

## Appendix 1 Summary of Responses to the Basement Supplementary Planning Document and Proposed Changes

Consultation responses and proposed changes to the document are set out in the recommendations below. Additions to text are underlined whilst with deletions are highlighted with ~~strike through~~.

| General          |   |
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| Respondent       | Environment Agency  |
| Response         | No comment  |
| Officer Response | Noted   |
| Recommendation   | No change   |
| Respondent       | Natural England   |
| Response         | No comment  |
| Officer Response | Noted   |
| Recommendation   | No change   |
| Respondent       | J Hanika  |
| Response         | Visuals - Suggested more illustrations and visuals would be beneficial.   |
| Officer Response | Noted. Consideration given to adding further visuals where relevant   |
| Recommendation   | <b>Add photos</b> where it can assist in understanding an issue.  |
| Respondent       | Mapesbury Resident's Association (MapRA)  |
| Response         | Images - Include photos of well-developed basements.  |
| Officer Response | Noted. Consideration given to adding further photos where relevant  |
| Recommendation   | <b>Add photos</b> to show good quality basement extensions.   |
| Respondent       | R Sharp, Resident   |
| Response         | <p>Welcomes the development of a Basement SPD. The present draft contains a number of relevant elements towards the formation of a sound policy on the creation of new basements but it is insufficiently robust to meet the concerns of those Queen's Park residents who have worked hard over the years to maintain the special character of the area. Sad to say but in general developers and residents who want to insert basements into terraces are interested in short term financial gains and are not committed to the long term quality of the place where we live.</p> <p>The SPD needs clear criteria which would enable the Council to refuse basements in specific circumstances. Suggests that there should be a presumption against basements in terraced housing over 100 years old in conservation areas, similar to listed buildings.</p> |
| Officer Response | <p>Noted.</p> <p>The SPD does not and could not introduce a blanket ban on basements to listed buildings. In line with national policy,</p>   |

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| <b>General</b>   |   |
|                  | the suitability of the introduction of a basement to a listed building is to be assessed on a case by case basis having regard to the potential for harm to the special architectural or historic interest of the building. In the case of conservation areas, a Heritage Statement will be required, demonstrating how the development accords with the Conservation Area Design Guide.                    |
| Recommendation   | No change   |
| Respondent       | D Woolley, Resident   |
| Response         | Contractors and designers likely to be fully aware of the legislation. However, if they are also being done by buy to let landlords, or even owner occupiers, then it may be a fair point that they need to be told the rules.  |
| Officer Response | The SPD provides a point of information for both developers undertaking works, and neighbouring occupiers impacted. It helps to ensure all parties are aware of the consents relevant to basement development, and their rights. Contractors that do not secure the relevant permissions may be subject to enforcement action from the Council or, in the case of the Party Wall Act, private legal action. |
| Recommendation   | No change   |
| Respondent       | M Beaman, Resident  |
| Response         | There are plenty of references to 'encouragement' 'consideration' but very few 'thou shalt / shalt not's'. As a result I do not believe that it would stand up to a determined applicant particularly insofar as matters that impact on neighbouring properties are concerned.  |
| Officer Response | The SPD supplements policy requirements which are established in national, London Plan and local policies. As such the wording in the SPD, in terms of whether it is a requirement or a recommendation, is reflective of these adopted policies.  |
| Recommendation   | No change   |
| Respondent       | Mapesbury Resident's Association (MapRA)  |
| Response         | Provided context - MapRA members have become increasingly concerned about such development. Brent has been urged to develop a policy so that residents and applicants have a clear picture of what may be acceptable development (or not) and what other remedies they may have (under private as opposed to public rights) should they object to a basement development that might affect them             |
| Officer Response | Noted.  |
| Recommendation   | No change   |
| Respondent       | Queen's Park Resident's Association   |
| Response         | The members of QPARA believe that measures should be put in place to 'preserve and enhance' - two of the guiding principles enshrined in the Design Guide - the special architectural integrity of the homes in this estate within the Queens Park Conservation Area.<br>The anti-social impact of noise, vibration, dust, heavy lorry movements in small narrow streets, loss of parking spaces,           |

| <b>General</b>   |  |
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|                  | and damage to trees and pavements are experienced over long and protracted periods during construction. We request more co-operation between departments within Brent and resources applied to ensure all relevant departments take an active part in the planning approval, monitoring and enforcement process for proposals in the CA.   |
| Officer Response | The SPD is the result of engagement with relevant officers across the Council, including Highways Enforcement, Environmental Services, Transport, Drainage, Building Control and Planning Enforcement. The SPD seeks to bring together information on the different regimes and consents relevant to basement development. However, the SPD is a planning document and as such the main body of the document focusses and provides guidance on planning matters. |
| Recommendation   | No change  |

| <b>Chapter 1 Introduction</b> |   |
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| Respondent                    | J Hanika  |
| Response                      | As Mapesbury Conservation Area has no design guide, it is very important the details of the new planning guide lines are included in the future Conservation Design Guide for Mapesbury.  |
| Officer Response              | Noted - A Conservation Design Guide for Mapesbury is now being taken forward.   |
| Recommendation                | No Change   |
| Respondent                    | J Roberts, Resident   |
| Response                      | 1.2 Planning Permission: Clarification needed as to which basement developments do not require planning permission.   |
| Officer Response              | Permitted development rights are set nationally, and subject to emerging case law. Until recently it has generally been accepted by the courts that outside of conservation areas a basement is permitted development if it is under the footprint of a house, less than one storey, and has no external features. However, in November last year a High Court decision indicated that basements involving 'engineering operations' are not permitted development. Due to the uncertainty this has created we have not defined what constitutes permitted development in our guidance. Instead we recommend householders submit an application for a Certificate of Lawful development, and the Council will reach a view as to whether a planning application is required based on current legal advice. |
| Recommendation                | No Change   |
| Respondent                    | J Hanika  |
| Response                      | 1.2 Planning Permission: Welcome strong encouragement to enter into pre-application advice with the Development Management Team.  |
| Officer Response              | Noted.  |
| Recommendation                | No Change   |
| Respondent                    | J Hanika  |

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| Response               | 1.3 Other Consents: Welcomed guidance on other consents required under the Party Wall Act, and Highways Act, Environmental Protection and Control of Pollution Act.  |
| Officer Response       | Noted.   |
| Recommendation         | No Change  |
| Respondent             | Mapesbury Resident's Association (MapRA)   |
| Response               | 1.3 Other consents: Provide more information on private rights they can investigate e.g. restrictive covenants within a lease or other registered with the Land Registry to which they have recourse. It would be sufficient for Brent to point out that such rights may exist and that public rights under planning law are not the only recourse for residents. There was a suggestion of a flow diagram for residents to follow. A party wall notice should be issued asap and not just within the minimum statutory period of one month. Other Consents: Welcomed guidance on other consents required under the Party Wall Act, and Highways Act, Environmental Protection and Control of Pollution Act. |
| Officer Response       | A flow diagram is included in the SPD. Text can be amended to recommend householders have the relevant consents in place as far in advance of works as possible.   |
| Recommendation         | <b>1.3 Other consents:</b> Add final sentence <u>"There are prescribed timescales for gaining consents in advance of works, however, householders are advised to have the relevant consents in place as far in advance of works as possible."</u>  |
| Respondent             | Queen's Park Resident's Association  |
| Response               | 1.3 Other consents: Building Control oversight from Brent Officer to any development in the Conservation Area irrespective of any external agent. Evidence of qualifications and suitability of constructors provided. Brent inspectors should always have full access to any basement development and a named Brent Officer should be displayed at the construction site for concerned neighbours to be able to contact.  |
| Officer Response       | Building Control is open to competition, as such the Council cannot require anyone to use their Building Control service. Under the Party Wall Act a surveyor is appointed to agree the Structural Method Statement and any additional investigations. The surveyor monitors works throughout and ensure works comply with the method statement and Party Wall Award.  |
| Recommendation         | No change  |

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| Respondent                 | R Sharp, Resident  |
| Response                   | 2.2 Sustainability: The introduction of basements create additional rooms, with further energy demands and therefore are not sustainable.  |
| Officer Response           | The construction of a basement, as with creation of any additional room will create further energy demands. This is not a reason for refusal, but the SPD does promote the use of energy efficient products. |

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| Recommendation             | No change  |
| Respondent                 | V Secretan, Resident   |
| Response                   | 2.2 Sustainability: Concern for impact on Victorian and Edwardian houses. If people want a larger house, they should be prepared to move to find one. The protection of the environment, including insect and birdlife for all, now and in the future, is much more important than the apparent greed of a number of individuals, with the appalling impact on their neighbours. Encouraged to see so many sustainability aspects covered in the documents – from minimising damage to trees, restricting the size of light wells. However, basement development is intrinsically unsustainable. Suggest the positive recommendations in the text are insufficiently strongly emphasised in the check list. In addition, reference should be included to impact on birdlife of the additional lighting, in addition to the loss of front and rear garden planting areas. |
| Officer Response           | Noted. Paragraph 2.2 of the SPD states biodiversity and green infrastructure should be protected, and paragraph 2.5 elaborates on this. Where a basement development will impact on front and rear gardens a landscaping assessment is required, to be agreed with the landscaping team. Sustainability requirements can be further highlighted in the checklist as suggested.   |
| Recommendation             | <b>3. Checklist Of Requirements:</b> Sustainability Add another bullet point: <u>“Has biodiversity and green infrastructure been protected and reinforced?”</u>  |
| Respondent                 | Queen’s Park Resident’s Association  |
| Response                   | 2.2 Sustainability: To include impact on trees – street and site – pavements, roadways, drainage etc. All trees must be protected. A statement of how the proposed development will enhance the CA should be supplied with photos of the existing site.  |
| Officer Response           | The SPD sets out that trees, including those on site, on adjoining sites and within the street or other areas of public space, are to be protected. Where there are potential impacts to trees the SPD requires applications to be accompanied by a Site Survey and Tree/ Arboriculture Report. This will be assessed by the Council’s Tree Officer. A heritage statement will also be required for development within conservation areas. In line with national policy development in conservation areas is required to conserve and enhance the setting of heritage assets. The SPD can be changed as suggested to state site survey should include photographs of existing site.  |
| Recommendation             | <b>3. Checklist Of Requirements: Validation Requirements</b> Site Survey Change “All basement applications. <u>To include photographs of existing site.</u> ”<br>Additional bullet point “ <u>Photographs of the existing site;</u> ”  |
| Respondent                 | J Hanika   |
| Response                   | 2.3 Amenity - Require a noise assessment, where external plant is proposed (or internal plant requiring external ventilation).   |
| Officer Response           | Noted. Noise assessments are required for the installation of plant or uses that generate excessive noise, in line with  |

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|                                   | Planning Practice Guidance. Cross-reference to be added to SPD.  |
| Recommendation                    | <p><b>2.3 Amenity</b> Add a final sentence: <u>“A noise assessment, will be required where external plant is proposed or internal plant requiring external ventilation.”</u></p> <p>Relevant policies add: “Development should not unacceptable increase exposure to noise.”</p> <p><b>3 Validation Requirements:</b> Add <u>“Noise Assessment – Where external plant is proposed or internal plant requiring ventilation.”</u></p>  |
| Respondent                        | Mapesbury Resident’s Association (MapRA)   |
| Response                          | 2.3 Amenity - both during and post-construction. Concerns included loss of privacy, outlook and light pollution. In the case of properties which have been sub-divided, residents would like to see Brent being reluctant to approve an application where the light well is overlooked and the garden vista damaged from upper floor properties. Queried potential to require obscure glazing to preserve privacy, and apply conditions on light generation or position and direction of lighting fixtures. Screening light wells would usually be insufficient to address this issue.   |
| Officer Response                  | <p>The SPD recommends light wells and roof lights are screened by soft landscaping, which will have benefits in terms of light spill. However, this is to be balanced with the need to allow natural light into the basement. When taking into account the existing context a light well or roof light is unlikely to generate significant additional light pollution, so as to impact on wildlife.</p> <p>For example an external garden light will generate higher levels of light spill and can be fitted without planning permission. To minimise visual impacts of basements the SPD required soft landscaping to be reinforced and reinstated, and only allows roof lights where they are to the rear of the property and flush to the wall. Obscured glazing can be required where overlooking is an issue. However, this is less likely to be an issue with basements where windows are located within light wells and therefore generally do not directly overlook an adjoining property.</p> |
| Recommendation                    | <b>2.4 Heritage and Design</b> External Elements Last paragraph add: <u>“This will also assist in reducing light spill.”</u>   |
| Respondent                        | Queen’s Park Resident’s Association  |
| Response                          | No external access to basements from the front or rear of the property.  |
| Officer Response                  | The SPD prevents basements from forming accommodation in isolation, as such they should be accessed from the main property and a separate access would not be appropriate, as this would suggest the intention was for the basement to form accommodation in isolation. This can be further emphasised in the SPD.   |
| Recommendation                    | <b>2.3 Amenity</b> add: <u>“Basements should be accessed from the main property. It will not be appropriate for basements to have a separate access, as this would indicate they are to be used as a separate dwelling.”</u>   |
| Respondent                        | J Hanika   |
| Response                          | 2.4 Design & Heritage. Scale - Welcomed limits on size of basements, which are more restrictive than other councils.   |
| Officer Response                  | Noted.   |
| Recommendation                    | No change  |

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| Respondent                 | Mapesbury Resident's Association (MapRA)  |
| Response                   | 2.4 Design & Heritage. Scale - Rather than a 3 metre limit, scale should reflect the size of the property (i.e. whether it's terraced, semi-detached or detached); its proximity to neighbouring houses and its garden size. The basement itself should not exceed the original footprint of the property. Mapesbury's new Design Guide may address the issues of design in respect of properties in the Conservation area, but the same stringency should apply to properties outside the conservation area.   |
| Officer Response           | Having assessed the scale of properties and gardens in areas of the borough where basements are prevalent, applying a percentage approach equivalent to for example Westminster, would result in basements of a significantly greater scale than the 3 metre limit proposed. However, reference has been added to the SPD to considering the context of the scale of building and garden.   |
| Recommendation             | <b>2.4 Design &amp; Heritage. Scale</b> Change first sentence: "Basement development should <u>consider the context of the scale of the building and garden, and should not:</u> "  |
| Respondent                 | Mapesbury Resident's Association (MapRA)  |
| Response                   | 2.4 Design & Heritage. External Elements - Policy presently applied by Brent in respect of Queen's Park might be inappropriate for Mapesbury. Under no circumstances would permission be granted for light wells to the front and sides of any conservation area property in Mapesbury Conservation Area; such permission being inconsistent with its conservation designation.   |
| Officer Response           | Noted. Emerging Mapesbury Conservation Area Design Guide will provide locally specific design guidance, and this will be highlighted in the SPD.  |
| Recommendation             | <b>2.4 Design &amp; Heritage. External Elements:</b> Change " <u>Within conservation areas, the relevant Conservation Area Design Guide will provide guidance as to the appropriateness of light wells. If new</u> <del>Where</del> front light wells are <del>proposed</del> <u>appropriate to the local context</u> , 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."  |
| Respondent                 | Queen's Park Resident's Association   |
| Response                   | 2.4 Design & Heritage. External Elements - A standard restriction on light wells - on the front or side where any light pollution to the street or other properties or invasion of privacy would result. A restriction on the size of any basement related to the size of the site and property.  |
| Officer Response           | The SPD recommends light wells and roof lights are screened by soft landscaping, which will have benefits in terms of light spill. However, this is to be balanced with the need to allow natural light into the basement. When taking into account the existing context a light well or roof light is unlikely to generate significant additional light pollution, so as to impact on wildlife. For example an external garden light will generate higher levels of light spill and can be fitted without planning permission. To minimise visual impacts of basements the SPD required soft landscaping to be reinforced and reinstated, and only allows roof lights where they are to the rear of the property and flush to the wall. Obscured glazing can be required where overlooking is an issue. However, this is less likely to be an issue with |

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|                            | basements where windows are located within light wells and therefore generally do not directly overlook an adjoining property.   |
| Recommendation             | No change  |
| Respondent                 | J Hanika   |
| Response                   | 2.4 Design & Heritage. – Heritage. Require a Heritage Statement, where applicable. The council has a duty of care to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas when considering development proposals. Alterations associated with basement development (such as light wells) may affect the character and appearance of a conservation area. In areas such as Queens Park, Mapesbury, and all the other protected conservation areas of Brent, trees, gardens and boundary walls make a particularly important contribution to the suburban character.  |
| Officer Response           | Section 2.4 sets out a Heritage Assessment 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.   |
| Recommendation             | No change  |
| Respondent                 | Queen's Park Resident's Association  |
| Response                   | 2.4 Design & Heritage. – Heritage. Restrict Permitted Development rights for basements within the Conservation Areas.  |
| Officer Response           | Nationally prescribed permitted development rights in relation to basements do not apply within Conservation Areas. This is set out in the SPD.  |
| Recommendation             | No change  |
| Respondent                 | J Hanika   |
| Response                   | 2.4 Design & Heritage. – Archaeology. An Archaeological Desk top assessment should be required. Where an archaeological assessment is required, the applicant's archaeologist will need to consult the GLHER and other sources to establish the archaeological interest of the area. In some cases geo-technical pits, trial excavation or boreholes will be needed, typically this would be where the presence of remains of regional or national significance is suspected. Where assessment indicates that significant remains are likely to be harmed the report should also consider how that impact could be mitigated. The guide could mention in more detail, the historical importance of the highlighted areas of the map. |
| Officer Response           | Section 2.4 sets out an Archaeological Assessment will be required for applications within Archaeological Priority Areas and Sites of Archaeological Importance. Even outside of these areas vigilance for archaeological remains will be required during construction. For conciseness the SPD does not outline the history of each area. However, reference can be added to the Council's Conservation webpage which provides further information.   |
| Recommendation             | <b>Section 2.4 Archaeology</b> Add: <u>"Further information on their significance is available at: <a href="http://www.brent.gov.uk/heritage">www.brent.gov.uk/heritage</a>."</u>  |
| Respondent                 | Historic England   |



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| Response                   | <p>Pleased to see that the document addresses the question of potential impacts on heritage assets of basement extensions. In the interests of clarity there are some minor changes suggested:</p> <ul style="list-style-type: none"> <li>Listed buildings - suggest text is amended to refer to 'significance' to align this with the NPPF. For instance '... structural integrity of the building, and any features that are architecturally important or contribute to its significance'.</li> <li>Archaeology – suggest following is included: 'The Archaeological Priority Areas within Greater London are currently undergoing a programme of review and are being comprehensively updated using up to date evidence and consistent standards to comply with National Planning Policy. The Archaeological Priority Areas for Brent are due for review in 2019. Where there is a risk of a development impacting heritage assets of archaeological interest, consultation should be carried out with the Great London Archaeological Advisory Service (GLAAS)'</li> </ul> |
| Officer Response           | Noted. Amendments made as suggested.   |
| Recommendation             | <p><b>2.4 Design and Heritage Listed Building:</b> Change to "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 <u>or contribute to its significance.</u>"</p> <p><b>2.4 Design and Heritage Archaeology:</b> Add "<u>The Archaeological Priority Areas within Greater London are currently undergoing a programme of review and are being comprehensively updated using up to date evidence and consistent standards to comply with National Planning Policy. The Archaeological Priority Areas for Brent are due for review in 2019. Where there is a risk of a development impacting heritage assets of archaeological interest, consultation should be carried out with the Great London Archaeological Advisory Service (GLAAS)</u>"</p>  |
| Respondent                 | J Hanika   |
| Response                   | 2.5 Trees and Gardens. An arboricultural report and tree survey should be required. The tree survey should show location of trees on or within the vicinity of the site, and assessment of the effect of the proposal on the trees and details of tree protection, preservation orders, and trees affected in the public domain  |
| Officer Response           | The SPD sets out that trees, including those on site, on adjoining sites and within the street or other areas of public space, are to be protected. Where there are potential impacts to trees the SPD requires applications to be accompanied by a Site Survey and Tree/ Arboriculture Report. This will be assessed by the Council's Tree Officer.   |
| Recommendation             | No change  |
| Respondent                 | J Hanika   |
| Response                   | 2.5 Trees and Gardens. Concern in small gardens that basements may give rise to loss of garden. Detailed landscaping plans identifying each and every mature tree on the property and next door to it (and on the highway) and the impact on such trees and plants should be a pre-requisite to consideration of a planning application by Brent Planning  |

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| Officer Response           | See response above  |
| Recommendation             | No change   |
| Respondent                 | J Hanika  |
| Response                   | 2.6 Flood Risk and Drainage: - details should be provided of how flood risk and surface water flooding have been addressed in the design, and should demonstrate how cumulative effects have been considered. In areas where greater risks are identified a specialist geo-technical engineer and/or a geo-hydrologist should be used and a geo-hydrology report produced to set out the impact of water flow produced by the proposed basement. The map set out in the report does not show the critical drainage area adjacent to Kilburn border with Camden on Shoot up Hill, Kilburn station and some areas of Cricklewood – Chichele Road.   |
| Officer Response           | SPD requires applications in flood zones 2 and 3, and where there are localised flooding issues to be accompanied by a Flood Risk Assessment and Drainage Strategy, informed by a site specific assessment of geological and hydrological conditions. This will be further emphasised in text.  |
| Recommendation             | <b>2.6 Flood Risk and Drainage:</b> Add before relevant policies box: “This is available at <a href="http://www.brent.gov.uk/flooding">www.brent.gov.uk/flooding</a> .”<br>Add before Table 1 “Development in flood zones 2 and 3, and in areas with a history of localised flooding are to be accompanied by a Flood Risk Assessment and Drainage Strategy. These studies are to be informed by a site specific assessment of geological and hydrological conditions, prepared by a suitable qualified specialist.”<br>Remove in paragraph after Table 1 “In areas with a history of localised flooding, applications should be informed by a site specific assessment of geological and hydrological conditions.”   |
| Respondent                 | Mapesbury Resident’s Association (MapRA)  |
| Response                   | 2.6 Flood Risk and Drainage: - Running beneath Mapesbury is at least one culverted river (the Slade River) and that some (but not all) back gardens in Mapesbury are prone to flooding after persistent rainfall. Residents are concerned that their properties may be at greater risk of flood (or subsidence) problems in the future. Applicants should be required to show what flood risk exists.   |
| Officer Response           | See response above.   |
| Recommendation             | Changes identified in the response above.   |
| Respondent                 | J Hanika  |
| Response                   | 2.8 Construction. Not rigorous enough and does not address the problems of the amenity and security of property of the neighbours, and the neighbourhood of the developer/ applicant. Highlighted contentious nature of basement development, and disruptive nature of work. Given the complexity of the basement construction process it is particularly important that detailed proposals of all aspects of design and construction are fully worked out at an early stage and prior to submission of any planning application. The drawings including site location plans, existing and proposed plans, sections and elevations and landscaping plan, should include a Structural Statement prepared and signed off by a Chartered Civil Engineer (MICE) or Structural Engineer (MI Struc.E) and including setting out a |

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|                            | Basement Impact Report. This would explain to the neighbours of the applicant, the impact on stability of adjoining properties the drainage, nearby trees and on boundary wall.  |
| Officer Response           | <p>Certain matters relating to basement construction are not controlled by the planning system. Planning policies cannot replicate or cut across matters within the scope of other legislative requirements. The Party Wall Act controls matters such as structural stability, method of construction and impacts on neighbouring properties. As set out in the SPD Under the Party Wall Act in the event of a dispute a surveyor or surveyors are appointed. The surveyors are then responsible for:</p> <ul style="list-style-type: none"> <li>• agreeing the structural method statement and any necessary additional investigation into issues such as groundwater;</li> <li>• drawing up the party wall award;</li> <li>• monitoring works to ensure compliance with the terms of the award;</li> <li>• resolving disputes between owners during construction; and</li> <li>• deciding whether there is damage which needs to be put right.</li> </ul> <p>The Party Wall Act also allows adjoining owners to request the building owner to provide a bond or insurances to provide security in the event of a dispute.</p> <p>Requiring a Structural Method Statement as part of the planning application, will falsely give the impression that the planning system can guarantee the structural stability of a neighbouring property. This is not the case. Planners are not structural surveyors and are not qualified to assess such reports, moreover once planning permission is granted planners do not have the jurisdiction or qualifications to ensure works are being undertaken in accordance with the structural method statement; the planning system also cannot require a bond or require damage to be put right. For these reasons it would be damaging to give the false impression a Party Wall Award is not needed and these matters will be dealt with through the planning system. For this reason the SPD outlines to applicants and neighbouring occupiers their responsibilities and rights under the Act.</p> |
| Recommendation             | No change  |
| Respondent                 | R Sharp, Resident  |
| Response                   | 2.8 Construction: Structural impacts - Recognise that the risk of longer term movement within the block is not normally considered a planning matter (but it is a major worry for neighbours and is not adequately dealt with in the Party Wall Act. The approach of the Council to the developer needs to be holistic. There should be investigation reports about risk and if there is material risk the developer should have to provide a long-term insurance bond to cover any repairs needed.  |
| Officer Response           | See response above   |
| Recommendation             | No change  |
| Respondent                 | Queen's Park Resident's Association  |

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| Response                          | 2.8 Construction: Structural impacts - Requirement that an enduring Bond or some other measure be put in place by the applicant for a minimum of 10 years to address evidence of damage after completion. Use of CIL or s.106 agreement, or some other measure to enforce compliance and provide financial protection  |
| Officer Response                  | Under the Party Wall Act adjoining owners can 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. There are no financial mechanisms to secure a bond through the planning system. The financial mechanisms through the planning system are planning fees, Community Infrastructure Levy and Section 106. Sec 106 and CIL are to fund infrastructure associated with development, and could not be used for the purposes of a bond.  |
| Recommendation                    | No change  |
| Respondent                        | M Beaman, Resident   |
| Response                          | <p>2.8 Construction: Structural impacts - A key issue is the impact that basement construction has on adjacent older terraced buildings in areas like Queen's Park which have soft clay over stiff clay soils. The soft clay swells and shrinks with the seasons and the stiff clay does not. A basement will have deeper foundations and the result on the neighbouring property is having one foundation on stiff clay and the other shallower foundation on soft clay. The result can be long term differential movement and cracking, shearing and other damage. This problem is not dealt with through the Party Wall system which only protects against short term problems. Neither is it commonly dealt with by the Building Inspectors even in the rare event that they have the time to consider it. Insofar as it affects issues of SUSTAINABILITY it is properly a planning matter. In my view an appropriate response would be to:</p> <ul style="list-style-type: none"> <li>(a) require an investigation the sub soil</li> <li>(b) require (not 'advise') that properly qualified and insured professionals are retained</li> <li>(c) ensure that these studies are shared with Building Control</li> <li>(d) not permit the development of basements where there is a danger of differential movement affecting adjoined buildings.</li> </ul> |
| Officer Response                  | See response above   |
| Recommendation                    | No change  |
| Respondent                        | Mapesbury Resident's Association (MapRA)   |
| Response                          | 2.8 Construction: Structural impacts - Mapesbury houses back onto the tube line and residents living in Dartmouth Road and Chatsworth Road are concerned as to the impact of basement development on their properties which are (or are feared to be) structurally compromised already by the rail line. Planning should consider requiring an applicant to pre-consult and have proper engineering and structural (including geo-hydrology) reports plus impact reports and landscaping schemes from properly qualified experts available before an application is considered.  |
| Officer Response                  | See response above   |

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| Recommendation                    | No change  |
| Respondent                        | Queen's Park Resident's Association  |
| Response                          | <p>2.8 Construction: Structural impacts - Houses in this area are about 100 years old, designed and built as 2-storey terraces using soft lime mortar, without deep foundations, 'floating' on soil and sub-soil which moves as part of a street scene where originality and lack of pollution and visual intrusion are essential elements. The sub-soil consists of 2 layers of clay with different densities and structure which cause the buildings above to rise and fall as they absorb seasonal changes in water content. Basements need to punch through top layers to provide stability and strength, using modern materials. Adjoining properties without such developments are more likely to suffer structurally from this essential difference. These problems can take many years to materialize. The Party Wall Act and standard Highways and environmental legislation affords some protection during construction and for a limited period following but not long enough for the evidence of structural problems to materialize and those responsible to be held to account. There is little evidence that proper monitoring on a regular basis takes place. A full geological report of the site and adjacent land including water survey should be required by qualified experts.</p>  |
| Officer Response                  | See response above   |
| Recommendation                    | No change  |
| Respondent                        | J Hanika   |
| Response                          | <p>2.8 Construction: As construction works associated with basement developments have the potential to cause disruption which often lasts longer than other residential extensions, the council could request a construction management plan be submitted at planning stage to demonstrate that reasonable consideration has been given to issues such as access, working hours and impact on local amenity. Although it can be recognised that full detail may not be available before any contract is let, the broad approach to construction method, and management should be considered by the applicant and their design team at this stage. Some of the main issues which should be considered to ensure construction works, do not cause undue disturbance are set out below.</p> <ul style="list-style-type: none"> <li>• Contact list of Contractors,</li> <li>• Party wall surveyors</li> <li>• Neighbours address and telephone numbers (in case of an emergency)</li> <li>• Timetable and schedule of works <ul style="list-style-type: none"> <li>- Hours of work (8:00 – 18:00 Mondays to Fridays)</li> <li>- No Saturdays, Sundays or Bank holidays</li> </ul> </li> <li>• Access parking, storage of materials and use of public highway</li> <li>• Access amenity to community while construction is being carried out</li> <li>• Proposed use of cranes, large items of equipment and supplementary reports on the amount of vibration and noise that will be created by said equipment</li> </ul> |

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|                            | <ul style="list-style-type: none"> <li>• Proof of Contractor belonging to the Considerate Contractors Scheme</li> </ul>  |
| Officer Response           | The SPD outlines how matters related to the construction of basements are dealt with by Environmental Services and Highways using powers under the Highway Act, Environmental Protection Act and Control of Pollution Act. The Council's Environmental Service is appointing an Enforcement Team which will tackle issues associated with construction impacts. In addition, consideration is being given to taking forward a Code of Construction Practice, similar to that produced by Westminster Council, which will outline detailed requirements in relation to construction works. This would be produced by Environmental Health and cover all construction, not just basements. It is therefore a separate piece of work to the Basement SPD. These points have been shared with colleagues in Environmental Health. In relation to hours of work, these are restricted under Environmental Health legislation and an informative is placed on planning permissions. Reference to the Considerate Constructors Scheme is made in the Development Management Local Plan and can be added to the SPD. |
| Recommendation             | <b>2.8 Construction:</b> Add at end of 2 <sup>nd</sup> paragraph <u>"In order to reduce potential disruption to residents and neighbours caused by major construction schemes we require developers to sign up to the Considerate Constructors Scheme. This will be secured via a Section 106 agreement."</u>  |
| Respondent                 | R Sharp, Resident  |
| Response                   | 2.8 Construction: Concern of impacts - the noise, dust, transport and parking impacts of the 8-12 month building process. Impact on quiet enjoyment. Highlights the Kensington & Chelsea SPD as best practice.   |
| Officer Response           | See response above in relation to Code of Construction Practice. The Kensington & Chelsea requirements relate to their Code of Construction practice.  |
| Recommendation             | No change  |
| Respondent                 | Mapesbury Resident's Association (MapRA)   |
| Response                   | 2.8 Construction: – details should be provided of plans for waste and soil removal with details of how and where deposited; number of skips and location to be agreed; number of vehicles permitted on site/street; clear descriptions must be included of how the health of local residents is protected from dust and noise pollution; plans for vehicle, street and pavement cleaning and maintenance; constructors to provide details of all vehicles delivering materials and approved contractors; days and hours of operation; general noise levels during construction and permitted machinery with noise levels and periods of operation. All contractors to be members and sign up to Considerate Constructors Scheme.   |
| Officer Response           | See response above in relation to a Code of Construction Practice.   |
| Recommendation             | No change  |
| Respondent                 | Mapesbury Resident's Association (MapRA)   |
| Response                   | 2.8 Construction: Brent should require a Construction Management Plan to be approved in advance and, furthermore, it should be enforced. There should ideally be no work at weekends and other building works should keep to a strict  |

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|                            | time. Given also that such development can stress the highway, Brent should seek to put in place a requirement to make good any such damage.  |
| Officer Response           | See response above in relation to a Code of Construction Practice.  |
| Recommendation             | No change   |
| Respondent                 | Network Rail  |
| Response                   | Basements for dwellings could include excavation, earthwork, piling and drainage works which could impact upon Network Rail land, infrastructure, support zones, tunnels, cuttings, embankments etc. Works to construct basements (which could impact upon the railway) should therefore be submitted to Network Rail for review and agreement. Within the checklist of requirements and/or validation requirements a policy to include assessment of the proposal on any railway infrastructure. Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order). |
| Officer Response           | Text can be added to SPD to highlight statutory undertakers should be engaged where there is scope for works to impact on their operations.   |
| Recommendation             | <b>2.8 Construction:</b> Add “Should the excavation of a basement have potential to impact on infrastructure, the relevant bodies should be consulted at the earliest stage. For example in the case of rail infrastructure Network Rail, and canals and rivers The Canals and Rivers Trust.”   |
| Respondent                 | Canal & Rivers Trust  |
| Response                   | Requested the document refers to Code of Practice for Works Affecting the Canal & River Trust.  |
| Officer Response           | See response above.   |
| Recommendation             | No change   |

| Chapter 3 Check List of Requirements |   |
|--------------------------------------|---|
| Respondent                           | J Hanika  |
| Response                             | Community Infrastructure Levy (CIL) - The SPD could give more guidance to neighbours on what to expect, who they can turn to and what contribution is made by the Council from the payment of CIL.  |
| Officer Response                     | CIL is very rarely likely to apply to residential basement extensions, as they would have to be over 100 square metres to qualify and even then are likely to be subject to relief requests. It is a validation requirement that all planning applications are accompanied by a CIL liability form. Further information on CIL is available on a dedicated Council webpage. |
| Recommendation                       | No change.  |

| <b>Appendix 1 Other regimes and controls</b> |  |
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| Respondent                                   | J Roberts, Resident  |
| Response                                     | Surely all developments require notification to all interested parties of Party Wall Act.  |
| Officer Response                             | As set out in the SPD 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.                        |
| Recommendation                               | No change  |
| Respondent                                   | D Woolley, Resident  |
| Response                                     | Highways: There is a suggestion that it is necessary to take photographs identifying contractors' vehicles when reporting damage to the public realm by building work. People may not wish to take photographs when they can be seen by contractors, and when works involve a white van it may not be possible to identify a company name. |
| Officer Response                             | The Council can only take action against contractors where there is evidence they have damaged the public realm, as such it is beneficial where possible for details such as the registration number, company name, and photographs to be provided.  |
| Recommendation                               | No change  |

### **Additional Non-Significant Changes Made to the SPD to improve its clarity and reflect adoption stage**

| <b>Other Officer Changes</b> |   |
|------------------------------|---|
| Issue                        | Final document to reflect fact consultation was undertaken and when adopted   |
| Response                     | Remove Section 1.4 Public Consultation to reflect consultation undertaken and Update Front Cover  |
| Proposed Change              | <b>Front Cover:</b> <del>"Consultation Draft February Adopted June 2017"</del><br><b>Section 1.4 Public Consultation</b> Delete   |
| Issue                        | Who is the SPD most relevant to?  |
| Response                     | Provide greater clarity on what SPD purpose.  |
| Proposed Change              | <b>1.1 Purpose of Document:</b> Add " <u>It provides guidance to those submitting an application, and householders affected by basement developments.</u> "   |
| Issue                        | Although consultation is encouraged, it is not clear how this should be used to support a planning application. It could also be clearer who the Council will consult.  |
| Response                     | Provide greater clarity on what should be done with evidence of consultation and who the Council will consult.  |
| Proposed Change              | <b>1.2 Planning Permission:</b> Add " <u>It will also be helpful to provide evidence of consultation undertaken as part of your application. The council will consult neighbouring occupiers and amenity societies as part of the application process</u> " |
| Issue                        | Greater clarity is required in relation to the key planning matters that the Council can take into account.   |
| Response                     | Update text to reflect this.  |



| Other Officer Changes |  |
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| Proposed Change       | <b>2.1 Planning Matters:</b> Amend final sentence: "It brings together policy requirements in the National Planning Policy Framework, Planning Practice Guidance, London Plan and Brent Local Plan. <u>These are the key planning matters we can take into account and will be a material consideration</u> in determining planning applications." |
| Issue                 | Although mention is made of the SFRA, the document would benefit from detailing where this is available.   |
| Response              | Update text to reflect this.   |
| Proposed Change       | <b>2.6 Flood Risk &amp; Drainage:</b> Add to 2 <sup>nd</sup> paragraph end: " <u>This is available at <a href="http://www.brent.gov.uk/flooding">www.brent.gov.uk/flooding</a>.</u> "  |