

**Report of: Executive Member for Housing and Development**

<b>Executive</b>	<b>Date: 14. 1.16</b>	<b>Ward(s): All</b>
------------------	-----------------------	---------------------

<b>Delete as appropriate</b>		Non-exempt
------------------------------	--	------------

**SUBJECT: Adoption of Basement Development Supplementary Planning Document****1. Synopsis**

- 1.1 The purpose of this report is to outline the proposed final content of the Basement Development Supplementary Planning Document (SPD) and to recommend its adoption. The SPD has been amended following the completion of a public consultation process over the summer, undertaken in line with the statutory consultation requirements.
- 1.2 The SPD has been prepared in response to growing concerns about the rapid increase in the number of planning applications for basements, particularly large domestic basements, in the borough. The SPD provides further guidance on the implementation of Council's Local Plan policies where of relevance to Basement Development. Once adopted, the SPD will be a material consideration in determining any future planning applications to which it applies.

**2. Recommendations**

- 2.1 To note the contents of consultation report (attached at Appendix 2) and the proposed amendments to the Basement Development SPD.
- 2.2 To agree to formally adopt the Basement Development SPD (attached at Appendix 1).

**3. Background**

- 3.1 Planning policy in the UK has evolved to deal with impacts of above surface development over time, finding ways to evaluate both the site specific and cumulative impacts of development, on issues such as character and appearance, access to daylight and sunlight, and traffic impacts. The increasing density of development in Central London together with changing market expectations is creating a new context for subterranean development in the capital, and with it a new set of planning issues to be considered.

- 3.2 Unlike above-ground development which traditionally has minimal impact on ground conditions and when removed the site can be restored to its (near) pre-development state, subterranean development, particularly when greater than one storey in depth, can permanently and irreversibly alter ground conditions. The potential impacts associated with subterranean development in the London context have been highlighted as an issue at pan-London level in the Mayor's Sustainable Design and Construction Supplementary Planning Guidance (SPG) (2014), with boroughs advised to consider if there are any particular local issues that could affect basement development and adopt appropriate policies to address local conditions.
- 3.3 While the Local Plan does not currently have a standalone planning policy relating to basement development in the same way as for above-ground development, there are a suite of planning policies that need to be taken into account in the consideration of a proposal involving basement development. These policies include (but are not limited to) the following London Plan (2015), Core Strategy (2011) and Development Management (2013) Policies:
- London Plan Policies 3.5 Quality and design of housing developments; 5.3 Sustainable design and construction; 5.12 Flood risk management; 5.13 Sustainable drainage; 5.14 Water quality and wastewater infrastructure; 7.6 Architecture; 7.13 Safety, security and resilience to emergency; 7.19 Biodiversity and access to nature; 7.21 Trees and woodlands; and Policy 2.2 (Basements and Lightwells) of the Mayor's Sustainable Design and Construction SPD (2014).
  - Core Strategy Policies CS15A Open space and infrastructure; CS10D/E Sustainable design; and CS9B Protecting and enhancing Islington's built and historic environment
  - Development Management Policies DM2.1A Design; DM2.3B Heritage; DM3.3B Residential conversions and extensions; DM3.7 Noise and vibration; DM3.4 Housing standards (only when creating new unit); DM6.3E Protecting open space; DM6.5A/B Landscaping, trees and biodiversity; DM6.6 Flood prevention (only applies to majors or minor new residential units); and DM7.1A/D Sustainable design and construction.
- 3.4 Together, these policies provide the policy context under which applications involving basement development are assessed in Islington. In general, all forms of development are required to be of high quality, and make a positive contribution local character and distinctiveness of an area, be sustainable, adaptable and incorporate inclusive design principles. The Basement Development SPD will interpret and provided further guidance on the existing Development Plan policies specifically in relation to basement development.
- 3.5 **Purpose and content of the SPD**  
The main objective of the SPD is to provide detailed guidance to support the assessment of planning applications involving basement development. The SPD defines basement development for planning purposes, with reference to the other regulatory regimes which cover different aspects of basement development, and sets out the documentation that must be submitted in support of applications and have been prepared by a suitability qualified and experienced professional. It goes on to provide guidance on the seven key design considerations relating to basement development, with specific advice for Conservation Areas and Listed Buildings.
- 3.6 Section Four of the SPD focuses on the planning permission process, recommending early engagement with neighbours and the Council's pre-application service due to the complexity and potentially contentious nature of many basement applications. This section also details the range of desk and site investigations likely to be necessary to inform the design, and provides guidance on content of the Structural Method Statement and Construction Management Plan that must be submitted in support of any application for basement development.
- 3.7 Section Five focuses on the site-specific design considerations that proposals for basement development must satisfactorily address to be considered acceptable. These include extent and depth of development; character and appearance; flood risk; landscaping and biodiversity; sustainable design; and quality of accommodation. For each of these areas, the key principle to be achieved is clearly set out, and one or more design indicators identified to support achievement of the key principle.

- 3.8 In order to allow appropriate development to occur whilst ensuring cumulative impacts are minimised, in considering the above issues the SPD takes a balanced approach to the amount of basement development to occur within a site. For extensions to existing residential basements or the creation of new basement areas underneath and/or within the curtilage of an existing dwelling, the majority of original open area of the site shall be retained, and the total area of basement beyond the original footprint must be subordinate to the original footprint of the dwelling. In recognition of the contribution made by residential garden land to ecosystem functions such as surface water attenuation, microclimate regulation and biodiversity, minimum soil depths to support mature planting and ensure adequate natural drainage are required.
- 3.9 Sections Six and Seven provide guidance specifically tailored to Conservation Areas and Listed Buildings, respectively. This guidance is in addition to the design considerations applicable to all basement development outlined in Section Five, reflecting the additional constraints identified for development which impacts on heritage assets. The appendices to the SPD include detailed guidance on the form of supporting documentation required to be submitted with an application for basement development, and sources of further relevant information in relation to the issues covered in the SPD.

### **Consultation**

- 3.10 A discussion paper was published in December 2014, prompted by the increasing incidence of subterranean development in the borough, and that set out the range of issues to be considered and the potential impacts associated with subterranean development relevant to Islington. The paper focussed on identifying the particular local conditions that could affect subterranean development in the borough and necessitate the setting of specific local requirements in regards to this type of development. A total of 44 responses were received.
- 3.12 A draft version of the SPD was subsequently published and the public consultation ran between 10 July and 4 September 2015. A total of 19 responses were received; 15 written responses and 4 questionnaire responses. Each response is summarised and responded to in the Consultation Statement attached at Appendix 2. The majority of respondents supported the approach taken in the draft SPD, with some respondents providing more detailed responses to specific SPD sections, and some raising concerns with a particular element of the guidance. These responses can be broadly summarised as follows:
- Concerns about flood risk associated with basements in areas subject to ground water flooding and older watercourses/seasonal water flows
  - Concerns that the guidance does not formulate new planning policy and therefore is weaker than expected
  - Request a definition of 'existing basements'
  - Requested the adoption of an outright ban on basements under listed buildings
  - Requested a reduction of the maximum extent of basement within a garden from 50% to 20%
  - Supported the validation requirements in support of a basement application
  - Supported the independent verification of structural method statements where necessary
  - Request for clarification on the assessment of movement required
  - Disagreed with the resistance to converting vaults to create ancillary floor space
  - Questioned whether the blanket ban on underpinning listed buildings is reasonable
  - Request to include further guidance on design for flood risk to prevent combined sewer surcharge
  - Requested for guidance to be more stringent in the assessment of building movement and ground movement
  - Disagreed with the limit of basement extent within gardens based on subservience to host building
  - Disagreed with the need to limit basements to a single storey, and request that this be established on a case-by-case basis
  - Suggested that trees can be re-located to the rear of the site to allow for basement construction

- 3.13 A number of minor amendments were made to the drafting of the SPD in response to the feedback received and are incorporated into the final version attached at Appendix 1, taking into account consultation responses where relevant and appropriate. The majority of changes were points of further clarification, with no significant changes made to the Council's overall approach to this form of development. Executive are asked to consider the comments received during public consultation alongside the proposed amendments to the drafting, and agree to adopt the SPD.

## **4. Implications**

### **Financial implications:**

- 4.1 The cost of producing the SPD and consultation costs will be met through existing budgets within the Planning and Development division.

### **Legal Implications:**

- 4.2 The draft Basement Development SPD has been prepared in line with the relevant planning regulations. The principal statutory policy basis for the SPD is policies DM 2.1A, 2.3B, 3.3B, 3.7, 3.4, 6.3E, 6.5A and B, 6.6, and 7.1A and D of the Council's Development Management Policies DPD.
- 4.3 The draft Basement Development SPD was subject to consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Following consultation and adoption, the SPD will be a material consideration in the determination of all relevant planning applications.

### **Environmental Implications**

- 4.4 The statutory policies on which the SPD is based have been subject to extensive Sustainability Appraisal at each stage of plan preparation. The Basement Development SPD has therefore not been subject to Sustainability Appraisal because it does not introduce new policies; rather it supports implementation of Local Plan policies that have been sufficiently appraised in the SA of the Core Strategy and Development Management Policies DPDs.
- 4.5 A Screening Statement to determine the need for a Strategic Environmental Assessment (SEA) has been prepared, in accordance with the *Environmental Assessment of Plans and Programmes Regulations 2004* and *European Directive 2001/42/EC*. The screening has concluded that an SEA does not need to be prepared as the SPD does not introduce new policies and will not result in any additional significant effects to those already identified through higher level sustainability appraisals of the Local Plan documents adopted by Islington Council. The SPD will provide more detailed guidance to ensure that the potential positive effects identified within the Sustainability Appraisals for Islington's Local Plan documents are realised.

### **Resident Impact Assessment:**


- 4.6 The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.
- 4.7 The initial screening for a Resident Impact Assessment was completed on 1 June 2015 and this did not identify any negative equality impacts for any protected characteristic or any human rights or safeguarding risks. Since this initial screening, the process for undertaking Resident Impact Assessment (RIA) has been updated and therefore a full Resident Impact Assessment has been undertaken on the final version of the SPD and has shown that there are no specific equalities implications relating to the Basement Development SPD.

## 5. Reasons for the recommendations

- 5.1 Once adopted, the SPD will be used by the Council to assess planning applications for basement development. It will be a material consideration in the determination of any planning application that contains basement development. Minor amendments to the SPD have been made in response to feedback received as part of the public consultation process; however, the substantive content of the document has largely been supported and therefore remains the same.
- 5.2 Adoption of the SPD by the Council will provide greater certainty to both the local community and interested parties about the nature of basement development that is likely to be acceptable to the Council as a Local Planning Authority.

**Signed by:**

22 December 2015



Executive Member for Housing and Development      Date

### **Appendices**

1. Basement Development SPD – Final Version
2. Basement Development SPD – Regulation 12(a) Consultation Statement

### **Background papers:**

None

Report Author: Eloise Lobsey  
Tel: 0207 5277894  
Email: Eloise.lobsey@islington.gov.uk