Basements Working Group Meeting

Meeting Minutes
15th January 2015

Opening
The meeting of the Basements Working Group Meeting took place from 1pm – 3pm on Thursday 15th January 2015 in the Freeman Suite (Croft Room) Kensington Town Hall.

Present

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
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<tr>
<td>Michael Bach</td>
<td>Kensington Society and VRARA</td>
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<tr>
<td>Sophia Lambert</td>
<td>Ladbroke Association</td>
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<tr>
<td>Clive Wilson</td>
<td>Norland Conservation Society</td>
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<td>Marina Murray</td>
<td>Markham Square Residents Association</td>
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<td>Kevin O'Connor</td>
<td>Cranbrook Basements</td>
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<tr>
<td>Simon Haslam</td>
<td>Basement Force</td>
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<td>Stephen Merritt</td>
<td>London Basement Company</td>
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<td>Nick de Lotbiniere</td>
<td>Savills</td>
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<td>Terence Bendixson</td>
<td>Chelsea Society</td>
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<td>Antony Walker</td>
<td>ESSA</td>
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<tr>
<td>Iain McKay (Onslow)</td>
<td>Onslow Neighbourhood Association</td>
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<td>Verity Soper (Thurloe)</td>
<td>Thurloe Residents Association</td>
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<td>Friederike Maeda (ACGRA)</td>
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<td>Bob Mabon (Brompton Association)</td>
<td>Brompton Association</td>
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<td>Jonathan Bore</td>
<td>PBD</td>
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<td>Preeti Gulati</td>
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<td>Jon Wade</td>
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<td>Erin Lawn</td>
<td>PBD</td>
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<td>Jim Gardiner</td>
<td>Alan Baxter and Associates</td>
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<td>James McCool</td>
<td>Transport and Highways</td>
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<td>Tim Davis</td>
<td>EH</td>
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<td>Richard Buckley</td>
<td>EH</td>
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<td>Julian Trill</td>
<td>EH</td>
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1. Introduction

- JB> Opened the meeting.
- MB> Has the policy been challenged?
- JB> Period of challenge starts from adoption, the policy has not been adopted yet. We are aware of one potential challenge but it is not from the basement industry.

2. Large Sites

- JB> Clarify exception where development could go more than one storey. Our view is the best way would be if the SPD provided examples of large sites. It could be through diagrams or real examples.
- JW> We have had examples where large sites have been considered. We need to find suitable examples from these.
- JB> Examples - Dukes Lodge did not meet large sites; Odeon Cinema is a large site.
- MB> the actual size in hectares is most important for large sites. So 0.15 Hectare – i.e. Odeon, and 0.2 Ha Duke’s Lodge too small to be large sites?
- JB> Site size is a factor but we cannot be too prescriptive. There are a range of other factors that should be considered such as site characteristics. Defining by site size would be too rigid and could lead to inappropriate sites.
- NdL> specifying a site area can introduce a degree of artificiality.
- SH> reference in Reasoned Justification to Carbon Emissions is a left over and should this should be taken out.
- PG> Carbon is not a left over but could be a factor to consider for large sites. The Council has other policies – such as Policy CE1 which specifies the standard for sites over a certain threshold.
- SH> It would be better to use real examples rather than try and present these diagrammatically or diagrams could be included in the main body of the text with examples in an appendix.
- RR> Each individual application is looked at separately despite the fact that Westminster and Camden are considering the cumulative impact with regard to flooding. There has been extensive flooding and there are 23 basements in my street. Cumulatively these would form a large site.
- JB> explained that if we used the cumulative argument in relation to large sites it would have the opposite effect to what is desired.
• **Action point – The Council will aim to provide clarification by way of examples in the SPD.**

3. **CTMP**

• **JMc>** Introduced the new proforma questions, and pointed out that this has been available on-line.
• **SL>** acknowledged that this new proforma is so much better than what was there before.
• **JMc>** JMc explained that the proforma made it clear that 3m of the highway should be kept clear at all times. If this is not possible then scenarios where construction traffic effectively blocked the road should be minimised. The proforma states that construction traffic would be restricted between 9.30am-3pm whilst work is being undertaken. This would allow people to access their properties.
• **SH>** It would save a lot of time if it was possible to get informal advice from Highways in a similar way to Planning.
• **JMc>** explained resource constraints. JB pointed out that it was possible to talk directly to officers and the new proforma should help as it has a lot more clarity.
• **MB>** is the proforma open for comment? It can be improved; it should try and ensure that there is as little as possible on street and it should specify the size of vehicles for narrow streets.
• **SL>** It is good to encourage consultation but often it is not clear to the developer who to consult and not everyone has a good residents association. S106 funding should be used for an officer to coordinate between different sites in close proximity.
• **MB>** added that the Council can do better in mapping the areas covered by residents’ associations so it is clear who to contact.
• **JB/JMc>** The proforma does indicate that in narrow streets smaller vehicles will work as the footway and highway needs to be kept clear. Also what may work for transport may not work in planning terms.
• **KOC>** The fact is that neighbours simply don’t want development to go ahead. If the scheme is too disruptive, does it mean that even on a single storey basement the scheme could be refused? A general observation is that there are a significant volume of applications and the planning department also does not engage with applicants and without prior discussion you could potentially get a refusal.
• **EL/JB** explained that they should use the Council’s pre-app advice service more - so that discussions can take place and any such issues can be identified early on in the process.

• **MB** gave examples of narrow streets – Kensington Gate, Markham Square, Holland Street. It is a question of tailoring the scheme to the street.

• **NdL** It would be useful if the Council could clarify what is meant by neighbours. Is it not just next door but further and if so how should this be defined?

• **JW** explained that we are moving from s106 to CIL from 6 April 2015. In due course will consult on Neighbourhood CIL to establish what that money could be used for such as the co-coordinating officer for basements. However, a reasonable amount would need to be accrued before it could be spent.

• **SL** raised whether a monitoring fee could be used for this.

• **JW** explained the limitations and reverted to funding from the Community CIL as a consideration.

• **Action Points**
  o Proforma will be available as an appendix to SPD so possible to comment on this.
  o SPD/Proforma to clarify who to consult.
  o Size of vehicles and narrow roads issues- to consider if this is sufficiently clear in the proforma.
  o Funding from Community CIL? – this is longer term consideration.

4. **Comfort Break**

5. **CMS**

• **PGT** explained that the section on the CMS could include guidance with regard to three main headings – Desk-top Study, Site Investigation and the content of the CMS itself. This would be based on the recommendations in the Baxter’s report.

• **JG** Provided a summary of the recommendations.

• **SH** Who decides whether the CMS is correct? Planners don’t have the expertise so you have to accept the self-certification and not prescribe what should go in a CMS. You cannot prescribe as to cover the topic
would take thousands of pages and if you cannot cover it in detail it doesn’t make sense to do both set out requirements and ask an engineer to sign it.

- **SL**> self-certification may be the best option but the Council should also have the fall-back position to have a reserve power to get independent advice from an engineer. Camden use this.
- **RR**> Camden make applicants pay for verification. Residents got advice for Lansdowne Road from Imperial College.
- **AW**> supported the idea of independent verification.
- **FM**> This could be similar to Party Wall, so a neighbour can select their engineer but this would be paid for by the applicant.
- **MB**> there should be a checklist of contents, supports using the reserve powers to get an independent opinion, what happens if the method changes from what is specified in the CMS?
- **JG**> Self-certification is the primary way forward. That should be the general approach with the Council having the option to seek an independent opinion.
- **SH**> Camden Council’s Basement Impact Assessment (BIA) works well as it specifies high risk areas where there are more onerous requirements.
- **JW**> explained that the Royal Borough was very different from Camden. The Royal Borough is small compared to Camden and may not have the same complexity in terms of topography and geology.
- **JG**> Agreed that the initial scoping exercise required by Camden was good but perhaps using a consultant geologist in each case was not such a good idea. It simply adds an extra cost.
- **SH**> Camden only use a consultant geologist in a high risk area.
- **RR**> Arup’s Scoping Report identified Notting Hill as a high risk complicated area, so this should be highlighted.
- **JB**> Concerned about focusing on high risk areas when in a small mews (even in a low risk area) there could be very concerning problems for neighbours. We do not want to promote a light touch approach in any area.
- **MB**> Perhaps there should be a risk assessment matrix. Certain thresholds/risks could trigger an action.
- **Action Points** – Review Camden’s Basement Impact assessment (BIA) and consider if a similar approach could be used by the Council.

6. **Noise, Vibration and Dust Requirements**
• **RB>** explained that Environmental Health are looking at producing a Code of Construction Practice for all developments. This document would specify the Borough’s working hours with no noisy working on weekends.

• **TB>** in relation to noise, some sites have quieter generators which makes a difference. Is there scope at the planning stage to ensure that the best equipment is being used?

• **RB>** EH do specify that best practicable means are used in construction. This is specified in building regulations.

• **PGT>** SPD needs to provide clear guidance on how applicants can demonstrate that ‘noise, vibration and dust’ will be kept to acceptable levels.

• **NdL>** Yes, this is an issue at present as there is no guidance for what clients need to submit to comply with the policy.

• **SP>** **Action Points – Officers to work together to clarify guidance on this aspect.**

7. **Flooding**

• **JB>** Need to consider flooding from different sources.

• Not anticipating more detail on this in addition to what is already published in the existing SPD and policy.

8. **Final Thoughts**

• **JW>** explained that a draft SPD will be consulted on for 6 weeks starting in mid-February. There may be a cut-off for consultations before the purdah period.

• **MB>** asked for a separate meeting on the Code of Construction Practice.

• **JB>** Thanked everyone.

**Next Meeting**
MB raised if there would be another meeting on the SPD. JW said it would be possible to meet again once the document is out for consultation.