

Note on Policy D6 Basements

This note responds to Local Plan examination Action 29 - Council to provide Basement Force and ASUC with a schedule of proposed modifications to Policy D6 Basements for comment / agreement, and Action 30 - Council to provide the Inspector with a note in respect of Policy D6 Basements setting out – proposed changes to the policy, reasons for the proposed changes and the weight to now be given to Topic Paper 9 Basements.

The purpose of this note is therefore to set out:

- The modifications proposed to Policy D6 Basements, with reasons
- ASUC and Basement Force's comments on the proposed modifications and the Council's response
- The weight the Council considers should be given to Topic Paper 9 Basements (TP09).

Proposed Modifications to Policy D6 Basements

The table below sets out the Council's proposed modifications to Policy D6 Basements and the reasons for them. The table was shared with ASUC and Basement Force on 15 June 2026 for comment. They responded to the Council with joint comments on 25 June 2026 and these are set out in the table below, along with the Council's response to them.

Policy / para ref	Proposed modification	Reason for modification	ASUC and Basement Force comments	Councils Response
D6 Basements Part C	3. Not exceed the footprint of the host building in area, except for works to create a lightwell or access to the basement <u>50% of each garden within the property;</u> 4. <u>be less than 1.5 times the footprint of the host building in area;</u> 5. <u>extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;</u> 6. <u>not extend into or underneath the garden further than 50% of the depth of the garden;</u> 4. <u>7. be set back from neighbouring property boundaries where a new access or lightwell is being created where it extends beyond the footprint of the host building;</u> and 5. <u>8. avoid the loss of garden space or trees of townscape or amenity value from construction work or due to the creation of a new access or lightwell.</u>	To remove reference to basements not exceeding the footprint of the host building in area, and replace with criteria from the Camden Local Plan 2017 to ensure that appropriate limits continue to apply to basement development. In response to comments from ASUC and Basement Force.	Agree with the changes proposed in response to our comments about the lateral extent of the host building. However, we also objected to §4 (now §7) for reasons set out in detail in ASUC's Regulation 19 Representation (§143 to §149). Therefore the yellow highlighted text should be deleted. In addition the phrase "from construction work or due to the creation of a new access or lightwell" is oddly precise and §8 would be improved, and apply more generally, by losing the text highlighted green.	Propose the following modifications to Policy D6 Part C – 3. Not exceed the footprint of the host building in area, except for works to create a lightwell or access to the basement <u>50% of each garden within the property;</u> 4. be set back from neighbouring property boundaries where a new access or lightwell is being created; and 4. <u>be less than 1.5 times the footprint of the host building in area;</u> 5. <u>extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;</u> 6. <u>not extend into or underneath the garden further than 50% of the depth of the garden;</u> 7. 5. avoid the loss of garden space or trees of townscape or amenity value from construction work or due to the creation of a new access or lightwell.
D6 Basements Part D	Exemptions to C(1) to C(5 7) above may be made on large comprehensively planned sites.	Consequential to the change to Part C above.	Agreed with appropriate para references.	Agreed
D6 Basements Part E	8. Ensure impacts on any green/garden space or trees are minimised and where residual impacts do arise this is addressed through appropriate restoration and replacement, <u>in accordance with Policy NE2 (Biodiversity) prioritising biodiversity enhancements where possible.</u>	To clarify that impacts on garden space or trees should be considered in accordance with Policy NE2 and that opportunities should be taken to increase soft landscaping, trees and biodiversity. In response to comments from ASUC and Basement Force.	Agreed	Agreed

Policy / para ref	Proposed modification	Reason for modification	ASUC and Basement Force comments	Councils Response
	9. take opportunities to increase natural soft landscaping and tree planting through a landscaping or planting plan, with biodiversity measures incorporated to improve the character, amenity and function of the garden.”			
Paragraph 12.131	“12.131. In addition to protecting against flooding, ground instability and damage to neighbouring buildings as set out above, the Council will seek to control the overall size of basement development to protect the character and amenity of the area, the quality of gardens and vegetation and to minimise the impacts of construction on neighbouring properties. Basement rooms should not extend beyond the footprint of the original building and be no deeper than one full storey below ground level. <u>Basements should not comprise more than 1 storey.</u> The Council considers a single storey for a basement to be approximately 3 to 4 metres in height. We will allow a proportion of the basement to be deeper to allow development of swimming pools.	This amendment is consequential to the proposed modification to D6 Part C above. In response to comments from ASUC and Basement Force.	Agreed	Agreed
New paragraph to follow Para 12.131	<u>12.x Criterion C(3) states that basements should not exceed 50% of each garden within the property. This criterion applies to the front garden, the rear garden and gardens to the side of the property individually, rather than calculated as an aggregated garden area for the whole property. This criterion applies to gardens as they currently exist and not the gardens of the proposed development. The unaffected garden must be in a single area and where relevant should form a continuous area with other neighbouring gardens. Sufficient margins should be left between the site boundaries and any basement construction to sustain growth of vegetation and trees.’</u> Renumber paragraphs as necessary.	This amendment is consequential to the proposed modification to D6 Part C above. The additional text is necessary to explain how the size criteria operate and reinstates wording the Camden Local Plan 2017. In response to comments from ASUC and Basement Force.	Agreed subject to the following: the final sentence “Sufficient margins...” appears based on the incorrect view that these parts of the site are necessary to sustain growth of vegetation and trees and it could be misleading. The whole site, including that which is used to construct the basement can and should be considered when it comes to the ability of the site to promote a biodiverse soft landscaping scheme. We recommend the final sentence is removed.	Propose to insert the following new paragraph after 12.131 - <u>Criterion C(3) states that basements should not exceed 50% of each garden within the property. This criterion applies to the front garden, the rear garden and gardens to the side of the property individually, rather than calculated as an aggregated garden area for the whole property. This criterion applies to gardens as they currently exist and not the gardens of the proposed development. The unaffected garden must be in a single area and where relevant should form a continuous area with other neighbouring gardens.</u>

Policy / para ref	Proposed modification	Reason for modification	ASUC and Basement Force comments	Councils Response
				Renumber paragraphs as necessary.
New paragraph to follow Para 12.131 and proposed new paragraph above	<u>12.x Applicants should have regard to the overall strategic approach to the natural environment and biodiversity in Chapter 11 of the Local Plan. In particular, developers should realise benefits for biodiversity through increasing soft natural landscaping and planting of high biodiversity value. The Council will use planning conditions to secure landscaping and planting plans to ensure proposals respond positively and sensitively to local context and character, address opportunities to increase local biodiversity and achieve design excellence. Adopted Neighbourhood Plans in the borough set out measures for facilitating a more resilient natural environment, such as strengthened wildlife corridors, which should be given due regard.</u> <u>A baseline ecological assessment (Biodiversity survey and report) may also be required in line with Policy NE2 to ensure that any adverse impacts on biodiversity are avoided or mitigated, and establish how the natural value of the site can be improved against the baseline condition.</u>	This amendment is consequential to the proposed modification to D6 Part E. 8 above and the proposed addition of new criteria E.9. It adds text to explain how basement developments should protect and enhance biodiversity. In response to comments from ASUC and Basement Force.	Agreed. There could be merit in adding a reference to the well established fact that a metre of high quality soil is sufficient to support a naturalistic garden including trees whether here or elsewhere. Further, it is not clear from these changes what weight is being given to TP09 or whether any reference to it is removed from the proposed text. We consider TP09 should be given no weight and that it should be removed. If TP09 is to be withdrawn then there is no need for TP09 to be referenced in the text. However if TP09 is not to be withdrawn then wording needs to be included in the text that TP09 does not carry weight and that it should not be relied on by objectors TP09 being withdrawn seems the simpler option	No change proposed. See comments below (following the table).
Paragraph 12.132	Works involving the creation of lightwells or access to a basement should be modest in scale and must be designed to minimise impacts on existing garden space and trees as set out in paragraph 12.139 below. Sufficient margins should be left between the site boundaries and any basement construction to sustain growth of vegetation and trees. Renumber paragraph and subsequent paragraphs as necessary.	This amendment is consequential to the proposed modification to D6 Part C.4 above. The deleted text is no longer required. In response to comments from ASUC and Basement Force.	Agreed – see also notes above	Agreed
Paragraph 12.139	12.139. As set out above, the Council will seek to limit the impact of basement construction in the borough. This will include seeking to	This amendment is consequential to the proposed modification to D6 Part E. 8 above and the proposed addition of new criteria E.9 to clarify the	Agreed – see also notes above	Agreed

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	safeguard green areas, including gardens, and retaining and protecting trees. Camden has a sizeable number of large residential properties where basement construction can have a significant impact on the biodiversity of a garden and its ground conditions. Where the excavation of a garden would lead to the loss of established planting, it is important that this is mitigated. Large gardens are considered to be especially important for urban biodiversity as they have the ability to support a greater variety of planting, including larger tree and shrub species, and can make a positive contribution to an area's verdant character. They also have particular scope for establishing areas of natural planting, to provide habitat for wildlife and sustain populations of invertebrates. Cumulatively, gardens can have a significant role in providing infiltration during rainfall events and contribute towards climate change mitigation. [Start new paragraph] <u>12.x The Council expects Bbasement development should to be planned to minimise disturbance to gardens, biodiversity and or trees, including root systems, in accordance with Policies NE2 (Biodiversity) and NE3 (Tree Protection and Planting). This includes trees located in the street. Large canopy trees are of particular importance. Further information on protection of trees is available in Camden Planning Guidance on Trees and developers will be expected to have due regard to this. Where re-instatement / restoration of a garden is necessary, we will seek improvements in its biodiversity value and expect the provision of soft landscaping. Applicants should prepare an ecological assessment to deliver biodiversity enhancement measures within the garden proportionate to the size of scheme. Where the existing biodiversity value is identified as low, developers should seek to deliver net gains in site biodiversity through measures such as native wild planting and additional semi-mature trees. This approach is also likely to realise</u>	approach to biodiversity in relation to large gardens and to taking opportunities for biodiversity improvements. In response to comments from ASUC and Basement Force.		

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	<u>wider beneficial outcomes, such as improved management of surface run-off.</u> Renumber subsequent paragraphs as appropriate.			
Paragraph 12.144	Lightwells to the side or rear of a property should be set away from the boundary of a neighbouring property. Excessively large lightwells will be resisted.		Suggest deletion of the first sentence consistent with our objection to C(4)i	Propose to add the following text to the end of paragraph 12.143 <u>“Excessively large lightwells will be resisted.”</u> and delete paragraph 12.144 – Lightwells to the side or rear of a property should be set away from the boundary of a neighbouring property. Renumber subsequent paragraphs.

Council's Response to ASUC and Basement Force's comments

The Council has considered the comments made by ASUC and Basement Force and has proposed additional modifications to Policy D6 Basements and its supporting text to address the points they have made. These are set out in the table above.

The Council have also updated the schedule of proposed main modifications to the Proposed Submission Draft Local Plan to reflect the changes proposed.

The Council notes the suggestion from ASUC and Basement Force that “there could be merit in adding a reference to the well established fact that a metre of high quality soil is sufficient to support a naturalistic garden including trees whether here or elsewhere” in reference to the new paragraphs proposed to follow Para 12.131. However, the Council does not consider that this is required for soundness.

ASUC and Basement Force comments state that it is not clear whether any reference to Topic Paper TP09 is removed from the proposed text, and that if TP09 is not to be withdrawn then wording needs to be included in the text that TP09 does not carry weight and that it should not be relied on by objectors.

There are, however, no references to TP09 (or any other topic papers) in the draft Local Plan and it is not considered appropriate to add reference to it, as it is a supporting document for the examination of the Plan, which is not intended to have any application beyond the examination. No change for soundness is therefore required.

Weight to be given to the Basements Topic Paper (TP09)

The Council has prepared a number of topic papers to support the examination of the draft Local Plan. This is in line with the PINS Procedure Guide for Local Plan Examinations.

The topic papers provide further information to the Inspector to assist with the examination of the draft Local Plan. They are not intended to have any weight or status beyond the examination process or in the determination of planning applications.

As requested, the Council has reviewed the Basements Topic Paper in light of the proposed modifications. We consider that the Paper remains relevant to the examination, with the exception of the following which are superseded by the proposed modifications and can be disregarded:

- Bullet point 1 of paragraph 6.3 which states: “Basements should not exceed the footprint of the host building (Part C. 3)”.
- The second sentence of paragraph 6.8 which states: “Therefore, Draft Policy D6(C) introduces a requirement that basements should ‘not exceed the footprint of the host building in area, except for works to create a lightwell or access to the basement’”.

- The last two sentences of paragraph 6.14 which state: “While the Council acknowledges that the size of gardens and basement developments varies, retaining the existing approach in Policy A5 would result in further cumulative losses of mature gardens resulting from the construction process. This would be contrary to the goals of the Council’s Climate Change Action Plan and Biodiversity Strategy.”
- The whole of paragraph 6.18 which states: “Although the existing criteria (f) to (m) in Policy A5 already cover the overall size of a basement, and the associated impact on gardens, the Council has found that under this approach, large homes and/or properties with large gardens tend to have disproportionately large basements resulting in more significant impacts on gardens and biodiversity and local amenity. The Council’s SFRA also notes that larger and adjoining basements are likely to create greater diversions in groundwater flows, potentially increasing risks of groundwater flooding. Introducing further restriction on basement size is likely to mean that average construction programmes will be shorter, fewer complex excavation works may be required and therefore, while the local community will still experience some disturbance arising from basement construction, the cumulative impacts will be less and periods of ‘high impact works’ shorter. There may also be benefits in terms of flood risk management.”