

# Housing and Planning Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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**Clause 3**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

Page 2, line 38, after “homes” insert “, other home ownership products and affordable homes to rent”

**Clause 68**

LORD KENNEDY OF SOUTHWARK  
LORD BEST

Page 30, line 39, at end insert –

- “( ) Regulations shall provide that housing shall be excluded where a vacancy has occurred as a result of the transfer of the former tenant to alternative accommodation in the social rented sector.
- ( ) Accommodation in the social rented sector means any accommodation owned or let by a local authority or other registered provider of social housing.”

**Clause 72**

LORD KERSLAKE

Page 32, line 8, at end insert –

- “( ) Subject to subsection (4), where the agreement is with a local housing authority in England, it must require the authority to ensure that at least one new affordable home is provided for each old dwelling.”

**Clause 115**

LORD BEECHAM

Page 53, line 11, at end insert –

- “(c) plots on which gypsies, travellers and travelling showpeople can have both residential accommodation and space for the storage of equipment”

**Clause 115 - continued**

Page 53, line 14, at end insert –

““gypsies, travellers and travelling showpeople” are members of communities as defined in Planning policy for traveller sites.”

**After Clause 141**

LORD DUBS

Insert the following new Clause –

**“Code of practice for subterranean development works**

- (1) A local planning authority may promulgate a code of practice on the excavation and construction of a subterranean development with a view to lessening the adverse impact of the excavation and construction on adjacent properties and their owners and occupiers and on the wider neighbourhood.
- (2) The code may include, but need not be limited to, the provisions listed in Schedule (provisions in local authority code of practice for subterranean development).
- (3) Local planning authorities shall take account of any guidance issued by the Secretary of State in drawing up such a code of practice.
- (4) If a local planning authority has promulgated such a code, it may make the granting of planning consent for a subterranean development conditional on the developer undertaking to abide by the code or specified elements of it.”

Insert the following new Clause –

**“Presumption against subterranean development**

- (1) A local planning authority may not grant planning permission on an application to the authority under section 58 of the Town and Country Planning Act 1990 (granting of planning permission: general) in respect of subterranean development which is either –
  - (a) in a flood zone classified by the Environment Agency as subject to a high probability of flooding;
  - (b) within a terrace; or
  - (c) such that the local planning authority has reasonable grounds to believe that the subterranean development is likely to cause unreasonable interference to the use or enjoyment of the land of others either during its construction or after its completion;
 unless it can be demonstrated that the development will achieve substantial public benefits.
- (2) For the purposes of subsection (1)(b), a “terrace” means a row of adjoining buildings where each building has a wall built at the line of juncture between itself and the adjoining property which provides structural support to itself and a building on the adjoining property.”

**After Clause 141 - continued**

Insert the following new Clause –

**“Notice to adjoining owners**

- (1) Any owner of a property intending to undertake subterranean development works shall serve notice for any subterranean development in the manner set out in section 6(5) (adjacent excavation and construction) of the Party Wall etc Act 1996 (“the 1996 Act”) as if the distance of six metres is replaced by a distance of 12 metres.
- (2) For the purposes of section 6 of the 1996 Act, where the buildings or structures of different owners are above the site of the subterranean development, the owners of those buildings or structures shall be deemed to be adjoining owners.
- (3) If a building owner fails to serve notice in accordance with this section and with the 1996 Act before commencing subterranean development works, he or she shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or 10 per cent of the contract value reasonably to be expected in relation to the notifiable works, whichever shall be the greater and which, in the absence of agreement, shall be determined by surveyors appointed in accordance with the 1996 Act or as otherwise directed by the Court.”

Insert the following new Clause –

**“Expenses and losses**

- (1) Where an adjoining owner does not notify the building owner in writing within 14 days that the works notified under section (notice to adjoining owners) are agreed, or agreed subject to conditions that are acceptable to the building owner, and a dispute is deemed to have arisen, the surveyors appointed in accordance with the 1996 Act shall –
  - (a) determine a sum to be held as security for expenses and losses which reasonably reflects –
    - (i) the risk of damage to the adjoining owner’s building likely to occur in consequence of the works;
    - (ii) the likely cost of completing the works, sufficiently to safeguard the adjoining owner’s building and to leave it weather tight if those works are suspended or left incomplete;
    - (iii) the cost of any loss to the adjoining owner as a result of the adjoining owner being unable to sell or lease his or her property for the normal market value as a result of the subterranean development works; and
    - (iv) the cost of appropriate alternative accommodation if the surveyors determine that the adjoining owner or any member of his or her household who normally undertakes remunerative work in their building is unable to do so because of the disturbance caused by the subterranean development works, or that alternative accommodation is required for a member of the household seriously affected by the disturbance by reason of his or her physical condition; and

**After Clause 141 - continued**

- (b) hold and administer the determined sum.
- (2) Any liability arising from works shall remain with the owner or owners of the land or buildings where the subterranean works are taking or took place, and may be registered as a charge against the property for the purposes of the Land Registration Act 2002.”

Insert the following new Clause –

**“Other works taking place on the subterranean development site**

Non-subterranean works taking place on the building owner’s building during the period of the works on the subterranean development shall be treated –

- (a) as part of the subterranean development works for the purposes of sections 2 and 4 of this Act; and
- (b) as part of the works described in section 6(1) and (2) of the 1996 Act (adjacent excavation and construction) for the purposes of sections 7(1) and (2) of that Act (compensation etc).”

Insert the following new Clause –

**“Subterranean development: definitions**

For the purposes of this Act –

“subterranean development” means development which comprises excavation or building below the prevailing ground level other than for the purposes of repairing, strengthening or supporting an existing building or structure; and

“owner”, “adjoining owner” and “building owner” have the same meanings as under the Party Wall etc Act 1996.”

Insert the following new Clause –

**“Exclusion of basements from permitted extensions**

The Secretary of State shall, within 12 months of the coming into force of this Act, amend the General Permitted Development Order under section 59 of the Town and Country Planning Act 1990 to define permitted extensions as excluding basements.”

**Clause 145**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

Page 75, line 7, leave out second “person” and insert “local authority or public body”

Leave out Clause 145

**Clause 146**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

Leave out Clause 146

**Clause 147**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

Leave out Clause 147

**Clause 148**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

Leave out Clause 148

**Schedule 7**

LORD KENNEDY OF SOUTHWARK

Page 129, line 29, leave out from beginning to end of line 35 and insert –

**“81A Granting of secure tenancies**

- (1) A local housing authority may grant a secure tenancy of a dwelling-house in England for a fixed term that is –
  - (a) at least 2 years, and
  - (b) up to and including 10 years.”

LORD BEECHAM  
LORD KENNEDY OF SOUTHWARK

Page 130, line 13, at end insert –

- “( ) A local housing authority that grants a secure tenancy of a dwelling-house in England must grant an old-style secure tenancy if –
  - (a) the prospective tenant of the dwelling-house, or in the case of prospective joint tenants, at least one of the tenants, has attained pension credit age; or
  - (b) the dwelling-house has been or is to be adapted for the needs of a disabled member of the household or contains features which are designed to make it suitable for occupation by a disabled person; or
  - (c) the cessation of the tenancy of the other dwelling-house was as a result of the application of regulation B13 of the Housing Benefit Regulations 2006 (determination of a maximum rent (social sector)).”

**Before Schedule 13**

LORD DUBS

Insert the following new Schedule—

**“Schedule****PROVISIONS IN LOCAL AUTHORITY CODE OF PRACTICE FOR  
SUBTERRANEAN DEVELOPMENT**

In constructing or excavating in respect of a subterranean development, a developer must, if the planning authority so directs, have regard to—

- (a) the studies and investigations to be carried out in advance of the application for planning consent in relation to the stability of structures and the minimising of adverse effects on adjoining owners;
- (b) the adequacy of technical skills for investigations to be carried out and for the design and execution of the works;
- (c) the methods, materials and equipment to be used;
- (d) the standards and monitoring arrangements to be observed in relation to noise and vibration levels;
- (e) the hours of construction and excavation, and of particularly noisy types of construction and excavation;
- (f) the provision of information to adjoining owners;
- (g) the protection of adjoining owners from the risks associated with defective investigation or design and the interruption of the contract of works once commenced;
- (h) the limitation of the effects of ground movements on third party property to damage capable of repair by decoration and the repair of minor cracking;
- (i) the protection of the subsoil environment including hydrological and hydrogeological conditions;
- (j) the adequacy of a contractor’s third party liability insurance; and
- (k) the adequacy of standards of post-construction monitoring.”

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*31 March 2016*

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