

Appendix – Main Modifications

The modifications below are expressed either by ~~striketrough~~ for deletions or by underlining in red for additions of text or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission Policy document, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	4	34.3.47	... Whilst roof extensions and rear extensions add visibly to the amount of built development, basements can be built with much less long term visual impact – provided appropriate rules <u>requirements</u> are followed. This policy sets out these rules <u>requirements</u> .
MM13	5	34.3.54	<i>Delete the entire paragraph and its associated footnotes.</i>
MM5	6	34.3.57	On larger sites, basements of more than one storey and greater than half the garden or open part of the site may be permitted in certain circumstances. These will generally be new developments located in a commercial setting or of the size of an entire or substantial part of an urban block ¹¹ . and <u>They should</u> be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site larger sites can <u>and</u> offer more opportunity to mitigate construction impacts and carbon emissions on site.
MM6	6	34.3.58	Where a basement has already been implemented following the grant of planning permission or through the exercise of permitted development rights, the policy does not allow further basement floors or basement extensions that would exceed 50% of the garden or open part of the site. <u>This provision would not apply to a basement which forms part of the original property or to a later addition which were constructed prior to 1st July 1948¹.</u> This is to ensure consistency <u>and fairness</u> of approach. <u>¹ The Town and Country Planning Act 1947 came into</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>effect on 1st July 1948.</u>
MM14	6	34.3.59 footnote 12	¹² Works to trees should be carried out in accordance with BS 5837 2012 (with the exception that tunnelling underneath the root protection area should not be undertaken) and the Council's Trees and Development SPD.
MM9	7	34.3.66	... Where external visible elements are allowed they need to be located near the building, and sensitively designed <u>and sited</u> , reflecting <u>respecting</u> the existing character and appearance of the building, streetscape and gardens in the vicinity.
MM12	8	34.3.67	A minimum of one metre of suitably drained permeable soil above any part of ... Other <u>SUuDsS</u> measures may also be required.
MM13	8	34.3.68	<i>Delete the entire paragraph and its associated footnotes.</i>
MM17	8	34.3.70	Basement development can affect the structure of existing buildings. <u>Guidance on this will be set out in a forthcoming Basements SPD (see paragraph 34.3.XX).</u> The applicant must thoroughly investigate the ground and hydrological conditions of the site and demonstrate how the excavation, demolition, and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural stability ²² . The structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues. ²² The details of what is required will be set out in the Basements Supplementary Planning Document.
MM18	9	After 34.3.72	<i>Insert the following new paragraph:</i> <u>A Basements SPD will be adopted which will provide guidance for the information that will need to be submitted with basement applications, including the following:</u> <ul style="list-style-type: none"> • <u>Accompanying (but not part of) a planning application, a</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>construction method statement (CMS) will need to be submitted by an appropriately qualified civil or structural engineer, which will contain a report into the ground and hydrological conditions of the site including groundwater flow and explain how these matters will be dealt with during the construction of the site. The CMS will also demonstrate how the excavation, demolition and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural stability. The structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues.</u></p> <ul style="list-style-type: none"> • <u>Ways to minimise disturbance will also be included in the CMS. Detailed matters will include the drilling of boreholes; impact on trees; the sequence of temporary works to minimise the effect on neighbours; water flow; the consideration of related cumulative impacts; the link between a basement and the host property and the need for professional verification of certain works. Guidance relating to safeguarding amenity, that is noise, vibration and dust from construction works will also be included.</u> • <u>A draft construction traffic management plan (CTMP) will be required to be submitted with the application and where planning permission is granted the Council will attach a condition requiring a full CTMP. The CTMP will address issues relating to highway safety, the free flow of traffic, noise associated with/from construction vehicles and the availability of parking. Detailed matters will include vehicle stationing, manoeuvring and routeing, parking suspensions and issues in relation to residential and workplace disturbance, arising from vehicle stationing, loading and unloading and movement. The CTMP should take into account and allow for other active or permitted construction works nearby (including those of utility companies).</u>
MM3	9	After 34.3.72	<p><i>Insert the following new paragraph:</i></p> <p><u>The Council will monitor the policy to assess its effectiveness and will review it as a whole within five</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>years of its adoption.</u>
MM2	10	CL7 (beginning)	The Council will require all basements to be designed, constructed and completed to the highest standard and quality. To achieve this basement development should:- <u>The Council will require all basement development to:</u>
MM8	10	CL7 e.	not cause <u>comply with the tests in national policy as they relate to the assessment of</u> harm to the significance of heritage assets;
MM7	10	CL7 f.	not involve excavation underneath a listed building (including its pavement vaults.);
MM8	10	CL7 g.	<i>Delete the entire criterion CL7 g.</i>
MM9	10	CL7 h.	not introduce light wells and railings to the front or side of the property unless they are already <u>where they would seriously harm the character and appearance of the locality, particularly where they are not</u> an established and positive feature of the local streetscape;
MM10	10	CL7 i.	maintain and take opportunities to improve the character or appearance of the building, garden or wider area, with external elements such as light wells, roof lights, plant and means of escape being sensitively designed and discreetly sited; <u>in the case of light wells and roof lights, also limit the impact of light pollution;</u>
MM11	10	CL7 j.	<i>New criterion CL7 j. i.</i> include a sustainable urban drainage scheme <u>system (S<u>U</u>d<u>S</u>)</u> , <u>to be retained thereafter;</u>
MM12			<i>New criterion CL7 j. ii.</i> <u>include</u> including a minimum of one metre of permeable soil above any part of the basement beneath a garden;:- Where the character of the gardens in the locality is small paved courtyards SuDS may be provided in other ways

Ref	Page	Policy/ Paragraph	Main Modification
MM13	10	CL7 k.	<i>Delete the entire criterion CL7 k.</i>
MM15	11	CL7 l.	ensure that traffic and construction activity does not <u>cause unacceptable</u> harm <u>to</u> pedestrian, cycle, vehicular and road safety; <u>adversely</u> affect bus or other transport operations (e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby;
MM16	11	CL7 n.	be designed to safeguard the structural stability of the <u>existing</u> application building, nearby buildings and other infrastructure including London Underground tunnels and the highway;
MM4		BAS10	<i>Planning Policy Monitoring Indications:</i> <i>Delete entirely the 'CL7 Basements: Monitoring Indicators' section in BAS10 and substitute the wording below and overleaf.</i>

Policy CL7 Basements: Monitoring Indicators (part of BAS10)

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
<p>All permissions to be granted within the limits on extent set out in the policy</p>	<p>Number of permissions for basement proposals, including a break down by size and type.</p> <p>Number of relevant applications granted over a two year period which do not comply with the limits set out in the policy.</p> <p>Appeals upheld on grounds of extent specified in the policy.</p> <p>Number of enforcement notices served</p>	<p>Annually</p>	<p>Through planning data on Acolaid/ Crystal Reports</p> <p>Appeal analysis.</p> <p>Acolaid enforcement monitoring system.</p>	<p>Department of Planning and Borough Development</p>	<p>CL7 (a), CL7 (b) and CL7(c)</p>	<p>More than 50% of relevant appeals allowed and/or enforcement notices quashed over a two year period where the extent of the basement as considered to be a principal issue this was not supported by the inspector.</p> <p>More than 25% of relevant applications granted over a two year period which do not comply with the limits set out in</p>

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
	relating to basement development being built not in accordance with the approved drawings.					the policy.
Basements should not cause loss, damage or long term threat to trees of townscape or amenity value.	Number of permissions for basement proposals which include the loss of damage of a tree of townscape or amenity value. Number of enforcement investigations relating to damage to trees during construction phase of development. Damage to trees of townscape and amenity	Annually	Aerial photos of before and after for basement permissions. Acolaid enforcement monitoring system. Through planning data on Acolaid/ Crystal Reports Appeal analysis.	Department of Planning and Borough Development	CL7 (d)	More than 50% of relevant appeals allowed and/or enforcement notices quashed over a two year period where the impact on trees as considered by the Council to be a principal issue but where this was not supported by the inspector. More than 25% of relevant applications granted over a two year period

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
	value post construction. Number of enforcement notices served, and where challenged, quashed.					which do not comply with the limits set out in the policy
In assessing harm to a heritage asset, the Council will apply the tests in national policy	Proportion of appeals upheld on grounds of impact the heritage asset. Proportion of appeals upheld in relation to impact on the heritage asset. Number of enforcement investigations relating to damage fabric of listed building during construction	Annually	Through planning data on Acolaid/ Crystal Reports Acolaid enforcement monitoring system	Department of Planning and Borough Development	CL7 (e), CL7(f)	More than 50% of relevant appeals allowed and/or enforcement notices quashed over a two year period where the impact upon a heritage asset as considered by the council to be a principal issue but where the council's view on this matter was not supported by the inspector.

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
	phase of development. Number of enforcement notices served, and where challenged, quashed.					
Improve the character or appearance of the building, garden or wider area with sensitively designed and discreetly sites external manifestations such as light wells.	Proportion of appeals upheld where the reason for refusal related to external manifestations of basements.	Annually	Through planning data on Acolaid/ Crystal Reports	Department of Planning and Borough Development	CL7 (h) and CL7(i)	More than 50% of relevant appeals allowed and/or enforcement notices quashed over a two year period where the Council considered impact upon character and appearance to be a principal issue by where this was not supported by the inspector.

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
Ensure that the basement does not increase the volume and flow of surface water run-off through appropriate use of SuDS	<p>Proportion of applications which include an element of basement development which have an effective SuDS.</p> <p>Proportion of appeals upheld in relation to the provision of SuDS.</p>	Annually	Through planning data on Acolaid/ Crystal Reports	Department of Planning and Borough Development	CL7 (j)	<p>More than 50% of relevant appeals allowed and/or enforcement notices quashed over a two year period where the Council consider the provision of SuDS to be principal issue but where this was not supported by the inspector.</p> <p>More than 25% of relevant applications have not demonstrated the provision of an effective SuDS.</p>

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
Require provision of 1 metre of top soil	<p>Proportion of applications which include an element of basement development which have included the provision of 1 metre of topsoil.</p> <p>Proportion of appeals upheld in relation to the provision of 1m of soil.</p>	Annually	Through planning data on Acolaid/ Crystal Reports	Department of Planning and Borough Development	New criteria j(ii)	<p>More than 50% of relevant appeals allowed and/or enforcement notices quashed over a two year period where the Council considered the provision of a metre of topsoil to be a principal issue but where this was not supported by the inspector.</p> <p>More than 25% of relevant applications granted over a two year period which do not provide a metre of topsoil above the top of the basement beneath the</p>

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
						garden.
Ensure that existing buildings to which the basement relates is adapted to a high level of performance in respect of energy waste and water.	<p>Proportion of appeals upheld where the reason of refusal included lack to adaptation of the existing building to the appropriate standards in respect of energy waste and water.</p> <p>Number of enforcement notices served, and where challenged, quashed.</p>	Annually	Through planning data on Acolaid/ Crystal Reports	Department of Planning and Borough Development	CL7 (k)	<p>More than 50% of relevant appeals allowed and/or enforcement notices quashed over a two year period where the adaption of buildings to a high level of environmental performance was considered by the Council to be a principal issue but where this was not supported by the inspector.</p> <p>More than 25% of relevant applications granted over a two year period which do</p>

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
						ensure that existing buildings to which the basement relates is adapted to a high level of performance in respect of energy waste and water.
Ensure that construction impacts are appropriately mitigated.	Enforcement cases relating to Construction Traffic Management Plans. Number of enforcement notices served, and where challenged, quashed. Complaints made to Environmental Health with regard noise and	Annually	Through enforcement data on Acolaid/ Crystal Reports. Environmental Health noise complaints.	The Council – Department of Planning and Borough Development and Environmental Health	CL7(l) and CL7(m)	More than 50% of enforcement notices quashed over a two year period where the construction impacts were included by the Council as a key reason for the notice, but where this aspect was not supported by the inspector.

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
	vibration. Number of s60 notices served. Percentage of appropriate large developments where the developer has entered into a voluntary s61 agreement with the Council in order to mitigate the potential impact.					
Ensure that basements are designed to minimise damage to and safeguard the structural stability of the application building, nearby buildings and other infrastructure including London underground tunnels	Properties with newly created basements under imminent danger of collapse under the London Building Act.	Annually	Through Building Control Acolaid data	The Council – Department of Planning and Borough Development and Building Control	CL7 (n)	The Council will review the effectiveness of the policy when any building is shown to be in imminent danger of collapse.

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
and the highway.						
Ensure that basements are protected from sewer flooding.	<p>Proportion of applications which include an element of basement development which have included the provision of a suitable pumped device.</p> <p>Number of sewer flooding incidents reported to Thames Water.</p> <p>Proportion of appeals upheld where ground of appeal includes absence of provision of the suitable pumped devices.</p>	Annually	Reported by Thames Water	The Council – Department of Planning and Borough Development (Flooding Officer)	CL7 (o)	<p>More than 50% of relevant appeals allowed and/or enforcement notices quashed over a two year period where the protection of sewer flooding was considered by the Council to be a principal issue but where this was not supported by the inspector.</p> <p>More than 25% of relevant applications granted over a two year period which do not include the provision of a suitable pumped device.</p>

Target	Monitoring Indicator	When	Measured How	Measured by Whom	Relates to Policy Criteria	Trigger for review
	Number of basements built within the Borough under permitted development rights.	Annually	Through planning data on Acolaid/ Crystal Reports	Department of Planning and Borough Development	Baseline number applications in 2013.	The Council will review the effectiveness of the policy if there is a doubling in the number of basements built under permitted development when compared to the 12 months before the adoption of CL7.

In addition the Council will undertake a full review of the whole policy within five years of the adoption of the policy, in order to allow full detailed and transparent examination of its effectiveness.