other ways	
CL7 (k)	ensure that any new building which includes a basement, and any existing dwelling or commercial property related to a new basement, is adapted to a high level of performance in respect of energy, waste and water to be verified at pre-assessment stage and after construction has been completed;	<p><i>If the inspector were minded to remove the requirement within CL7(k) to the need to retrofit the existing dwelling when a new basement is proposed, the Council would suggest that both the entire criteria and associated reasoned justification (para 34.3.68) is deleted. This is because the requirements for new developments are covered by policy CE1 of the Core Strategy. The Council is, however, of the view that CL7(k) and reasoned justification is sound as written.</i></p> <p>ensure that any new building which includes a basement, and any existing dwelling or commercial property related to a new basement, is adapted to a high level of performance in respect of energy, waste and water to be verified at pre-assessment stage and after construction has been completed;</p>	The Inspector will consider the submitted evidence in coming to a view. This is suggested to clarify the position in case he were minded to remove the requirement within CL7(k).

Policy Criterion	Submission (BAS 01) wording	New Wording	Reasons
Policy CL7 (l)	ensure that traffic and construction activity does not harm pedestrian, cycle, vehicular and road safety, affect bus or other transport operations (e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby;	ensure that traffic and construction activity does not <u>cause unacceptable</u> harm <u>to</u> pedestrian, cycle, vehicular and road safety; <u>adversely</u> affect bus or other transport operations (e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby;	Redrafted to improve clarity.
CL7 (n)	be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway;	be designed to safeguard the structural stability of the <u>existing application</u> building, nearby buildings and other infrastructure including London Underground tunnels and the highway;	Redrafted to improve clarity.