

BASEMENT
SUPPLEMENTARY PLANNING DOCUMENT



Consultation Draft **November** 2016

Contents

1.0 Introduction	3
1.1 Purpose of the Document	4
1.2 Planning Permission	4
1.3 Other Consents	4
1.4 Public Consultation	5
2.0 Key Planning Matters	6
2.1 Planning Matters	7
2.2 Sustainability	7
2.3 Amenity	8
2.4 Design & Heritage	8
2.5 Trees & Gardens	12
2.6 Flood Risk & Drainage	13
2.7 Contamination	15
2.8 Construction	15
3.0 Checklist of Requirements	17
Appendix 1: Other Regimes & Controls	20

1.0 Introduction

1.1 Purpose of the Document

This Supplementary Planning Document (SPD) provides guidance on planning matters related to basement development. It supplements London Plan and Local Plan policy and, where planning permission is needed, will be a material consideration in determining planning applications. Although elements of this SPD will be relevant to new build developments including basements, the guidance primarily focuses on basements as householder extensions.

1.2 Planning Permission

Some basement developments fall within permitted development rights and therefore do not require planning permission. Basement developments are more likely to require planning permission where excavation involves major works, a new separate unit of accommodation will be created, or the work involves alterations to the external appearance of your house, for example by adding light wells. If you live in a conservation area or your property is a flat you will require planning permission. If you are unsure if your basement development requires planning permission you can apply for a Certificate of Lawful Development from Brent's Development Management Team. Even where planning permission is not required other consents (as outlined in paragraph 1.3) are still required

Due to the complexity of basement developments, when permission is needed, **you are strongly encouraged to enter into pre-application advice with the Development Management Team.** You can find out more about our paid pre-application advice service on our website. **We also strongly encourage you to engage with your neighbours at the earliest stage to ensure issues are dealt with and reduce objections.**

If you live in a listed building you will require listed building consent in addition to planning permission.

1.3 Other Consents

Certain aspects of basement development are not controlled by the planning system. **As with many other types of developments there are a number of other permissions and consents that will need to be applied for in the development process, and these are summarised below and in more detail in Appendix 1.** Planning policies cannot replicate or cut across matters within the scope of other legislative requirements. As such it would be unreasonable to assume that these matters can be assessed and dealt with as part of the planning application process and indeed applications refused because they do not address these matters.

- **Building Control** - Building Regulations are required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.
- **Party Wall Act** - The Act controls matters such as structural stability, method of construction and impacts on neighbouring properties.
- **Highways Act** - If you need to put a skip or building materials on the public highway, or if you wish to erect a scaffold, hoarding or gantry you will need to apply for a license under the Highways Act. You will also need to obtain the consent of the appropriate highway authority if your proposal involves any work under any part of the highway or footway.

- **Environmental Protection & Control of Pollution Act** - These Acts control matters such as nuisance from noise, dust and odour.
- **Housing Act** - If you intend to rent out accommodation there will be additional requirements under the Housing Act.

The flow diagram adjacent gives an indication of the process to be followed in applying for consents relevant to a typical basement development.

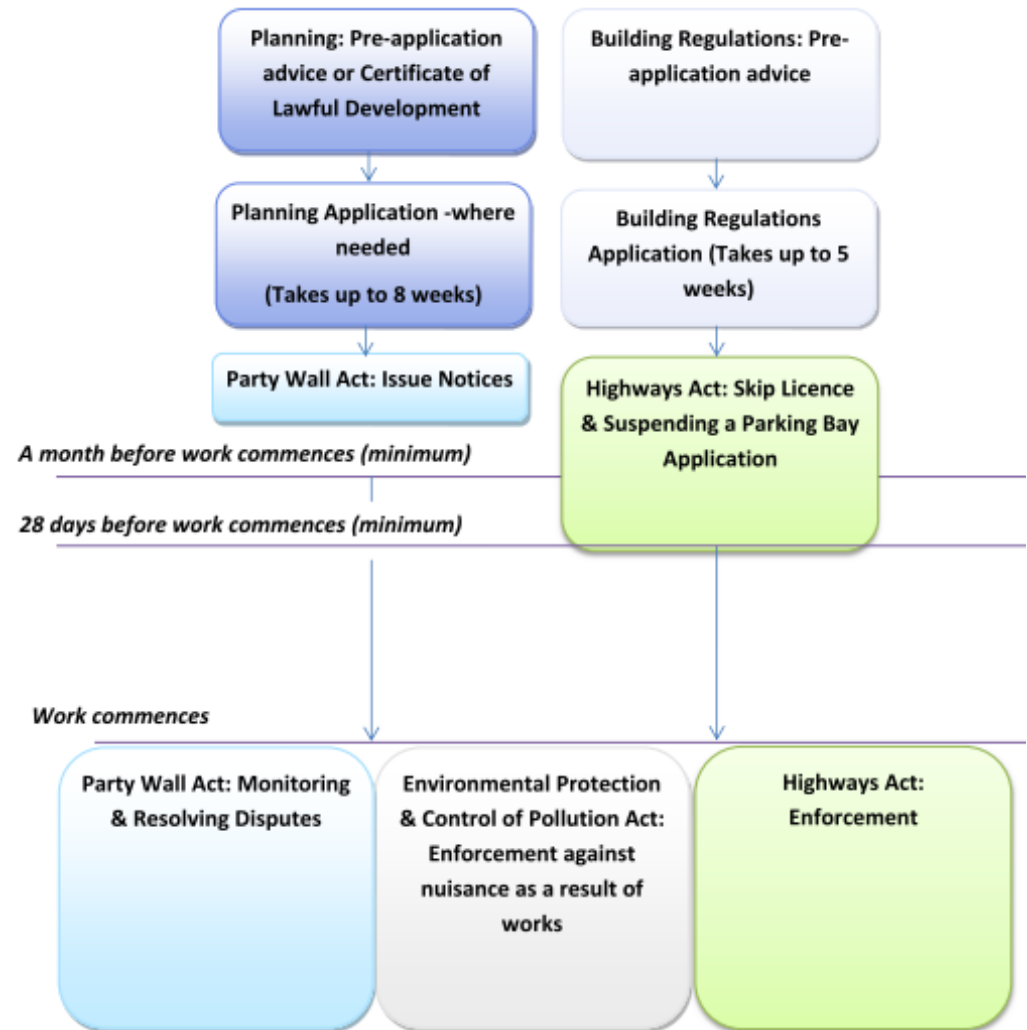
1.4 Public Consultation

You are invited to comment on this draft SPD for a 6 week period between xxx and xxx 2016. Further copies of this document can be downloaded from www.brent.gov.uk/spd and hard copies are available to view on request in Brent libraries. Make your comments by emailing ldf@brent.gov.uk; or in writing to: Planning Policy, London Borough of Brent, Brent Civic Centre, Engineer's Way, Wembley Middlesex, HA9 0FJ. All comments must be received by xxx 2016. Following the close of consultation all comments will be considered and the SPD amended as necessary, before being taken to the Council's Cabinet for adoption.

Useful links

- Certificate of Lawful Development and Pre-application Advice - www.brent.gov.uk/planning
- Conservation Areas and Listed Buildings - www.brent.gov.uk/heritage
- Building Control - www.brent.gov.uk/buildingcontrol

Basement Consents Flow Diagram



2.0

Key Planning Matters

2.0 Key Planning Matters

2.1 Planning Matters

This chapter provides detailed advice on how we will apply planning policies when making decisions on those basement developments requiring planning permissions. It brings together policy requirements in the National Planning Policy Framework, Planning Practice Guidance, London Plan and Brent Local Plan and will be a material consideration in determining planning applications.

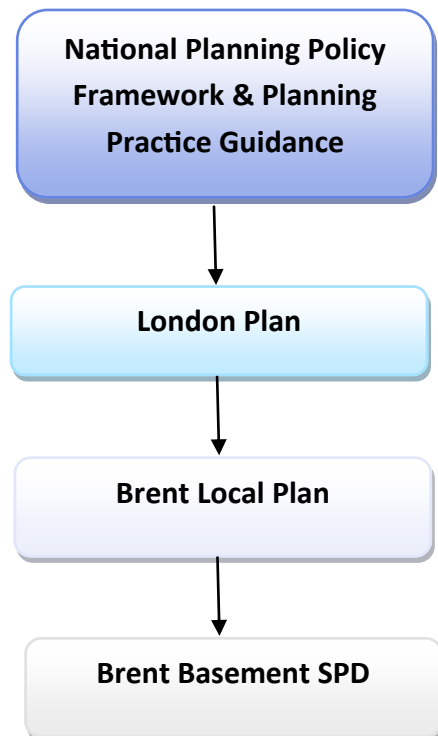


Figure 1: The Planning Policy Framework

2.2 Sustainability

Basement developments often have high energy demands due to reduced opportunities for natural light and ventilation. In addition, their construction

Relevant Policies

[London Plan policy 5.3 Sustainable Design & Construction](#)
[Sustainable Design & Construction SPG, GLA](#)

Planning policy requirement: Demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

is energy intensive.

Brent Council encourages best practice in sustainable development. In designing basements consideration should be given to optimising natural ventilation, cooling and lighting. The Council encourages the use of energy efficient products, and sustainably, responsibly sourced materials. In addition biodiversity and green infrastructure should be protected and reinforced as outlined in section 2.5.

2.3 Amenity

Due to issues around daylight, ventilation and flood risk basements do not provide quality residential accommodation in isolation. A basement forming a separate dwelling is unlikely to accord with the requirements of Building Regulations, the Housing Act, Environmental Health standards or amenity standards set out in planning policy.

Relevant policies

[Brent Local Plan DMP 1 Development Management Policy General](#)
[London Plan policy 3.5 Quality & Design of Housing Developments](#)
[Housing SPG, GLA](#)

Planning policy requirement: Housing developments should be of the highest quality both internally and externally. Basements are only acceptable as living accommodation as part of a single dwelling.

Development must optimise amenity, including natural daylight and ventilation. Consideration should be given to using products which facilitate improved light penetration, such as reflective devices in to habitable rooms.

2.4 Design & Heritage

Basement developments can result in a loss of gardens which cumulatively impact on the character of an area. They can also include external features, such as roof lights, lightwells and railings. If poorly designed and located these features can create visual clutter and detract from the character of an area. This can have a particularly detrimental impact on heritage assets including conservation areas, listed and locally listed buildings. Furthermore, given that basements involve excavation work, particular regard must be given to the potential to affect archaeological remains.

Relevant policies

[Brent Local Plan DMP 1 Development Management Policy General](#)
[Brent Local Plan DMP 7 Brent's Heritage assets](#)
[London Plan policy 7.4 Local Character](#)

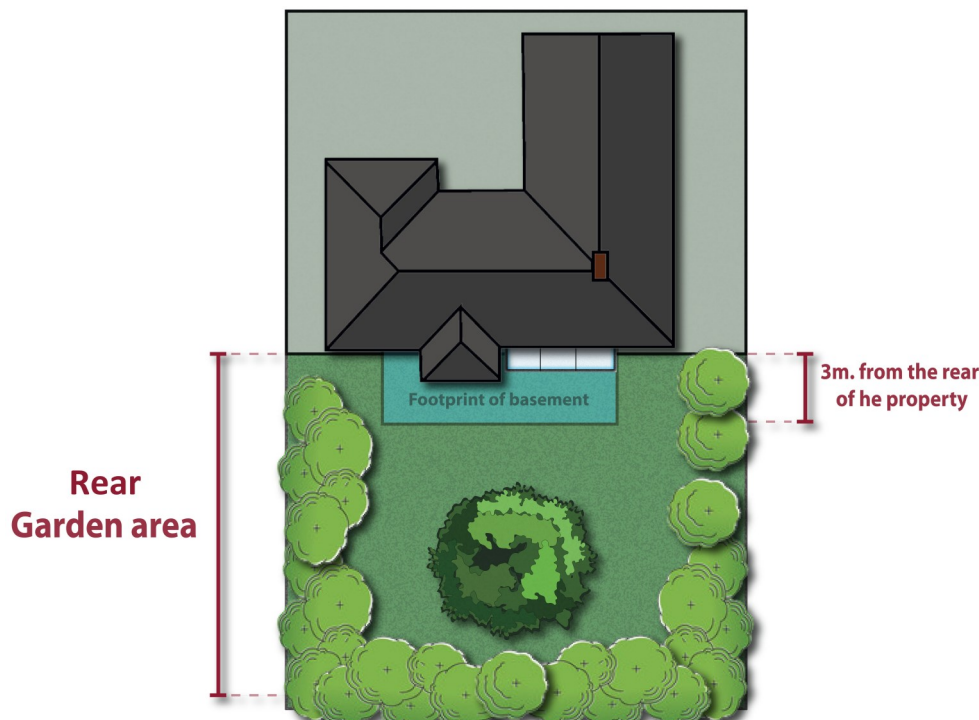
Planning policy requirement: Basement development should be subordinate in scale to the above ground portion of building, not unduly intensify the use of a site, or cause significant environmental harm. Structures forming part of a basement are to respond positively to the building and landscape character and not create visual clutter. Basement development impacting on heritage assets should conserve and enhance their significance.

Scale

Basement development should not:

- be wider than the original house;
- extend further than 3m from the rear of the property; or
- involve excavation of more than 1 storey (4m floor to ceiling height for a detached house or 3m in other cases).

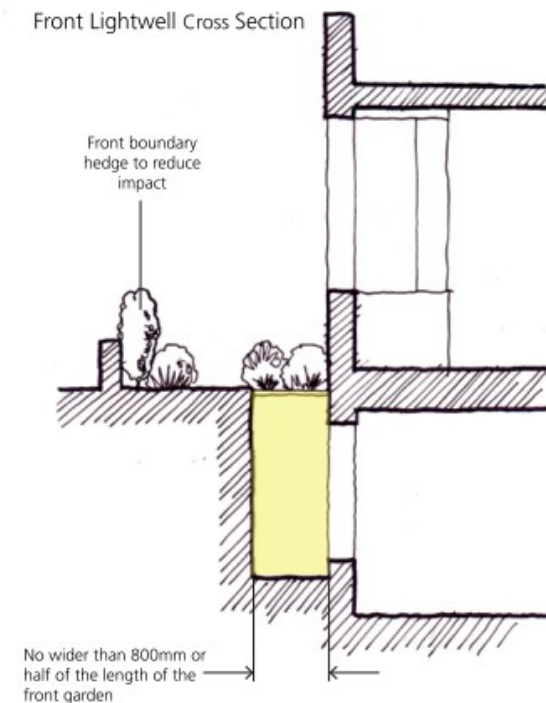
In exceptional circumstances, such as major commercial or residential developments, a larger basement may be acceptable subject to consideration of all other factors.



External Elements

Basements must be designed so that above ground structures do not create visual clutter or negatively impact on the character of an area. Roof lights will only be acceptable if flush and close to the rear of the building.

Light wells are to be modest in scale and located to the rear of the property wherever possible. If new front light wells are proposed they should project from the front wall of the house by no more than 800mm or half the length of the front garden, whichever is less. On bay fronted houses the light wells must follow the profile of the bay and be no wider than the bay or windows above. Light wells should be finished with a horizontal metal grill or flush glazing and not a vertical balustrade.



Consideration should also be given to how light wells and roof lights can be screened for privacy. Metal railings or reinforced glass alongside soft landscaping are the most appropriate solution as they do not reduce permeation of light. In all cases robust, high quality materials should be used which reflect the character of the property and area. In the case of light wells to the front of the property, if front boundary hedges don't currently exist they will need to be planted behind the front wall to reduce visual impact.

Alterations to infill existing front light wells will not be supported.



Heritage

A Heritage Statement will be required for any basement development for or affecting a heritage asset, including a conservation area, listed or locally listed building, registered park or garden. Within conservation areas, there

are additional safeguards to ensure development does not harm the special character of the areas. As such permitted development rights do not apply in Conservation Areas. It must also be demonstrated how the proposal accords with the Conservation Area Design Guide.

Listed Building

Applications for listed buildings will be assessed on a case by case basis. You can find out if your property is listed online at: www.brent.gov.uk/heritage. It must be demonstrated the development will preserve the hierarchy and interrelationship of spaces, existing fabric, structural integrity of the building, and any features that are architecturally important.

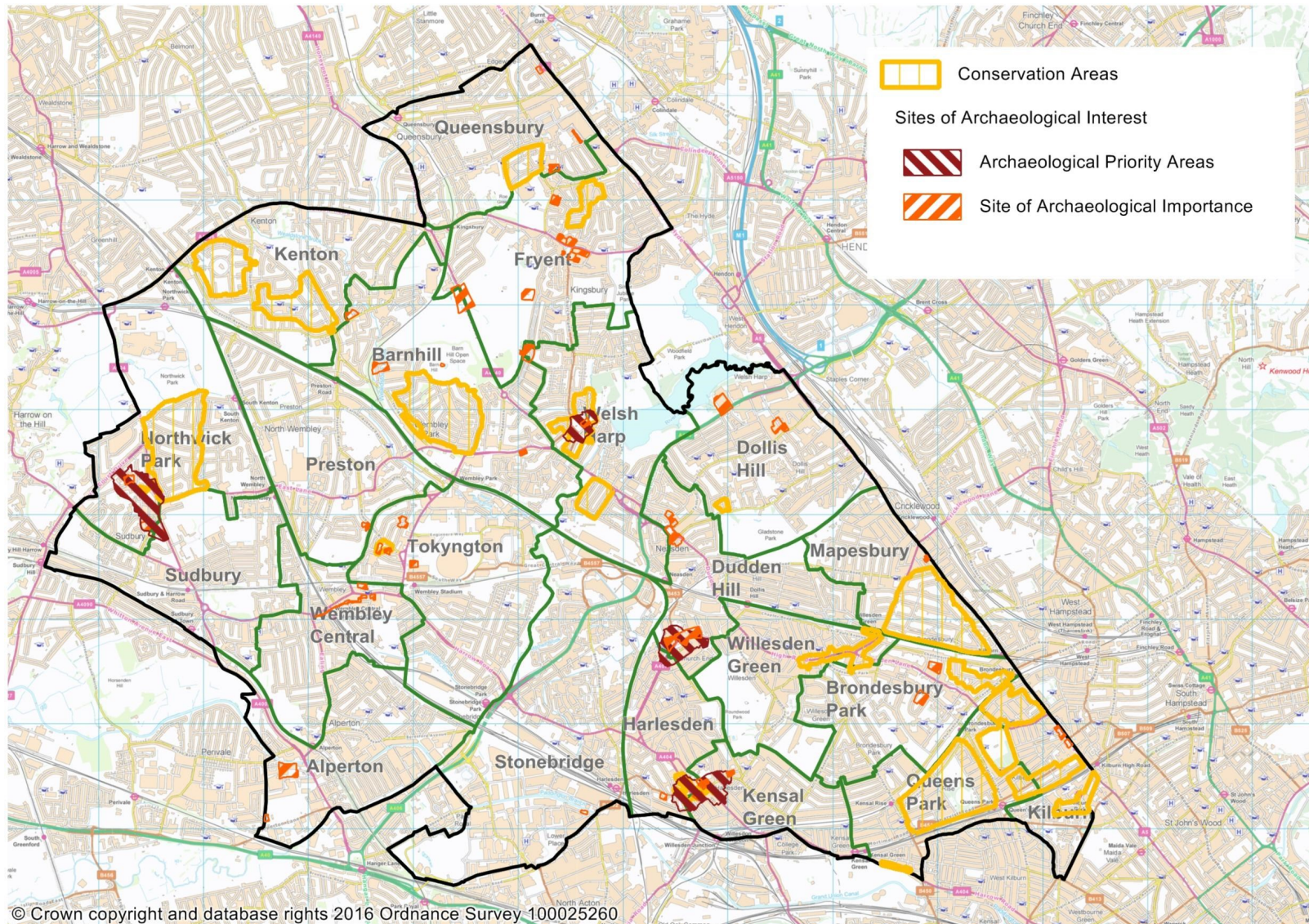
A number of listed buildings in the borough already have basements and this is part of their character. However, simpler more modest properties were not constructed with such a feature. Introducing such a feature to these properties will affect the original building's historic integrity. The historic floor levels, location and hierarchy of rooms, foundations, scale, plan form and historic features can all be harmed by the introduction of a basement or an extension of an original basement, cellar or vault. Therefore, in most cases, the special architectural or historic interest will be harmed and the application will be resisted.

Furthermore, we will need to be satisfied that effective measures will be taken during demolition and construction works to ensure that damage is not caused to the listed building.

Archaeology

An Archaeological Assessment will be required for applications within Archaeological Priority Areas and Sites of Archaeological Importance. These areas and sites are shown on Map 1 and also the Brent online policies map

at www.brent.gov.uk/policies-map. Within these areas a desk based assessment will be required, and where necessary a field evaluation. Even outside of these areas vigilance for archaeological remains will be required during construction.



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Map 1. Heritage Assets

2.5 Trees & Gardens

Construction of basements can have a direct or indirect impact on survival of trees. They can also result in a loss of gardens which, in isolation and cumulatively, can negatively impact on the character of an area, biodiversity and surface water run off.

Relevant Policies

[London Plan policy 5.10 Urban Greening](#)

[London Plan policy 7.4 Local Character](#)

[London Plan policy 7.21 Trees and Woodland](#)

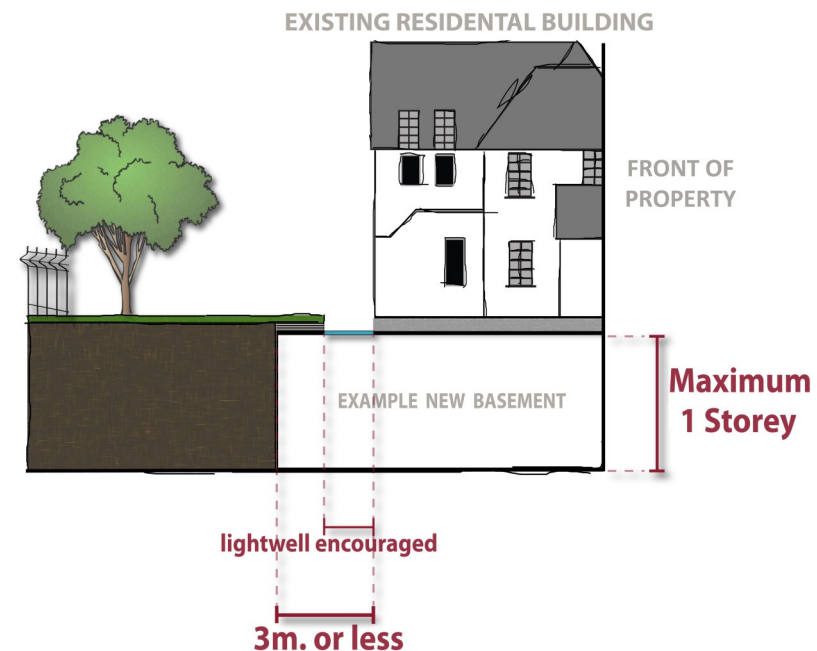
Planning policy requirement: Development is to contribute to local character and urban greening by preserving existing gardens, reinforcing soft landscaping and protecting trees, including those on site, on adjoining sites and within the street or other areas of public space.

An initial site survey should be undertaken to ascertain the likely impact on trees and gardens. Where a basement development is likely to impact on trees on site, on adjoining sites and street trees, an Arboriculture Report will be required. It should be demonstrated that:

- trees of value will be retained;
- the impact on retained trees, both during and post construction, will be minimised;
- sufficient rooting volumes and access to deep soil areas will be provided to ensure long term survival of trees; and
- any tree or root loss will be mitigated following the 'right place right tree' principle.

Basement development is to extend no further than 3m from the rear of the property into the garden. Roof lights should be located close to the building to minimise disruption to garden.

Where a basement development will impact on the garden, soft landscaping will be required to be reinstated and reinforced following completion. Where light wells are proposed the remaining front garden should be re-landscaped to provide at least 50% soft landscaping. Consideration should be given to how planting can be used to create privacy, soften the built form and contribute positively to local character.



2.6 Flood Risk & Drainage

Basements are low lying and therefore highly vulnerable to all forms of flooding, including fluvial (rivers), pluvial (surface water and sewers) and groundwater. They can also affect off-site surface water flood risk. Parts of the borough are affected by flooding from the River Brent and its tributaries. Map 2 provides an indication of flood zones in the borough. The Environment Agency's online flood map, which provides greater detail and is updated annually, can be viewed online at: <http://maps.environmentagency.gov.uk>.

The geology of Brent consists predominantly of London Clay underlain by a chalk aquifer. The London Clay acts as a protective barrier both to infiltration as well as rising groundwater from within the chalk aquifer. Localised flooding in the borough is therefore usually related to local surface drainage issues rather than groundwater. Local drainage issues could include surcharge of the underground sewer system, overland flow from blockage of culverts and gullies, and surface water flooding. The Brent Strategic Flood Risk Assessment (SFRA) includes recorded data on localised flood events.

Relevant Policies

[Planning Practice Guidance on Flood Risk](#)

[London Plan policy 5.12 Flood Risk Management](#)

[London Plan policy 5.13 Sustainable Drainage](#)

[Brent Local Plan DMP9a Managing Flood Risk](#)

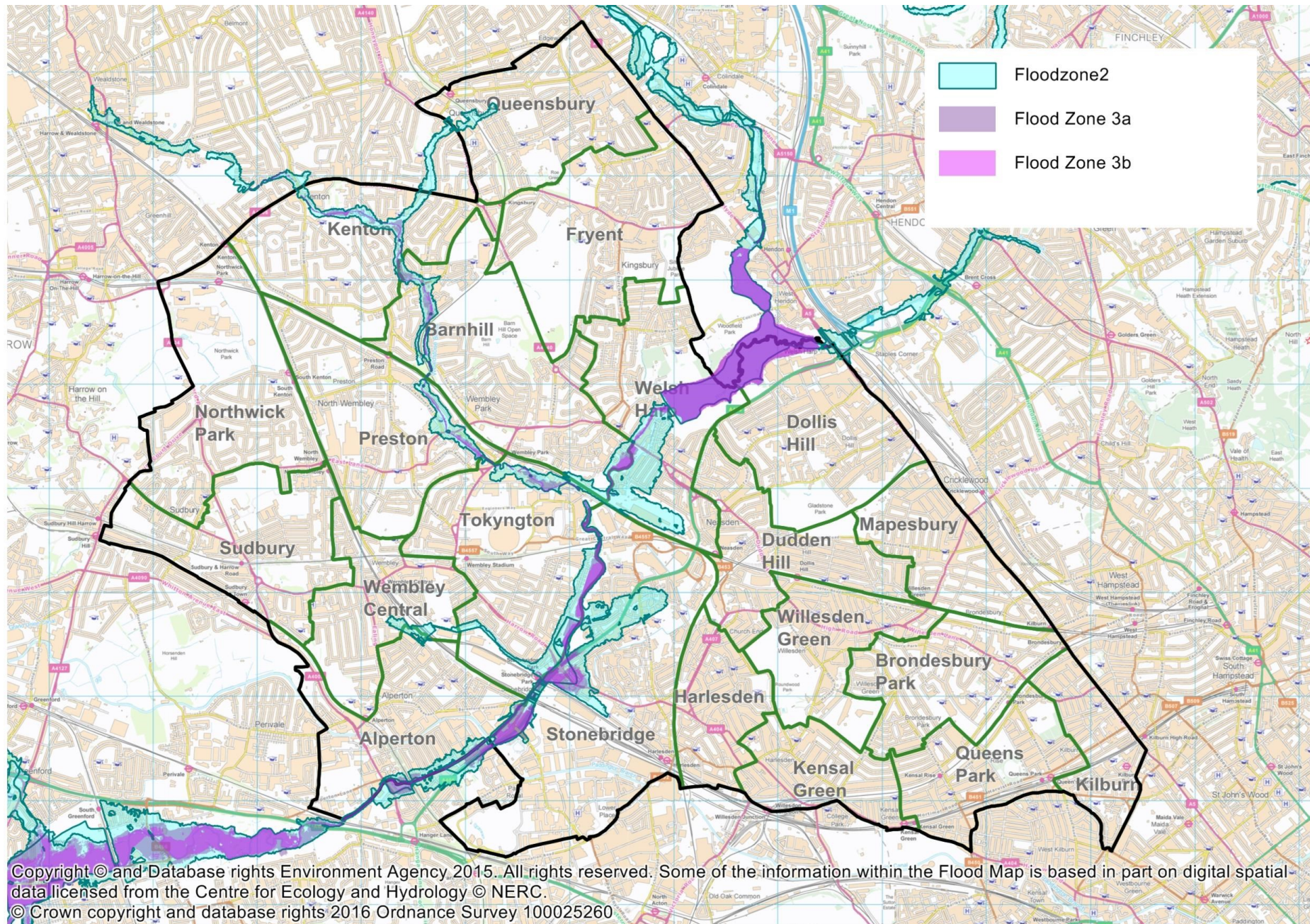
[Brent Local Plan DMP9b Water Management and Surface Water Attenuation](#)

Planning policy requirement: Basement developments are to be located to avoid areas of flood risk, be designed to minimise risk from flooding and not contribute to flooding elsewhere.

The Environment Agency classes self-contained basement dwelling (i.e. with no internal access to the upper floors) as 'highly vulnerable' to flooding. Such uses are not permitted in flood zone 3a or 3b. A basement dwelling with access to upper floors above the flood level (plus climate change allowance) or an extension to an existing dwelling would be classed as 'more vulnerable,' and may be acceptable in flood zone 3a subject to the exceptions test. To pass the exceptions test it must be demonstrated development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. A summary of the requirements for each flood risk zone is included in Table 1.

Table 1: Flood Risk Requirements

Flood risk zone	Self-contained basement dwelling (Highly vulnerable)	Basement dwelling as an extension/access to upper floors above flood level (More vulnerable)	Flood Risk Assessment Required
1	May be acceptable but consider flood resilience		No
2			Yes
3a	Not acceptable	Subject to exceptions test	Yes
3b	Not acceptable	Not acceptable	Yes



Map 2. Flood Zones

London Plan policy 5.13 requires development to include Sustainable Urban Drainage Systems (SUDS) and aim to achieve Greenfield run-off rates. Details of how the development will meet this requirement and not increase flooding elsewhere are to be set out as part of the planning application. In areas with a history of localised flooding, applications should be informed by a site specific assessment of geological and hydrological conditions.

Brent's SFRA and Surface Water Management Plan states all basement developments should be fitted with resilience measures. Building regulations require resilience measures, including waterproofing of walls and floors, and inclusion of a positive pumped device to protect from risk of sewer flooding in line with Thames Water recommendations.

2.7 Contamination

Basements which are extensions to existing housing are unlikely to be at risk from contamination, but where the potential for pollution is identified further investigation will be required.

For development on land that may have been associated with a potentially contaminative use an initial assessment of this risk will need to be carried out by a suitably qualified person. Sites with a history of industrial use are shown in Map 3. Remediation will be required where unacceptable risks are identified.

Relevant Policies

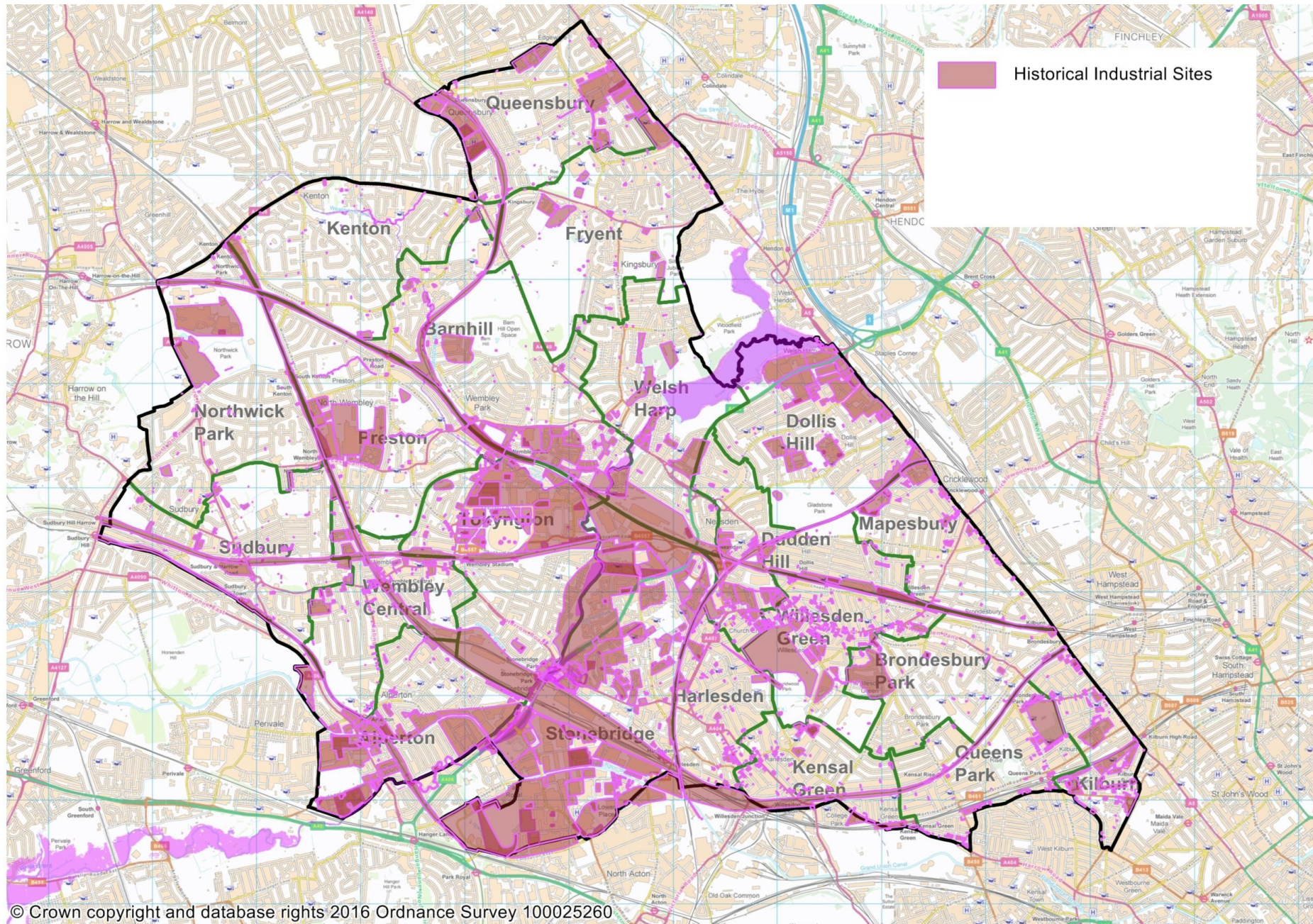
[Planning Practice Guidance Land Affected by Contamination](#)
[London Plan policy 5.21:Contaminated Land](#)

Planning policy requirement: Appropriate measures are to be taken to ensure that development on previously contaminated land does not activate or spread contamination, and that after remediation land must be suitable for use.

2.8 Construction

It is not the purpose of the planning system to assess the structural stability of works, this is assessed through other controls including Building Regulations and the Party Wall Act. If you do not take appropriate action to ensure the structural stability of works you risk damage to your own property and potentially neighbouring properties, which could result in legal action. As outlined in appendix 1 adjoining owners should be given notice of works and offered a party wall award. This will agree the technical requirements to ensure structural stability of existing properties and it is therefore highly advisable that you use people with the necessary experience and technical expertise in the construction phase to deliver these requirements.

Informatives and conditions will be applied relating to construction as appropriate.



Map 3. Historic Industrial Sites

3.0

Checklist of Requirements

3.0 Checklist of Requirements

This checklist should be used to help ensure the principles in this SPD have been met.

General

- Have you undertaken consultation with neighbours prior to submission of the planning application, to ensure issues are sufficiently dealt with and reduce objections?
- Have you entered into a party wall agreement with your neighbours?
- Have you provided your neighbours with an indicative timetable of works and the contact details of the site manager?

Sustainability

- Has natural ventilation, cooling and lighting been optimised?
- Have you sought to use energy efficient products and sustainably, responsibly sourced materials?

Amenity

- Is the basement development to be part of a single dwelling?
- Will suitable amenity be provided, including natural light and ventilation?

Design & Heritage

- Is the basement subordinate in scale to the original building (see section 2.4)?
- Has it been ensured works respect the character of the area (i.e. will not result in the loss of trees, gardens or infilling) and, where relevant, be consistent with the Conservation Area Design Guide?

- Are any external features modest in scale, located to the rear of the building and close to the building?
- Have robust and high quality materials been used?
- If the site is within an Archaeological Priority Area or Sites of Archaeological Importance is the application supported by an Archaeological Assessment?

Trees & Gardens

- Does the development have the potential to impact on trees on site, on adjoining sites and street trees? If so is the application supported by an Arboriculture Report?
- Will soft landscaping be reinforced?

Flood Risk & Drainage

- In the case of self contained basement dwellings, is the development outside of flood zone 3?
- If the basement is an extension to an existing dwelling and in zone 3b has the exceptions test been met?
- If the development is in flood zone 2 and 3 is the application supported by a Flood Risk Assessment?
- Is the basement resilient to the risk of flooding, and will not increase flooding elsewhere?

Contamination

- If the site is potentially contaminated has a Preliminary Risk Assessment, and if necessary, site investigation been undertaken by a suitably qualified person?

Validation Requirements

Alongside standard validation requirements, the following information must be submitted alongside basement planning applications, where relevant.

Validation Requirement	When required
Site Survey	All basement applications
Tree/Arboriculture Report	Where the proposal is in proximity to trees within site, on adjoining sites or street trees. To be agreed with Landscaping Team.
Landscaping Assessment	Where a basement development will impact on a garden. To be agreed with Landscaping Team.
Heritage Statement	Where the application is for or impacting on a heritage asset, including a conservation area, listed or locally listed building, registered park or garden.
Archaeological Survey	Within Archaeological Priority Areas and Sites of Archaeological Importance. (see policies map)
Flood Risk Assessment/ Drainage Strategy	Where proposal is in flood risk zone 1 or 2 (see Environment Agency flood zone map), or where there are localised flooding issues.
Land Contamination Assessment	Where there is a risk of contamination.

The site survey is to record existing ground levels and landscaping on the site and on adjoining boundaries. It should include:

- levels - across the site (front to back and side to side) as well as that of adjoining property;
- established landscaping and any significant other planting including tree canopies and root areas;
- details of areas of existing hard and soft landscaping.

Other Regimes & Controls

Building Control

Building regulations are required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.

Brent Building Control Contacts & Useful Links

- 020 8937 5210 or planandbuild@brent.gov.uk
- www.brent.gov.uk/buildingcontrol

Party Wall Act

The Party Wall Act provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavation near neighbouring buildings. In relation to basement developments, the Act applies when excavation is:

- within 3 metres of a neighbouring structure;
- would extend deeper than that structure's foundations; or
- within 6 metres of the neighbouring structure and which also lies within a zone defined by a 45 degree line from that structure.

Adjoining owners must be informed of work by serving a notice at least one month before the planned start date for excavation. **If work commences without notice being given in the proper way, adjoining owners may seek to stop work through a court injunction or seek other legal redress.**

If the adjoining owner/s gives written notice within 14 days consenting to the proposed works, the work (as agreed) may go ahead.

If the adjoining owner does not respond, or objects to the proposed work, a dispute is regarded as having arisen. Under the Party Wall Act in the event of a dispute a surveyor or surveyors are appointed. The surveyors are then responsible for:

- agreeing the structural method statement and any necessary additional investigation into issues such as groundwater;
- drawing up the party wall award;
- monitoring works to ensure compliance with the terms of the award;
- resolving disputes between owners during construction; and
- deciding whether there is damage which needs to be put right.

The Party Wall Act allows adjoining owners to request the building owner to provide a bond or insurances to provide security in the event of a dispute. The money remains the building owner's throughout but can be drawn upon to pay for rebuilding or repair, in the event the surveyors identify there is damage as a result of the works which needs to be put right.

Party Wall Act Useful Links

- www.gov.uk/guidance/party-wall-etc-act-1996-guidance

Highways

Under the Highways Act a licence is required to put a skip or building materials on the public highway, reserve space for deliveries/trades within a controlled parking zones, erect a scaffold, hoarding or gantry. Consent is also required from the appropriate highway authority for proposals involving any work under any part of the highway or footway.

It is the responsibility of the householder to ensure they have a licence, and the builder has responsibility for following the licence conditions. Materials are not allowed to block the public highway, or to damage or stain public ground. Permission is also required to store materials in a controlled parking bay.

If materials are being stored on the public highway without a licence this can be reported to coo@brent.gov.uk; or in a parking bay without permission to parking.suspensions@brent.gov.uk. Damage to the public realm can be reported to the Council at coo@brent.gov.uk. Please note that the Council can only take action against contractors who have damaged the public realm where there is sufficient evidence. Therefore to assist investigations in your email please include photographs, the company name and vehicle registration number.

Highways Useful Links

- Skip Licence Application Service - www.mylicence.brent.gov.uk
- Parking Bay Suspension Application Service - www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations

Noise, Vibration & Dust Complaints

The Council's Community Protection Team (Environmental Health) enforces issues related to the Environmental Protection Act and Control of Pollution Act. In the first instance disturbance experienced during works should be reported to the site manager and, where a party wall award is in place, the appointed surveyor. If nuisance from noise, dust, vibration or any other environmental impacts from the ongoing development continues, this should be reported to the Council's Community Protection Team for investigation. The Council limits noisy works to Monday to Friday - 08:00 to 18:00; and Saturday - 08:00 to 13:00. Where noisy works occur outside these hours or on Sunday or Bank holidays the Council will investigate.

Community Protection Contact Details

- during office hours (Mon-Fri 9am to 5pm) – 020 8937 5252 or customer.service@brent.gov.uk; or
- outside of these hours (Mon- Fri 5pm to 2am, Sat and Sun 6pm to 2am) 020 8937 1234 ens.noiseteam@brent.gov.uk; or business.licence@brent.gov.uk

Housing Act

If you intend to rent out accommodation there will be additional requirements under the Housing Act.

