

LADBROKE ASSOCIATION COMMENTS ON THE MAIN MODIFICATIONS TO THE BASEMENTS SUBMISSION PLANNING POLICY

Para. 34.4.58: It might be worth clarifying that if a building is demolished, the same rules on additional basements will be applied as if the previous building were still standing.

Para 34.3.70. As it stands this does not make sense – the “this” cannot refer back to the statement in the first sentence. We suggest redrafting the new second sentence to something like: “A forthcoming basements SPD (see para 43.3.73) will set out what will be required to demonstrate that structural stability, especially of neighbouring buildings, can be secured”.

Para 34.3.73 first sentence: should it not be “...guidance on the information” etc.

Para 43.3.73, first indent, amend the end of the antepenultimate sentence to “...whilst safeguarding the structural stability of all parts of the application building and neighbouring buildings and structures.” We think this clarification is important to make clear what “structural stability” refers to. We have added the words “all parts” to take account of recent applications for basement developments under bottom flats which have the potential to harm flats on upper floors. This way, the sentence also fits more neatly with the following one. We have added “other structures” to cover highways, tunnels etc. As we made clear at the Inquiry, we are concerned that damage should be minimised. We were reassured by the statement at the Inquiry that any damage above level 2 would count as affecting structural stability. We believe that this should be made clear in the SPD.

There are severe limits as to how far the Party Wall Act can be used to ensure that damage is not caused; its chief purpose is to provide a mechanism for putting damage right after it has been caused (which is why it is so important that the Council should be able to seek reassurance that the basement is capable of being built without structural damage resulting). The final sentence of this indent is therefore misleading. We suggest it be amended to: “The Party Wall Act provides a procedure for rectifying any damage that is caused.”

Para 34.3.73, second indent. The final sentence needs toughening up, especially given the Council’s recent decision to take a tougher stance on construction noise nuisance. We would suggest something along the lines of: “Guidance will also be given on what will be required to demonstrate that adequate measures will be taken to minimise noise, vibration and dust from the construction”.

Para 34.3.73, third indent, end of first sentence: amend to: “...requiring a full CTMP to be approved before the start of the temporary works”. In the third sentence add to the list of items “numbers, types and frequency of vehicle movements”.

Policy CL7(1)

We are concerned about the reference to not causing “unacceptable harm” to road safety. We do not think any harm to road safety, a life and death issue, is acceptable. We suggest replacing “do not cause unacceptable harm to” by “does not compromise” or “avoid harm to”.

Given that it is now clear that SPDs can only be guidance and cannot substitute for matters not in the policy, we do not consider the current CL7(1) is sufficiently detailed to cover all the things in para 43.3.73. This is such an important issue and the last part in particular (“nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby”) is very weak. At the very least the words “safeguard amenity” should be inserted so as to tie in with the wording of paragraph 43.3.73. But it would be better if this bit of the policy were split into two, the first dealing with traffic issues, and the second with other nuisances. The second one might read something like:

“ensure that construction activity reasonably minimises noise, vibration, dust and other inconveniences to those living, working and visiting nearby; does not cause water damage or drainage problems; and safeguards trees.”

Ladbroke Association
10 November 2014.