

Validation Requirement Subterranean Development

As an intensely urban borough with severe constraints on the availability of land for development, Hammersmith and Fulham has seen an increase in the number of applications for development for basement extensions and other forms of subterranean development.

To ensure that the full impact of these developments is correctly assessed by the local planning authority as part of the decision making process, consideration has been given to the information required to be provided by applicants in support of such applications for development

Decision Making Process

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that in determining any planning application “the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

In the case of Hammersmith and Fulham, the Development Management Development Plan Document (DM DPD), is the only Development Plan Document that directly addresses the issues of subterranean development.

The DM DPD requires the submission of a **Subterranean Construction Method Statement** with applications for any type of subterranean development (see paragraph 4.33 of the DM DPD). This is in the interests of neighbourliness and to ensure that developments have been well thought out and do not adversely affect the amenity of the residents of neighbouring properties, or detract from the local, natural, built or historic environment.

The National Planning Policy Framework (NPPF) which sets out the Government’s requirements for the planning system has been adopted and is now a material consideration in the determination of all planning applications.

National Planning Policy Framework

The NPPF provides a number of key statements that are applicable to the determination of applications for subterranean developments.

- i. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which includes “contributing to protecting and enhancing our natural, built and historic environment”.
- ii. “The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk

from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”. (Paragraph 109)

- iii. “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”. (Paragraph 120)
- iv. “Planning policies and decisions should also ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation”; (Paragraph 121); and
- v. “Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development [and] mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions”; (Paragraph 123)

The NPPF puts great weight on ground stability and local environmental issues as material considerations to be given significant weight in the determination of planning applications.

Locality Issues

1. The borough of Hammersmith and Fulham has two soil types, with parts of the Borough being built on Clay, and the remainder on River Silt. Both of these soil types may result in structural sensitivity as a result of subterranean development.
2. Over half of the Borough is defined as Conservation Area and includes over 500 listed buildings for the purposes of the planning legislation. As a result of this, the Local Planning Authority has additional statutory duties to protect the integrity of the built environments in this area. Any form of development which may place the protected buildings and built environment at structural risk will require additional careful consideration.
3. The Borough is unique in the density of accommodation, and the impact that the process of carrying out development may have on the living conditions of residents of adjoining properties. Subterranean

development has the potential to have a greater impact on the residents of adjoining properties than other more common types of development, due to the structural risks, and need to remove often large amounts of materials from underground within a confined area.

All of these considerations are material considerations because they are relevant to land use planning, and will therefore need to be considered in the determination of any application for any subterranean development.

Information Required to Make an Application Valid

The question of what information is required to make an application valid is a subjective matter, left to the Local Planning Authority to determine. A pragmatic approach needs to be taken however, to ensure that only information necessary to enable a decision to be made is requested. Section 62(3) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority may require that an application for planning permission includes (a) such particulars as they think necessary; and (b) such evidence in support of anything in or relating to the application as they think necessary.

Given the weight given to the stability of land in the NPPF, combined with the importance of effectively managing the sensitive environment within the Borough, it is considered necessary to request evidence which demonstrates that the development proposed will not adversely impact the environment for our residents. As such, in determining any application the Local Planning Authority need to be satisfied that the works are physically possible and that they will be carried out in a manner which will not adversely effect the living conditions of residents of adjacent properties.

As such the Local Planning Authority requires a Subterranean Construction Method Statement. to be submitted with all planning applications and Listed Building Consent applications for subterranean development before the planning application can be validated.

The Subterranean Construction Method Statement should provide details of the potential impact of the subterranean development on the existing and neighbouring structures . It must also include specific information regarding the excavation, temporary works and construction techniques, and should be prepared and signed off by a Chartered Civil Engineer (MICE) or Structural Engineer (MI Struct.E)

For any applications which are particularly complex, the Council may need to obtain its own independent Subterranean Construction Method Statement before being able to determine the planning application. The Council's reasonable costs incurred to obtain this statement will in those instances need to be paid for by the applicant.