

LAMBETH LOCAL PLAN EXAMINATION OCTOBER/NOVEMBER 2020

Statement of Common Ground between London Borough of Lambeth and London Hotel Group

Matter 8.4 - Basement development

Context

This is a statement of common ground (SCG) between the London Borough of Lambeth ('**LB Lambeth**') and London Hotel Group ('**London Hotel Group**') to support the examination of the Draft Revised Lambeth Local Plan Proposed Submission Version January 2020 (the '**Draft Plan**').

At the examination hearing session on 5 November 2020 in relation to Matter 8.4 Basement development, the Inspector asked LB Lambeth and Barton Wilmore on behalf of London Hotel Group and to consider potential for more flexibility in the wording of draft Policy Q27 in the Draft Plan. This was recorded as Action 30 in the Inspector's list of actions arising from the hearing ([INS06c](#)). This SCG sets out the areas of agreement and disagreement between the two parties on this matter.

LB Lambeth's proposed amendments

LB Lambeth has had regard to the representations submitted on behalf of London Hotel Group and the points expressed by Barton Wilmore during the examination hearing. LB Lambeth's proposed amendments to draft Policy Q27 are set out in red in Appendix 1 of this statement.

London Hotel Group's (LHG) comments

LHG submitted representations in relation to application of draft policy Q27 on planning application for:

1. Residential basement extensions; and
2. Non-residential basement extensions.

LHG's Hearing Statement prepared for Matter 8.4 initially concluded that draft policy Q27 should be adjusted by deleting parts D(i), D(iii) and D(iv). These are regarded by LHG to be an onerous and unjustified 'restrictions' on basement extensions because:

- These merits of basement extensions should be determined through a planning application, on a case-by-case basis and taking into account the level of residual 'impact' the basement extension will have, following mitigation measures, on the matters set out in a parts a), b) and g) of the draft policy; and
- The draft policy appears to unfairly predetermine that every basement extension will having an unacceptable impact (thus requiring onerous restrictions), but this should not be automatically assumed without proper robust assessment; and
- The restrictions proposed in policy Q27 have not been adequately supported by a clear evidence base to justify the need for these onerous restrictions. For example:

- There are no national guidance or regional policies (i.e. London Plan) that require basement extensions to be restricted in adopted policies by way of size (height, depth and width) or site coverage. These matters are considered on a site by site basis; and
- LB Lambeth's Residential Basement Study (April 2016) does not recommend restricting the height, depth and width of basement proposals or site coverage. It only recommends that Basement Impact Assessments (BIA) should be submitted in support of planning applications which will be assessed during the determination of the application (now included as part g) of policy Q27).

LB Lambeth has chosen to ignore LHG's recommendation to delete parts D(i), D(iii) and D(iv) of draft policy Q27.

Areas of agreement

Although LGH is disappointed that LB Lambeth has ignored LHG's recommendations, the insertion of the word "residential" into the opening section of Part d) confirms that these specific onerous restrictions now *only* apply to residential basement extensions, not non-residential (or commercial) basement extensions.

LHG welcomes LB Lambeth's this adjustment and considers this to be an improvement to the flexibility of the draft policy for basement extensions for non-residential properties / businesses. In essence, each planning application for non-residential extension proposals will need to be supported by the relevant technical assessments to assess it against the matters set out in the other parts of the draft policy and any other relevant policy contained within the Development Plan.

This adjustment to the policy would resolve LGH's main concerns in relation to how draft policy Q27 is applied to basement extensions for **non-residential** properties / businesses.

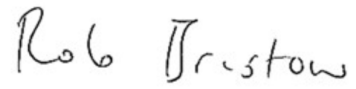
Areas of disagreement

LB Lambeth's adjustments to draft policy Q27 does not resolve LHG's main concerns in relation to how the draft policy is applied to basement extensions proposals for **residential** properties. This policy will remain too onerous and unjustified in applying restrictions on residential basement extensions for the reasons set out above and explained in LGH's Hearing Statement.

LHG's continues to recommend that parts D(i), D(iii) and D(iv) of draft policy Q27 should be deleted.

Signatures

For LB Lambeth



Rob Bristow
Director Planning Transport and Development

Date: 25 November 2020

For London Hotel Group



Meher Nawab
Director
Date: 25 November 2020

Appendix 1

Policy Q27 Basement development

- a) The council will support basement and associated development (light wells, basement area excavation, access ramps etc.) where applicants can demonstrate that no unacceptable impacts will result to:
- i) subterranean ground water flow (ground water);
 - ii) slope stability (land stability);
 - iii) surface flow and flooding (see also Local Plan policy EN5 and Annex 5);
 - iv) the ability of trees and soft landscaping (existing and proposed) to thrive without irrigation;
 - v) cumulative effects of basement development in **the** locality;
 - vi) waste to land fill and carbon emissions; and
 - vii) designated and non-designated heritage assets **(including archaeology)**.
- b) Proposed basement accommodation will generally be expected to:
- i) have external features and details that respond appropriately to the character and materials of the host building and cause no harm to the visual amenity of the wider context;
 - ii) include a positive pumped device (or equivalent) to mitigate against the risk of sewer flooding;
 - iii) fully integrate plant and machinery in order to minimise visual and noise impacts;
 - iv) incorporate sustainable urban drainage measures or any other mitigation measures where required; and
 - v) where possible be naturally ventilated.
- c) Beneath existing residential buildings and in new-build residential schemes basement level accommodation should:

- i) not result in any more than one storey of basement accommodation below ground level;
 - ii) not create basement accommodation beneath existing basements or semi-basements; and
 - iii) meet the necessary standards for habitable accommodation in relation to room size, outlook, daylight and sunlight etc..
- d) Full (as opposed to semi) basement extensions beyond the ground floor footprint of a residential building, and any associated basement level outdoor space and steps, will be supported where the proposal:
- i) is limited to the rear;
 - ii) has a roof treatment level with ground level which allows it to continue to provide amenity space for the host building;
 - iii) the basement footprint does not exceed the existing footprint of the house to the side or at the front; has a basement floor area footprint that does not exceed that of the ground floor footprint of the host building (as originally built); and
 - iv) generally retains no less than 70 per cent of the rear garden area free of basement subterranean development and at its original ground level.
- e) In front and side gardens, basement lightwells /~~basement area excavations~~ (on existing buildings or with new build) should:
- i) only be provided where required ~~to~~ for outlook and daylight for the accommodation they serve;
 - ii) not entail the inappropriate alteration of existing basement areas and enclosures;
 - iii) not result in the excavation or loss of front or side garden space which would harm the integrity of the host building ~~or~~ the character of the locality (especially on heritage assets);
 - iv) minimise the visual impact through good design (in many cases, especially conservation areas, this is likely to mean lightwells with pavement grilles rather than open basement areas enclosed with balustrades); and

- v) ensure existing parking bays are not shortened to below the minimum standard (where this occurs the council will seek the removal of the parking bay);

- f) For major new-build schemes In the case of wholly non-residential buildings, it may be possible to have a non-residential basement greater than one storey in height depth if it can be robustly demonstrated that no unacceptable impacts will result in accordance with part (a) of this policy. In addition, the proposed scale and quantum of development must be appropriate to the site and its context and all other planning policy requirements should be addressed to the satisfaction of the Council.

- g) Applicants for basement proposals ~~will generally be required to~~ should submit a Stage 1 (Screening) Basement Impact Assessment, undertaken by a qualified professional, which captures all issues relevant to the proposal including:
 - i) subterranean ground water flow (ground water);
 - ii) slope stability (land stability);
 - iii) surface flow and flooding (see also Local Plan policy EN5 and Annex 5);
 - iv) cumulative effects of basement development in area;
 - v) waste to land fill and carbon emissions; and
 - vi) designated and non-designated heritage assets.

- h) The council may, upon review of the Stage 1 (Screening) require further, more detailed Basement Impact Assessment (stages 2 – 4). Applicants will be expected to carry the cost of any independent assessment on the council's behalf of this further work.

Supporting text

- 10.155 Basement excavation can affect ground conditions, sustainable urban drainage, biodiversity, heritage assets, local character and garden settings. Excavation in a dense urban environment is more complex than standard residential extensions and if it is poorly constructed, or has not properly considered geology and hydrology, has the potential to cause structural damage to existing and neighbouring properties and infrastructure and irreversibly alter ground conditions.
- 10.156 Basements can also be vulnerable to flooding from a number of different sources such as overflowing sewers or watercourses, groundwater flooding

and surface water flooding. Although unlikely to change the groundwater regime, where basements are located close together their cumulative effect could alter groundwater levels. Limiting the extent and depth of basement development can help reduce both the risks and mitigate any negative environmental and amenity impacts.

- 10.157 Given the complexities it is essential that **screening assessments and full basement impact assessments should be** ~~where required, is~~ carried out by appropriately qualified professionals. The qualification required to prepare a BIA is Chartered Engineer, Member of MICE, C.WEM, CGeol. Structural methodology statements should be prepared and certified by a Chartered Civil Engineer (MICE) or Structural Engineer (MI Struct.E), and geo-hydrologist where appropriate. In the case of listed buildings, the engineer should be CARE accredited. It should be noted that the council does not have in-house expertise in these specialist areas and therefore applicants will be required to pay for the independent assessment of any BIA submissions beyond Stage 1.
- 10.158 In some circumstances where basement accommodation is proposed under gardens and external spaces, where trees will be planted in confined locations, or where particularly large new trees are proposed, soil depths of up to 1.5m (plus drainage layer) may be required. In cases where the removal of trees is permitted, the council will usually require their replacement within the curtilage of the property.
- 10.159 Where natural ventilation cannot be achieved and mechanical ventilation is necessary, systems should include heat recovery.
- 10.160 Extensions to semi-basement accommodation will also be considered against Local Plan policy Q11.
- 10.161 Applicants will be required to demonstrate reasonable consideration has been given to potential impact of construction on the amenity of neighbours.
- 10.162 See also Local Plan policies Q2, Q14, Q20, Q21, Q23 (**which covers Archaeological Priority Areas**), EN5 and Annex 5; and the Design Code SPD.