

## DRAFT NEW LONDON PLAN – EXAMINATION IN PUBLIC

### Statement on Matter M42

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#### Basement Development

**M42. Would Policy D9, in addressing the negative impacts of large-scale basement development below existing buildings relate to a matter of strategic importance to London? Would it provide an effective strategic framework to ensure the best use of land whilst protecting the local environment and the living conditions of residents?**

#### Background:

Basements, like conversions, started from Central London and are gradually making their way outwards. It started more than 20 years ago in Kensington and Chelsea, Westminster and Camden, but, even for those boroughs, it took them another 15 years to get any effective planning policies.

Both the Government and GLA also took some time to recognise basement developments as a major issue. As recently as May 2014 the Mayor of London responded to a motion from the Greater London Assembly, about the failure of the draft Further Alterations to the London Plan (FALP) to include a specific policy on subterranean development, that:

"At this stage, I do not consider it necessary to include a specific policy in the London Plan restricting basement development. My emerging Sustainable Design and Construction Supplementary Planning Guidance encourages boroughs to develop local policies, where required, and I have already used this strategic position to actively support the Royal Borough of Kensington and Chelsea in developing local policy to protect against inappropriate basement development in the light of its local circumstances."

In April 2014 the **Mayor's Sustainable Design and Construction SPG (pp25-29)** set out guidance for basement developments, listing the London Plan Policies that should be applied to basement developments.

In the **March 2016 Housing SPG**, this list was updated in relation to the **2016 Consolidated London Plan as follows:**

## **Basement extensions**

"1.2.46 Paragraph 3.33 of the London Plan outlines the range of London Plan policies which should be taken into account when considering planning applications for basement development. Where subterranean extensions to existing dwellings pose planning policy (as opposed to enforcement/regulation) issues, boroughs are advised to consider the bearing of such development on London Plan policies addressing:

- sustainable design and construction (5.3),
- retrofitting (5.4),
- overheating and cooling (5.9),
- flood risk (5.12),
- sustainable drainage (5.13),
- construction and demolition waste (5.18),
- water use and supplies (5.15),
- trees (7.12), and
- biodiversity (7.119).

The Sustainable Design and Construction SPG outlines a range of issues and potential mitigation measures to consider in relation to basement development. This includes ground/surface water flooding, residential amenity, land stability, trees and archaeology which should be considered, together with the potential mitigation measures outlined."

This illustrates the wide range of London Plan policies that apply to basement developments, rather than the narrow range of issues that London boroughs were applying to basement development applications, usually in the absence of a clear policy.

## **National Policy**

Despite repeated requests for both policy and guidance on basement developments, successive Governments have resisted taking action, seeing this as a local problem in some London boroughs. Neither the 2012 nor 2018 NPPF has any reference to basements, and the November 2016 Call for Evidence on "Basement Developments and the Planning System", which reported in December 2017 (NLP/AD/50), concluding that local authorities needed to get local plan policies, supplementary planning guidance and, where appropriate, Article 4 Directions to deal with permitted development rights. (DCLG, Basement Developments and the Planning System Call for Evidence: Summary of Responses, December 2017)

No policy or guidance is likely to be forthcoming from MHCLG, leaving the issue of providing leadership and/or a framework for policy and guidance in London to the Mayor of London.

## **Draft London Plan 2017 Policy D9 Basements**

This is the first time that a basements policy has appeared in the London Plan. There is a need for a strategic approach, if only to provide some consistent policy across London. As the front end of a London borough's "Development

Plan”, it is important that the London Plan provides a framework to guide London borough local plans.

Policy D7, whilst it seems to be framed in terms of “large-scale basement developments”, in fact provides a framework for basements **generally**. Paragraph 3.9.5 lists all the policy issues previously identified in the 2014 Sustainable Construction and Design SPG and repeated with policy references, but this paragraph no longer contains such references.

In the absence of national policy or guidance, Policy D9 fills a gap, particularly if all the previous SPGs are overtaken by updated versions. At the moment it would seem that every borough is reinventing the wheel.

### **Answer to the matter for Policy D7:**

It is of strategic importance due to:

- impact on neighbours from the works,
- interference with water levels, ground stability, integrity of listed buildings,
- loss of front garden greenery,
- up-lighting from windows at ground level around a building with a new basement and
- production of waste, consumption of energy, materials, labour and resources in creating a basement when those could be used to build additional homes.

A basement beneath a Grade II listed house in the Bedford Park Conservation Area in LB Hounslow was refused on appeal due to the appearance of lightwells adversely affecting the setting of adjoining GII listed buildings and because access to the basement from within the ground floor hall would harm the architectural integrity of that hall and its layout which was a recognised feature of that Norman Shaw designed home. That was an important decision.

Policy D9 will achieve its aims only if boroughs carry out its recommendations.

**PROPOSAL: Policy D9 should recommend resistance to new basement applications by adding a second section B with the words:-**  
**New basements should be resisted by boroughs due to the potential diversion of underground water flows, adverse effect on the amenities of neighbours, the production of waste, the consumption of energy, materials, labour and resources in creating a basement, when those could be used to build additional new homes**

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