

London Borough of Merton



# Statement of Consultation

Design Supplementary Planning Document: Chapter 9 Basement and subterranean development  
March 2017

# 1 Introduction

- 1.1 This document sets out how the London Borough of Merton complied with the consultation requirements of Merton's Statement of Community Involvement (SCI) (2006) and the Regulations (The Town and Country Planning (Local Developments) (England) (Amended) Regulations 2012) by engaging, involving and consulting with local residents, local community groups/organisations, business, ethnic minority groups/organisations and local environmental groups/organisation.
- 1.2 Regulation 22 of the Town and Country Planning (Local Development) England) (Amended) Regulation 2012 requires local authorities to prepare a Statement of Consultation setting out:
- i. Which bodies and persons the local planning authority were invited to make representations under Regulation
  - ii. How those bodies and person were invited to make representations under either of those regulations
  - iii. a summary of the main issues raised by the representations made
  - iv. pursuant to either of those regulation, and
  - v. how any representation made pursuant to either of those regulations have been taken into account

# 2 Merton's Statement of Consultation (SCI)

- 2.1 Merton's SCI was adopted in 2006 and describes how the community can be involved in the preparation of planning development documents. The SCI is part of Merton's <sup>1</sup>Local Plan and sets out the council's commitment to community involvement in planning. It explains how Merton's local community, residents groups/association/organisations, stakeholders, and other interested parties can be involved in developing planning documents, by informing the council what they think of a plan/strategy, provide additional information and suggest changes to the a plan/strategy.
- 2.2 Some of the engagement tools set out in the SCI has changed since its adoption in 2006. For example the council now has a Facebook and Twitter pages which is used as an additional method of alerting communities to new press releases on a range of topics including council's consultations.
- 2.3 Furthermore the council no longer has a dedicated community engagement officer for planning matters. However in spite of not having a dedicated officer, all officers are now involved in plan making process actively take part in and conduct outreach engagements

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<sup>1</sup> The Local Plan is a plan for the future development of the local area, drawn up by the Local Planning Authority. It guides decisions on whether or not planning applications can be granted. In law it is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004

events with the local community and other interested parties. These changes are not considered to be significant changes to the principles of Merton's SCI.

2.4 This statement reports on:

- The engagement methods used during the Basement and subterranean guidance 1<sup>st</sup> December 2016 and 27<sup>th</sup> January 2017 (this includes a 1 week extension)
- The feedback received
- The council's response following this feedback.

### 3 How we got here

3.1 Applications for basement and subterranean developments (hereby referred to as basement development) have in the past, been a trend associated with inner London boroughs. However as with other outer London boroughs, Merton has seen this trend increase over the last five years due to a significant increase in land and property prices in the capital, often making it cheaper to extend downwards than to move house.

3.2 Whilst basement developments can help to make efficient use of the borough's limited developable land, in some cases they may have the potential to cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems or damage the character of areas and the natural environment.

3.4 In response the council has produced a basement and subterranean development SPD to give further guidance on Merton Local Plan policies relating to basement development in the borough in particular DM D2 Design consideration in all developments part (b) in regard to basement development(s) –*(the full policy can be found in Merton's Local Plan document: Sites and Policies Plan)*. The planning guidance seeks to ensure that basement developments in Merton are safe and do not cause harm to the built and natural environment and local amenity, including the water environment, ground conditions, land stability and biodiversity.

### 4 How we consulted – consultation methods

4.1 During the consultation the council used different methods of public engagement to maximise public involvement and raise public awareness of the consultation. A survey was conducted using Survey Monkey, the reason being it is a user friendly, recognisable and trusted. As well as Survey Monkey other consultation methods used for the consultation were:

- Paper copies of the planning guidance and its supporting documents were made available at Merton's reference libraries
- Posters displayed at Merton's at libraries

- Dedicated webpage with copies of the guidance and supporting documents
- Consultation details tweeted on Merton's Twitter account and information on the council's Facebook page by Merton's Communication team
- Consultation information was placed on the council's website home page
- Formal written consultation letters and emails sent to local residents, businesses, residential groups/organisations, environmental stake holders e.g. Environment Agency and other interested parties
- Reminder emails and letters- informing local community that there was still time to take part in the consultation

## 5 Consultation responses

5.1 The following section gives a summary of the response received. All individual responses can be found on the council's website via [www.merton.gov.uk/basementspd](http://www.merton.gov.uk/basementspd) A total of 17 responses were received of which 12 were received via our online survey.

## 6 How the council considered the submitted responses

6.1 The council consider all responses received. In considering and deciding whether to take aboard comments and make changes the council had to consider the following:

- Is the proposed change in accordance with planning policy and guidance?
- Would the proposed change exceed Merton's Local Plan policies?
- Is the comment in the context of the SPD and not related to other matters outside or not within the scope of the SPD for example submitted planning applications?

6.2 All comments received were assessed against the above and the appropriate changes to the SPD were made accordingly.

## Part A: *Summary of received comments*

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## Q1. Please provide us with any comments on Sections 1-10

Section 1 – 10 explained the purpose of the guidance and highlighted the existing planning policies (national, regional and local) and planning process. Below is a summary of comments made.

*A good sense approach with practical advice- Much of this could be applied to all SPDs.*

*When are you doing "alterations and extensions"*

*Pleased to see "amenity" referred to in the singular and not "amenities"*

*Also encouraging that "Surrey" does not appear in various addresses*

*Why don't you similarly insist that all planning applications must be submitted by a registered architect?*

*Section 10 for Neighbours: written as if they are advice to the applicant not the neighbours.*

*From experience with basement construction in our neighbourhood on existing houses, I would actually say that they are anti-social to neighbours*

*It should be mandatory to consult neighbours.*

*I don't think they should be allowed, at all*

*Supported*

*Basements should not be allowed under permitted development because of the potential issues they bring for surrounding properties and wider area*

## Q2. Please provide us with any comments you may have on the Neighbourhood Amenity section.

*Neighbourhood Amenity protecting amenity is commendable, but how would you do this? What is the measure? How would you condition and enforce? How would the development proposal demonstrate this?*

*The initial paragraph- Are directly relevant to immediate neighbours and it should be made quite clear that these notes should be read by affected neighbours.*

*"Reasonable levels" is very subjective and too open to interpretation.*

*Supported*

*Basements are anti social, have huge impact on neighbours and should not be permitted*

## Q3. Please provide us with any comments you may have on the Size of Basement and Subterranean Development section.

*Permitted development is probably the most appropriate.*

*Basements should only be the size of the main dwelling, not extend way beyond a rear or side walls*

*Strongly believe that basements under terraced houses over the original footprint should not be allowed due to the effects on the adjacent buildings*

*Too much is still unknown about how this affects the land - dangerous in the long term*

*Supported*

*If property already has been extended upwards then there should not be allowed to go downwards*

Q4. Please provide us with any comments you may have on the “Demolish and Construction” and “Managing the impacts of construction” section.

*Some of the worst problems affecting amenity are experienced during the demolition and construction phase of a development but these are not planning matters.*

*It is all very well having statements on impact of construction because when these large basements are constructed on old houses the council cannot truly understand how it impacts on neighbours.*

*There is nothing about neighbours having the opportunity to have a complaint dealt with. "Full care and consideration should be given ..." has no power, so is effectively useless*

*Supported*

*Neighbours should be contacted in all cases as to hours of permitted work*

Q5. Please provide us with any comments you may have on the “Excavation and land stability section”.

*Any planning application involving foundations will require Building Control approval. Will the Council require a Structural Methodology Statement for all these too? If not, why not? Who will assess this?*

*When excavating for a basement there is always the possibility of ground movement, therefore I do not think basements in terraced houses should be allowed.*

*"Therefore the engineer should form part of the initial design team" - should is far too weak a word. "Must" is the word needed here*

*Supported*



*Basements can cause subsidence and damage to the houses next door. They should not be allowed.*

**Q6. Please provide us with any comments you may have on the “Noise & vibration” and “dust” sections.**

*Not enough attention is paid to the impact on local residents.  
Heavy Lorries removing earth - all day long for months*

*Supported*

*One cannot possibly prevent huge plumes of dust and other damage to neighbours.*

**Q7 Please provide us with any comments you may have on the “Construction Management Plan” section.**

*Supported*

**Q8. Please provide any comments you may have on the “Heritage Assets, Conservation Areas and Listed Buildings” sections.**

*Supported - but Listed Buildings should include Locally Listed Buildings as previously they would have been Grade III Listed.*

*Completely inappropriate to allow basements to be built in a Conservation area*

*No basement developments in these areas or buildings.*

Q9. Please provide us with any comments you may have on the “Structural Issues and Construction Methodology and Management” section.

*11.46 and 11.84 Merton should insist more than 1 set of soil tests are taken,*

*When considering basements against an adjacent property one of the main effects will be on the structural integrity of the party wall & its foundation, especially true for older buildings.*

*Supported*

Q10. Please provide us with any comments you may have on the “Gardens, trees and landscaping” sections.

*Trees must be preserved at all costs.*

*"The developer is required to submit a Tree Survey ", but there does not seem to be any indication that there is any follow up to this*

*Supported*

*Trees, shrubs and front gardens have to be destroyed to allow access which hugely increases the problem of overflowing water in drains etc.*

*No trees (existing or in future) in the immediate vicinity of basement developments as roots may affect the structural integrity of the property.*

Q11. Please provide us with any comments you may have on the “Basement walls, new windows and new doors” and “lightwells” sections.

Any extension to do with these developments on the outside of the property must go through proper planning.

Supported

Q12. Please provide us with any comments you may have on the “Flood risk management” section.

*Supported but maximum emphasis must be placed on local conditions which can vary with metres of each other in the former Wandle Flood Plain.*

*Gardens are destroyed which not only impacts on the area but also increases the problems of flooding and drainage.  
Mandatory flood defence to property to prevent flooding as flash flood's and burst water mains will flood basements*

Q13. Please provide us with any comments you may have on the “Surface Water” section.

*Noted that more surface water in roads since basement developments.*

*Surface water is a huge problem when a basement is converted and the drains etc cannot cope with the volume of water*

*Gardens should not be paved over in these properties this should be taken into consideration when considering plans.*

Q14. Please provide us with any comments you may have on the “Sustainable Drainage Systems” (SuDS).

*Supported but needs to be enforced*

*The drainage system cannot cope with the overload of water*

*Drainage must be not be at expense of neighbouring properties*

Q15. Please provide us with any comments you may have on the “Sewer and ground water flooding” section.

*The drainage system cannot cope with the overload of water*

*No basement developments near drains (of which have man holes) which are in residential properties*

Q16. Please provide us with any comments you may have on Appendix B and C.

*Supported*

Q17. Please provide us with any other comments you may have on the Basement and Subterranean SPD.

*Merton. Be tougher on applicants.*

*Supported - needs early implementation.*

## Part B: *Received responses and the council's response*

Q1: Please provide us with any comments on Sections 1-10 *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Sections 1-10	Merton Council response
BSPD 1	Tectonics Environmental Design	<p>a good sense approach with practical advice. much of this could be applied to all SPDs. when are you doing "alterations and extensions"? pleased to see "amenity" referred to in the singular and not "amenities" as some DC personnel mistakenly apply. Also encouraging that "Surrey" does not appear in various addresses. The 50th anniversary of LB Merton seems to have sunk in. you place a lot of emphasis here on pre-application expertise and submission of method statements by engineers. why don't you similarly insist that all planning applications must be submitted by a registered architect? You know it makes sense.</p>	<p>The council cannot insist that all applications are submitted by an architect</p>
BSPD 2		<p>Section 10 for Neighbours. 10.12, 10.13 and 10.14 are written as if they are advice to the applicant not the neighbours. A neighbour would naturally look for advice and section 10 should therefore be highlighted at the beginning of the guidance as being specifically for neighbours but pointing out that all of the guidance should be read by neighbours. And that section 10 should be read by the applicant. It may be helpful also to remind the neighbour that they may wish to employ professional guidance, at the applicants expense), to protect their interests.</p>	<p>The SPD provides guidance on the planning policies, namely the Sites and Policies Plan DM D2 <i>Design considerations in all developments</i> part (b) <i>Basement and subterranean development</i>, planning guidance and regulations that apply in reference to basement development in Merton.</p>

BSPD 3		From experience with basement construction in our neighbourhood on existing houses, I would actually say that they are anti-social to neighbours with regard to underground streams, noise, party wall problems, mess in the roads and length of time taken to construct.	Comment noted.
BSPD 4	Ridgway Place Residents	9.6 It should be mandatory to consult neighbours. LB Camden insist on this, Merton do not therefore developers do not bother (example 28-30 Ridgway Place , 21-23 Ridgway Place and & 7 Ridgway Place. The onus should be on the applicant to come forward, not on neighbours being vigilant. Be stronger on residents behalf please!	Comment noted.  The council encourages (but cannot insist) applicants to engage with the community and stakeholders before submitting a planning application. The extent of consultation should be proportionate to the nature and scale of development proposed.
BSPD 6		Gardens in Merton park, regularly get flooded. Surely, this makes the area unsuitable for basement development.	Comment noted.  Proposals must comply with Planning policy including the London Plan 5.13 and The Mayor's design and construction SPG. Runoff from the development must not be increased and where possible, will be reduced through the use of SuDS and flood risk mitigation measures are recommended.
BSPD 8	John Innes Society	Supported	The council welcomes the support
BSPD 10		I don't think they should be allowed, at all	Comment noted

BSPD 11	Historic England /GLAA	If the application site is within a defined area of high archaeological potential (post-review and adoption), the submission of an archaeological assessment would be anticipated.	The comments have been incorporated within the SPD
BPSD 13	Wimbledon Society	(i) In section 3.4 (entitled DMD2 Design Considerations) item (c), would Merton Council consider inserting “....a hydrology report, which will include an assessment of...” after the words ‘The Council will require...’ (ii) In section 5.3 it is felt that clarification is required as to the definition of ‘single houses’. Does this definition include a house in the middle of a terrace?	The consultation was on the basement planning guidance not on adopted Local Plan policies. These changes therefore cannot be made at this time but will be considered as part of reviewing the council's Local Plan.
BSPD 14		Merton Environmental Health department useless at complaints dust from neighbours extension deliberately being brushed off into our property and getting in our eyes and on washing and thus being unable to enjoy and use our own property. When I complained no acknowledge mention was even made of complaint when it had already been complained about on previous occasion plus that of noisy work for 12 hours and on Sundays. So how will it be any different for people who do basements? No consideration of affect on neighbours extensions on neighbouring properties in permitted developments including light, overbearing, overlooking, noise, utilities such as drains, duration of works, scaffolding (putting it up beyond their property, dropping items such as nails, planks of wood, bags etc off into neighbouring property, no dust sheeting and no safety inspection what so ever as per health and safety rules). Working hours must be more	Comment forwarded to the relevant team



		strictly enforced no early deliveries before 8am, no 12 hour working days and no Sunday noisy working. It cannot be allowed to be gotten away with as our neighbours did as was also ignored by Environmental Health department.	
BSPD 15		Basements should not be allowed under permitted development because of the potential issues they bring for surrounding orperties and wider area	Comment has been noted

**Q2. Please provide us with any comments you may have on the Neighbourhood Amenity section.**

*\*please note text has been extracted from either Survey Monkey or submitted letters as it appears.*

<b>ID number</b>	<b>Company/Residents Group/Community Organisation</b>	<b>Neighbourhood Amenity section.</b>	<b>Merton Council response</b>
BSPD 1	Tectonics Environmental Design	11.2 Neighbourhood Amenity Protecting amenity is commendable, but how would you do this? what is the measure? how would you condition and enforce? how would the development proposal demonstrate this?	The council would do this by way of planning conditions in accordance with planning legislation and local plan policies
BSPD 2		The initial paras. Are directly relevant to immediate neighbours and it should be made quite clear that these notes should be read by affected neighbours. And what they can do if they are affected by these issues.	We have changed neighbour to ' <b>neighbourhood</b> '.

BSPD 7		Basements are anti social , have huge impact on neighbours and should not be permitted	Comment has been noted
BSPD 8	John Innes Society	Supported	The council welcomes the support from John Innes Society
BSPD 10		"reasonable levels" is very subjective and too open to interpretation.	Comment noted.
BSPD 11	Historic England /GLAA	If the application site is within a defined area of high archaeological potential (post-review and adoption), the submission of an archaeological assessment would be anticipated. 11.23 Archaeological interest may extend to include the ground elements of a Listed Building.	Comment have been incorporated within the planning guidance
BSPD 15		Actually enforcing best practice including noise, dust and hours of work.	The comment will be forwarded to the relevant team

Q3. Please provide us with any comments you may have on the Size of Basement and Subterranean Development section. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Size of Basement and Subterranean Development section	Merton Council response
BSPD 1	Tectonics Environmental Design	The permissible size of the basement development will be guided by the characteristics of the site. Isn't this kind of obvious? permitted development is probably the most appropriate.	Comment noted
BSPD 3		A recent planning application (2 years ago) granted planning permission for a basement construction that was larger than the footprint of the house. This should not be allowed as it was not within the curtilage of the house.	Comment noted.
BSPD 4	Ridgway Place Residents	Basements should only be the size of the main dwelling, not extend way beyond a rear or side walls	Comment noted.  In accordance with Merton's Local Plan basement developments in Merton should not exceed 50% of either the front, or rear or side garden of the property and result in the unaffected garden being a usable area.
BSPD 5		I strongly believe that basements under terraced houses over the original footprint should not be allowed due to the effects on the adjacent buildings	In accordance with Merton's Local Plan basement developments in Merton should not exceed 50% of either the front, or rear or side garden of the property and result in the unaffected garden being a usable area.
BSPD 8	John Innes Society	Supported	Welcomed

BSPD 10		Too much is still unknown about how this affects the land - dangerous in the long term	Comment noted
BSPD 15		If property already has been extended upwards then there should not be allowed to go downwards as this may affect the foundations of the property which has increased load bearing and also should not be allowed in close proximity to other properties as this may undermine their foundations and cause subsidence.	Comment noted.

Q4. Please provide us with any comments you may have on the Demolish and Construction/Managing the Impacts of Construction section. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Demolish and Construction/Managing the Impacts of Construction section	Merton Council response
BSPD 1	tectonics environmental design	I think the term is "Demolition" ? Some of the worst problems affecting amenity are experienced during the demolition and construction phase of a development but these are not planning matters. Of course full care and consideration should be given to neighbouring properties as the works can be particularly intrusive to neighbours. the GLA Supplementary Planning Guidance (SPG) may apply.	Comment noted. .
BSPD 3		It is all very well having statements on impact of construction because when these large basements are constructed on old houses the council cannot truly understand how it impacts on neighbours. Builders will always want to get through the job as quickly as possible even if they work into the evening(not allowed)	The working hours fall into Construction Management Plan Section. However we seek confirmation from the appointed Contractor that the works take place between the council's normal permitted hours for operations which cause noise audible beyond the site boundary - Monday to Friday 8AM to 6PM and 8AM to 1PM on Saturday.
BSPD 4	Ridgway Place Residents		
BSPD 7			

BSPD 8	John Innes Society	Supported	Welcomed
BSPD 10		There is nothing about neighbours having the opportunity to have a complaint dealt with. "Full care and consideration should be given ..." has no power, so is effectively useless	Section 10 of the guidance provides information for neighbours and paragraphs 10.8-10.9 how neighbours can make a complaint
BSPD 15		Neighbours should be contacted in all cases as to hours of permitted work, the plans including the expected duration of the work and any impact on them. No emphasis on council or neighbours to do this.	Comments forward to Environment Health team.

Q5. Please provide us with any comments you may have on the Excavation and land stability section. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Excavation and land stability section	Merton Council response
BSPD 1	Tectonics Environmental Design	As you state - not a planning matter, but Building Control. So your concerns are ultra vires?. Any planning application involving foundations will require Building Control approval. Will the Council require a Structural Methodology Statement for all these too? if not, why not? Who will assess this?	<p>Comment noted:</p> <p>Given the complexity of the basement construction process and the possibility of adverse effect it can have on the neighbouring amenities and the land stability, it is particularly important that we ensure the proposed basement structure is buildable in a safe manner without affecting the surrounding built and natural environment.</p> <p>There is no requirement for a SMS at planning stage for non basement related foundations.</p> <p>Construction of shallow foundations is considered low risk when compared to deep foundations due to the reduced depth of excavation and low risk of interference with groundwater flow. Also, Building Control ensures the designed foundation is structurally safe.</p>
BSPD 4	Ridgway Place Residents		

BSPD 5		When excavating for a basement there is always the possibility of ground movement, therefore I do not think basements in terraced houses should be allowed.	The council 's planning policy DM.D2 and this basement chapter seeks to ensure that basement developments in Merton are safe and do not cause harm to the built and natural environment and local amenity, including the water environment, ground conditions, land stability and biodiversity.
BSPD 7		Basements can cause subsidence and damage to the houses next door. They should not be allowed.	Comment noted.
BSPD 8	John Innes Society	Supported	Welcomed
BSPD 10		"Therefore the engineer should form part of the initial design team" - should is far too weak a word. "Must" is the word needed here	Sentence 11.13 has incorporated the wording suggested by the Wimbledon Society – wording now says  <i>'Therefore the appropriate qualified engineer should form part of the initial design team and <b>must</b> undertake an assessment of local ground conditions, sub-surface and surface flows and drainage of the site at the design stage of proposals.</i>



			We could not see where 'subterranean' is missing however we have noticed that the word 'development is missing from the title in section 11
BSPD 14	Wimbledon Society	(iii) In section 11.13 the sentence should read "Therefore the appropriately qualified engineer should...etc" (iv) In section 11 there is an incomplete title and the word 'subterranean' is missing.	<p>Sentence 11.13 has incorporated the wording suggested by the Wimbledon Society – wording now says</p> <p><i>'Therefore the <b>appropriate qualified engineer</b> should form part of the initial design team and must undertake an assessment of local ground conditions, sub-surface and surface flows and drainage of the site at the design stage of proposals.</i></p> <p>We could not see where 'subterranean' is missing however we have noticed that the word 'development is missing from the title in section 11.</p>
BSPD 15		See above.	

Q6. Please provide us with any comments you may have on the Noise & vibration and Dust sections. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Noise and vibration, Dust sections	Merton Council response
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BSPD 3		Not enough attention is paid to the impact on local residents. Heavy lorries removing earth etc all day long for months.	Comment has been noted and passed to the relevant team.
BSPD 7		One cannot possibly prevent huge plumes of dust and other damage to neighbours.	Comment noted.
BSPD 8	John Innes Society	Supported	Welcomed
BSPD 10		Again, this reads as a 'would be nice' document, as opposed to 'this is how it will be'	The SPD should be read as guidance to complement Merton's Local Plan. The Local Plan contains the policies.
BSPD 15		Environmental Health has no backbone and allows people to get away with allowing dust and large items to enter neighbouring properties and noisy work to happen for 12 hours and on Sundays. With no repercussions so thus allowing misery to neighbours.	Comment been forwarded to the Environmental Health team.

**Q7 Please provide us with any comments you may have on the Construction Management Plan section.** *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Construction Management Plan section	Merton Council response
BSPD 3		It is all very well having statements on impact of construction because when these large basements are constructed on old houses the council cannot truly understand how it impacts on neighbours. Builders will always want to get through the job as quickly as possible even if they work into the evening(not allowed)	The working hours fall into Construction Management Plan Section. However we seek confirmation from the appointed Contractor that the works take place between the Council's normal permitted hours for operations which cause noise audible beyond the site boundary - Monday to Friday 8AM to 6PM and 8AM to 1PM on Saturday.
BSPD 8	John Innes Society	Supported	Welcomed
BSPD 15		See all above comments.	

**Q8. Please provide any comments you may have on the Heritage Assets, Conservation Areas and Listed Buildings sections.** *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Heritage Assets, Conservation Areas, Listed Buildings sections	Merton Council response
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BSPD 7		Completely inappropriate to allow basements to be built in a Conservation area. It has a high impact on the well being and enjoyment of the tranquillity of the area and needs to be minimised.	Comment noted.
BSPD 8	John Innes Society	Supported - but Listed Buildings should include Locally Listed Buildings as previously they would have been Grade III Listed.	Comments noted and passed on to our Conservation officer.
BSPD 9			
BSPD 10		"For further guidance and advice" - again wishy-washy. Not that these guidelines MUST be followed	
BSPD 11		<p>Paragraph 11.50, line 2 Recommend deletion of word 'fossil'. Line 3-5 Recommend removal of sentence that suggests evidence has been derived through the 'thoughtful and sympathetic approach' by developers. If a sentence is required then the following is recommended: Much of the archaeological evidence has been derived as a consequence of the planning process where archaeology is a material consideration.</p> <p>Paragraphs 11.48-11.50 It is recommended that these paragraphs could be replaced with an extract from the 2016 borough review of Areas of Archaeological Potential that provides a summary of the borough's archaeological character: Most of the borough is situated on London Clay geology but over large areas this is covered by riverine gravels laid down by ancient courses of the Thames River and more recent alluvial deposits spread along the Wandle and Beverley Brook Rivers. London Clay is regarded as heavy, difficult to</p>	<p><del>11.48 The construction of a major Roman Road crossing the borough from northeast to south west produced an additional communication route from the first Century AD onwards. The road (later known as "Stane Street") ran from London (Londinium) to Chichester on the Sussex coast: its route is broadly followed by the modern A24 (London Road, Morden and Colliers Wood High Street) and exerted a significant influence on contemporary and subsequent patterns of development until the nineteenth and early twentieth centuries</del></p>

		<p>cultivate and more suitable for woodland or pasture. In contrast, the lighter permeable soils on the gravels would have provided more favourable conditions. The Wandle River flows north towards the Thames and has attracted both settlement and industry along its banks. Historically the focal point of Merton was at Merton Priory which was built where the main road from London to Chichester (Roman Stane Street) crossed the Wandle. The villages of Merton and Morden occupied a central agricultural belt either side of the road. In contrast, Mitcham and Wimbledon grew up on and alongside the two open commons in the south-east and north-west of the borough respectively.</p> <p>The central agricultural belt became increasingly built up during the late 19th and early 20th centuries but the two commons and industrial heritage along the Wandle help the modern area to retain a degree of historic character. The archaeological interest in Merton therefore contrasts between the more intensive and sustained exploitation found along the Wandle and Stane Street corridors and the less intensive and sporadic uses of the commons to either side.</p> <p>Paragraph 11.51 replace 'English Heritage with 'Historic England' and include web link:  <a href="https://historicengland.org.uk/services-skills/our-planning-services/greater-london-archaeology-advisory-service/greater-london-historic-environment-record/">https://historicengland.org.uk/services-skills/our-planning-services/greater-london-archaeology-advisory-service/greater-london-historic-environment-record/</a></p> <p>Paragraph 11.53 It is recommended that the two options are here disentangled, in that the presence of significant archaeology may require preservation</p>	<p><del>when, the expansion of rail communications produced a major growth in suburban housing development across the entire borough.</del></p> <p><del>11.49 Past human activity in the borough is characterised (at least from later prehistoric times onwards) by rural settlement with an agricultural base. However other themes in the archaeology of the borough are provided by the medieval Merton Priory, the 'gentrification' of parts of the borough through the establishment of substantial out-of-town houses from the sixteenth century onwards, and the industrialisation of areas along the Wandle (focused especially around Merton and Mitcham) from medieval times at least.</del></p> <p><del>11.50 Important archaeological remains, including Palaeolithic (relating to or denoting</del></p>
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		<p>in situ rather than mitigation by excavation.</p> <p>11.54 The potential for unforeseen archaeology to be present should be considered. If potential human remains are encountered then the police should be notified immediately and the bone left in situ. GLAAS, Historic England can also advise in respect of what action should be taken. Paragraphs 13.7-13.10 For sites that have been identified as being within an area of High Archaeological Potential, Tier 1 and 2, any intended geotechnical site intrusive work should take fully into account the archaeological interest with the site. The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. It is therefore underlined that early consultation is key to a successful outcome.</p>	<p><del>the early phase of the Stone Age) flint axes and the fossil remains of a mammoth, rhinoceros and giant ox, have already been found in Merton. In many cases this would not have occurred had the developer not taken a thoughtful and sympathetic approach in relation to the matter of archaeology. Other finds dating as far back as 10,000 BC and remains of early settlements have also been found along the course of the river Wandle and Roman coins and pottery have been found in the vicinity of the Roman Road, and Roman burials have also been discovered in Mitcham. Anglo Saxon site has been found near the vicinity of Mitcham tram station.</del></p> <p>11.49 Merton lies on deposits of gravel and clay to the south of the Thames. The underlying geology comprises deposits of London Clay (overlying solid chalk at a depth of several metres). In places the London Clay has been overlain by terrace gravels, which in turn have been partly removed or overlain in places by alluvial deposits laid</p>
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			<p>down by the two watercourses running through the borough, the River Wandle and the Beverley Brook and Graveney. Both Streams run from south to north to empty into the Thames.</p> <p>11.50 Although relatively insignificant today, these rivers were in the past important both as sources of water and as a means of transport; the alluvial fills of their valleys produced lighter soils which were amenable to early agriculture and settlement. Current archaeological knowledge suggests that prehistoric activity in the borough was restricted to areas of easily-worked soils overlying gravel and alluvial deposits principally around Wimbledon Common and Mitcham. However there may be materials still to be found in other soils.</p> <p>11.51 Most of the borough is situated on London Clay geology but over large areas this is covered by riverine gravels laid down by ancient courses of the Thames River and more recent alluvial deposits spread along the Wandle and Beverley Brook Rivers. London Clay is regarded as heavy, difficult to cultivate and more suitable for woodland or pasture. In contrast,</p>
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			<p>the lighter permeable soils on the gravels would have provided more favourable conditions.</p> <p>11.52 The Wandle River flows north towards the Thames and has attracted both settlement and industry along its banks.</p> <p>11.53 Historically the focal point of Merton was at Merton Priory which was built where the main road from London to Chichester (Roman Stane Street) crossed the Wandle. The villages of Merton and Morden occupied a central agricultural belt either side of the road. In contrast, Mitcham and Wimbledon grew up on and alongside the two open commons in the south-east and north-west of the borough respectively.</p> <p>11.54 The central agricultural belt became increasingly built up during the late 19th and early 20th centuries but the two commons and industrial heritage along the Wandle help the modern area to retain a degree of historic character. The archaeological interest in Merton therefore contrasts between the more intensive and sustained exploitation found along the Wandle and Stane</p>
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			Street corridors and the less intensive and sporadic uses of the commons to either side.
BSPD 12		In relation to paragraph 11.41 we encourage you to provide more detail explaining how you consider this type of development could adversely affect local character, and how this might be overcome. If special local character is not sufficiently defined in relation to basements this increases the risks that it could be harmed by schemes carried out under Permitted Development (PD) rights, unless there are relevant Article 4 directions in place.	<p>Noted. We have consulted again with our heritage and conservation officer and insert new wording para 11.42 - 11.44.</p> <p><del>11.41 The council also has a duty 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 and subterranean development may affect the character and appearance of a conservation area.</del></p> <p>11.41 Conservation Areas are identified (and designated by the Local Planning Authority) as an area of special architectural or historic interest, which deserve careful management to protect that character. Merton currently has 28 designated conservation areas.</p>

			<p>Application for basement development within a Conservation Area must have regard to Local Plan policies.</p> <p>11.42 Furthermore the applicant must have regard to Merton's Borough Character Study, Merton's Conservation Area Appraisals and Management Plans. These documents provide detailed guidance on each individual conservation areas. This guidance will be referred to when assessing the suitability of a design fro the local area.</p> <p>11.43 In addition to the design consideration applicable to all basement development outlined in above sections, basement within Conservation Area should be designed to:</p> <ul style="list-style-type: none"> <li>• Not add visual clutter, such as additional railings, rooflights, lightwells, and staircases</li> <li>• Protect and enhance gardens, open space and open aspect</li> <li>• Maintain and repair prevailing garden level of an area and avoid undue cut and fill outside of the building footprint</li> <li>• Protect trees and other established planting</li> </ul> <p>11.44 Residential gardens within a Conservation Area make a positive</p>
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			contribution to the significant, setting, character and appearance of the heritage assets. Disruption of these spaces should be minimised as far as possible, such as careful location of rooflights and lightwells so as to minimise the impact on those setting of the heritage asset.
BSPD 15		No basement developments in these areas or buildings.	Comment have been noted

Q9. Please provide us with any comments you may have on the Structural Issues and Construction Methodology and Management section. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Structural Issues, Construction Methodology and Management section	Merton Council response
BSPD 4	Ridgway Place Residents	<p>11.46 &amp; 11.84. Merton should insist more than 1 set of soil tests are taken, as LB Camden do. In our road conscious of the variable water table due to the underground streams developers do 1 test usually in mid summer! A reading would be much different during the winter and our Council should be TOUGHER and INSIST on tests at different times of the year. 11.110 The Council know about backwater issues but still do not test applicants strongly enough. Many streams percolate off the Common down towards the railway line. The Council have consented schemes but never come back to make tests up slope in roads such as Thonton Hill or Ridgway Place where the DIRECT RESULT of consenting a basement leads to backwater flooding uphill of the permitted basement. Surely the Council have a duty of care to neighbouring owners to set the bar high, such that applicants have to demonstrate beyond reasonable doubt they can show that building a basement will not adversely affect those living adjacent to their intrusion.</p>	<p>Comment noted.</p> <p>Our basement [policy states that basement and subterranean developments in Merton must include SUDS, including 1.0 metre of permeable soil depth above any part of the basement beneath a garden. The council as the Lead Local Food Authority (LLFA) comment on basement developments and gives technical advice to Development Control officer on flood risk matters</p>

BSPD 5		When considering basements against an adjacent property one of the main effects will be on the structural integrity of the party wall & its foundation, especially true for older buildings.	Comment noted.
BSPD 8	John Innes Society	Supported	Welcomed
BSPD 15		See comments in sections 3, 4 and 6	

Q10. Please provide us with any comments you may have on the Gardens, Trees and Landscaping sections. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Gardens, Trees and Landscaping sections	Merton Council response
BSPD 3		Trees must be preserved at all costs. Damage to roots can be carried out by developers deliberately.	<p>Comment noted.</p> <p>The council recognises that trees make an important contribution to the boroughs landscape and the quality of life for residents.</p> <p>Basement developments are required to meet the <b>all</b> the criteria set out in policy DM D2 (b) which includes trees and vegetation. Furthermore vii states that the recommendations of BS 5837:2012 <i>Tree in relation to design, demolition and construction recommendation</i>'</p> <p>The council will use existing planning mechanisms i.e. Tree Preservation Orders (TPO) and Conservation Area designations to</p>

			protect exiting tree on private land. The council consider it important that developer's proposals are accompanied by appropriate reports and surveys to deal with the impact of the proposal on the existing vegetation.
BSPD 7		Trees , shrubs and front gardens have to be destroyed to allow access which hugely increases the problem of overflowing water in drains etc.	<p>Comment noted.</p> <p>The council recognises that trees make an important contribution to the boroughs landscape and the quality of life for residents.</p> <p>Basement developments are required to meet the <b>all</b> the criteria set out in policy DM D2 (b) which includes tress and vegetation. Furthermore vii states that the recommendations of BS 5837:2012 <i>Tree in relation to design, demolition and construction recommendation'</i></p> <p>The council will use existing planning mechanisms i.e. Tree Preservation Orders (TPO) and Conservation Area designations to protect exiting tree on private land. The council consider it important that developer's proposals are accompanied by appropriate reports and surveys to deal with the impact of the proposal on the existing vegetation.</p>
BSPD 8	John Innes Society	Supported	Welcomed

BSPD 10		"The developer is required to submit a Tree Survey ", but there does not seem to be any indication that there is any follow up to this	All submitted Tree Surveys are reviewed by Merton's Arboricultural Manager or Tree and Landscape Officer.
BSPD 15		No trees (existing or in future) in the immediate vicinity of basement developments as roots may affect the structural integrity of the property.	Merton Local Plan policy DM O2 Nature conservation, trees, hedges and landscape feature seeks to protect and enhance biodiversity, particular on sites of recognised nature conservation interest. To protect trees, hedges and other landscape features of amenity value and to ensure suitable replacements in instances where their loss is justified.

Q11. Please provide us with any comments you may have on the Basement Walls, New Windows & New Doors and Lightwells sections. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Basement Walls, New Windows & New Doors, Lightwells section	Merton Council response
BSPD 8	John Innes Society	Supported	Welcomed
BSPD 15		Any extension to do with these developments on the outside of the property must go through proper planning.	

**Q12. Please provide us with any comments you may have on the Flood Risk Management section.** *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Flood Risk Management section	Merton Council response
BSPD 4	Ridgway Place Residents	as 9 above	
BSPD 7		Gardens are destroyed which not only impacts on the area but also increases the problems of flooding and drainage.	Comment noted
BSPD 8	John Innes Society	Supported but maximum emphasis must be placed on local conditions which can vary with metres of each other in the former Wandle Flood Plain.	Comment noted
BSPD 10		"Applicants are required to have consider and seek advice" - but do they have to take it?	Yes. The applicant would need to demonstrate this by way of the planning process and/or depending on the development location by way of a Site Specific Flood Risk Assessment
BPSD 13	Environment Agency	Paragraph 11.84 – consider rewording to ‘When considering basement flooding, river flooding is not the only source that should be considered. Flooding from all other sources.....’ Paragraph 11.85 – consider rewording to ‘Applicants are required to have considered and to have sought advice from.....’	(Now para 11.89) the paragraph has been re-worded to read:  In accordance with Merton’s Local Plan policies applicants are required to have consideration to Merton’s flooding documents and strategies namely, the Strategic Flood Risk Assessment (SFRA), the Local Flood Risk Management Strategy (LFRMS), the Surface Water Management Plan (SWMP) and Merton’s Local Plan polices for flood risk and water management.



BSPD 15		Mandatory flood defence to property to prevent flooding as flash flood's and burst water mains will flood basements	Comment noted

Q13. Please provide us with any comments you may have on the Surface Water section. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Surface Water section	Merton Council response
BSPD 3		Noted that more surface water in roads since basement developments.	Planning policy requires no increase in surface water runoff leaving site post development, where possible rates will be reduced through attenuation in accordance with the London Plan 5.13 and Design and Construction SPG and Merton's policy DM F2.
BSPD 4	Ridgway Place Residents		

BSPD 7		Surface water is a huge problem when a basement is converted and the drains etc cannot cope with the volume of water	Planning policy requires no increase in surface water runoff leaving site post development, where possible rates will be reduced through attenuation in accordance with the London Plan 5.13 and Design and Construction SPG and Merton's policy DM F2.
BSPD 8	John Innes Society	Supported but see 12 above.	Noted.
BSPD 15		Gardens should not be paved over in these properties this should be taken into consideration when considering plans.	Planning permission is required for any front garden over 5m <sup>2</sup> to be paved over unless a Sustainable Drainage measures (SuDS) including a permeable surface is proposed.

Q14. Please provide us with any comments you may have on the Sustainable Drainage Systems (SuDS). *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Sustainable Drainage Systems (SuDS) section	Merton Council response
BSPD 4	Ridgway Place Residents	as 9 above. These are serious issues where residents are not confident developers really know what they are doing. They employ engineers to come up with heavily caveated reports to satisfy planning officers ( see the weak engineers report accompanying the 28 -30 Ridgway Place application, an excavation which inevitably will disturb the streams which migrate down this slope. That report was a masterpiece in saying next to nothing that could be pinned on the engineer!)	Ground investigation including boreholes and groundwater monitoring standpipes are required upfront in the planning process. Ground investigation depth would need to extend below basement depth and should identify the presence of a subterranean water path or flow route. In addition, it is recommended that basements install passive drainage measures around the structure to allow the non-restricted movement of groundwater.
BSPD 7		The drainage system cannot cope with the overload of water	Planning policy requires no increase in surface water runoff leaving site post development, where possible rates will be reduced through attenuation in accordance with the London Plan 5.13 and Design and Construction SPG and Merton's policy DM F2.
BSPD 8	John Innes Society	Supported but need to be enforced.	Noted.

BSPD 15		Drainage must not be at expense of neighbouring properties must be directed to a drain in the property.	Planning policy and building regulations require details of drainage measures including how surface water will be disposed of appropriately.
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Q15. Please provide us with any comments you may have on the Sewer and Ground Water flooding section. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Sewer and Ground Water flooding section	Merton Council response
BSPD 7		The drainage system cannot cope with the overload of water	Planning policy requires no increase in surface water runoff leaving site post development, where possible rates will be reduced through attenuation in accordance with the London Plan 5.13 and Design and Construction SPG and Merton's policy DM F2.
BSPD 8	John Innes Society	Supported but as 14 above.	Noted.
BSPD 15		No basement developments near drains (of which have man holes) which are in residential properties	Any works in over or within a specified distance of a foul sewer or surface water sewer will require the prior written consent of Thames Water.

Q16. Please provide us with any comments you may have on Appendix B and C. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	Appendix B: CMS	Merton Council response
BSPD 1	tectonics environmental design	A. Character - please complete the Borough Study asap B. CMS - who will assess this? C. CMP - not a planning matter.	a) The comment on the Borough Character Study has been forwarded to Merton's Urban Designers  b) Submitted CMS are reviewed by the councils engineering officers
BSPD 8	John Innes Society	Supported	
BSPD 17	Merton's Development Control team	Suggest moving the parts of Appendix B to the heart of the document and provided clarity on what required at planning submission stage in regard to CMS namely Outline CMS and Detailed CMS.	We have move part of the Appendix B to the main part of the document to make a distinction between outline CMS and detailed CMS

Q17. Please provide us with any other comments you may have on the Basement and Subterranean SPD. *\*please note text has been extracted from either Survey Monkey or submitted letter as it appears.*

ID number	Company/Residents Group/Community Organisation	other comments you may have on the SPD	Merton Council response
BSPD 1	tectonics environmental design	Very useful guidance. mostly not relevant to planning.	Comment noted
BSPD 3		Again, far too many granted on existing old houses. One in this road is bigger than the footprint of the house. The noise disturbance was awful for neighbours	Comment noted
BSPD 4	Ridgway Place Residents	Merton. Be tougher on applicants. Consider the CPG4 document produced by Camden July 2015 called basements and light wells and model policies on that document. Developers are running rings around the existing weak policy.	Comment noted.
BSPD 8	John Innes Society	Supported - needs early implementation.	Comment noted
BSPD 11		Pages 18 – 20 These pages include sub-sections, Heritage Assets, Conservation areas and Listed Buildings, it is therefore recommended that before paragraph 11.46 that a further sub-heading is included, archaeology.	Comment noted and heading has been added.

BSPD 14	Wimbledon Society	<p>It sets out the conditions to be satisfied and validated in order that a basement extension can be not only successfully built but built without detriment to the surroundings, to nature, to other buildings including those with historic heritage and to people's lives. It would be helpful if the Council could say that, even if a particular basement proposal was classed as permitted development (PD), the text should strongly recommend that the guidance procedures should be followed. If outcomes from PD applications are unsatisfactory, perhaps the introduction of an Article 4 Direction on such basements should be considered by the Council, so as to bring such PD cases back under planning control?</p>	<p>Agreed. Add sentence "Under the General Permitted Development Order, certain sized basement extensions can be built without the need to seek planning permission from the council. Building control regulations will still apply. However, even if planning permission is not necessary, the council strongly recommends that developers follow the guidance set out in this document in order to avoid harm to local amenity."</p>
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