



*building on success*

## Basements

# Publication Planning Policy

Sustainability Appraisal/ Strategic Environmental Assessment

Partial Review of the Core Strategy



THE ROYAL BOROUGH OF  
**KENSINGTON  
AND CHELSEA**

February 2014

Regulation 19, Town and Country Planning (Local Planning) (England) Regulations 2012



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## **Non-technical summary**

The purpose of the policy review is to revisit the planning policies within the Council's Core Strategy which are to be used when determining planning applications for proposals which include an element of basement development.

The Council adopted its Core Strategy in December 2010, a document which looks ahead to 2028 setting a clear policy framework with regard to where new development should be located, the nature of this development, and what uses should be protected. The Council recognises that it is now time to review the policies relevant to basements in the light of its experience in operating its current policies. It is also reviewing the associated procedures.

Whilst basement development is predominantly located underground it can have a significant impact upon both the appearance of the property and its garden. This impact can be 'direct', in the form of the light wells, roof lights, railings, steps and plant associated with the basement and/or 'indirect', associated with the nature of a garden above a basement, its impact upon trees and planting both now and long into the future. Where unsympathetically carried out such alterations may individually spoil the appearance of a building and its surroundings. The cumulative impact of any basement development can also be significant, leading to the incremental urbanisation of green space, detracting from the wider area.

In line with the requirements of the SEA Directive (2001/42/EC) and the Planning and Compulsory Purchase Act (2004) (as amended), the emerging policy has been subject to a Strategic Sustainability Assessment/Sustainability Appraisal (SEA/SA).

This document is the fourth produced which relates specifically to the sustainability appraisal of the revised basement policy.

- ***The Basement SEA/SA Scoping Report Addendum*** (April 2012) identified the issues relevant to basements and reviewed the Sustainability Appraisal Objectives (SA Objectives) which were developed as part of the initial SEA/SA for the Core Strategy in 2005.

- ***The initial SEA/SA on the Draft Basement Policy.*** This was published alongside the draft policy in December 2012. It examined the compatibility of the proposed policy options, and a number of alternative options, with the agreed SA objectives.
- ***The SEA/SA of the amended 'second' draft policy*** (March 2013) was an update of the initial SEA/SA, to take account to the proposed amendments to the draft policy following the comments received as a result of December's consultation.
- ***The initial SEA/SA of the publication policy.*** This document is the SEA/SA of the publication policy to take account of any changes to the policy following previous consultation on the draft policy.
- ***Final SEA/SA of the publication policy.*** This document is the final SEA/SA of the publication policy to take account of any final alterations to the policy following previous consultation on the publication policy. This document will be submitted to the Secretary of State as per Regulation 22 1(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The policy has been amended since the previous round of consultation. However, the changes were not of such significance so as to have resulted in a change to the conclusions in the SA. The conclusions remain that the preferred option to adopt the policy would be unlikely to have any negative impacts. The policy is therefore considered to continue to be largely compatible with the SA Objectives.

This is perhaps not surprising given that the stated purpose of the proposed policy is that, "all basements must be designed, constructed and completed to the highest standard and quality." However, the Council recognises that one of the effects of the proposed policy may be to reduce the scale of basement development which is carried out within the borough. A reduction in construction could, in theory at least, have a negative relationship with SA objective SA Objective 3 (Fostering economic growth).

With regard to SA objective 9a, gardens are not considered previously developed land. The policy would allow development of gardens (Greenfield land), however limiting the extent of basements into the garden by requiring at least 50% of the existing garden to be retained in its natural state, and resists multi storey basement extensions. The new proposed limits will be more positive than the existing situation of allowing basements in up to 85% of the garden but there will continue to be a slight conflict with SA objective 9a. This is considered slight as extensions into gardens within certain limits are permitted by the General Permitted Development Order (GDPO) (as amended). Basements when designed and executed appropriately can be less visually intrusive than above ground development and have the benefit of providing additional accommodation.

The proposed policy however is not preventing basement development altogether but reducing the scale of basements to otherwise mitigate their impact. The policy is seeking to ensure high quality development. Much of the success of the Borough relates to its attractive built form. Unsuitable extensions 'sterilising' entire gardens or posing risks to the structure of buildings can harm this built form and in turn have a negative impact on the economy. Furthermore, the Council also considers that other ambitions, such as ensuring the amenity of local people, or protecting the character of an area, should outweigh any marginal negative implications associated with a reduction in the scale of basements permitted.

While gardens are not considered previously developed land in the NPPF, extensions within a certain limit are permitted in gardens by the General Permitted Development Order (as amended). Basements when designed appropriately can be less visually intrusive than above ground developments and provide benefits associated with enlarging and improving accommodation.

Monitoring is important in order to identify any unforeseen adverse effects of adopting the policy. It is proposed to use the following indicators to monitor the effect of the policies: number of applications for basement proposals; number of schemes granted and refused (and where refused the reasons for refusal); number of

basement planning permissions implemented; number of appeals concerning basement developments, (and where upheld, the reasons why); and the number and nature of the complaints received by the Council concerning the construction of basement development. This includes complaints received from the Council's Highways and Environmental Health departments as well as Planning.

### **Statement on the difference the process has made to date**

The Sustainability Appraisal undertaken throughout the process of drafting the basement policy has highlighted the likely possible effects of the adoption of the policy.

The Council has considered comments on the SEA/SA report together with the responses from the consultation on the revised draft policy document before finalising the policies to be submitted to the planning inspectorate for examination.

The ultimate effectiveness of the policy, from the point of view of sustainable development, will depend on an effective partnership between the Council, prospective developers and the wider community.

### **How to comment on the report**

To comment on this report please contact:

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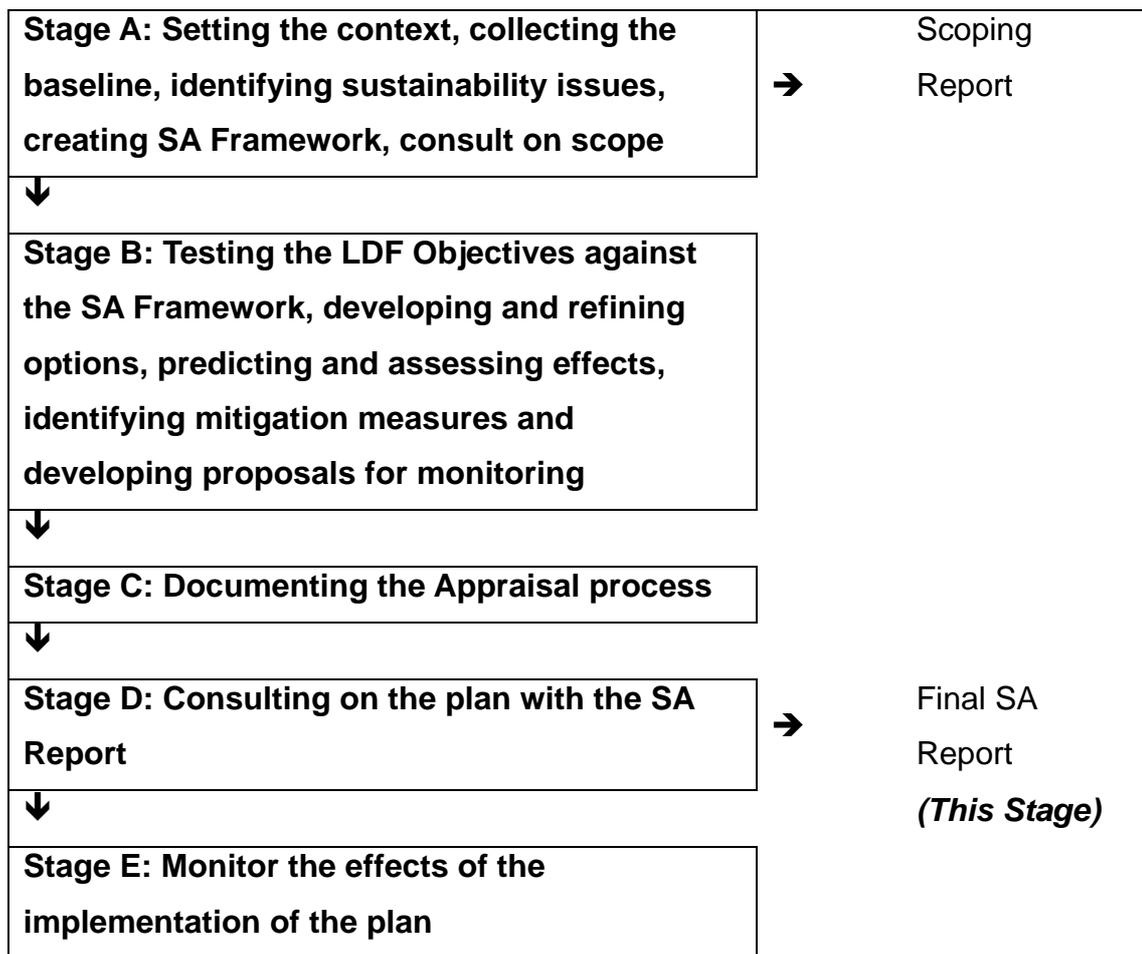
## **1.0 The Council's review of its basement policy**

- 1.1 The Council adopted its Core Strategy in December 2010, a document which looks ahead to 2028 setting a clear policy framework with regard to where new development should be located, the nature of this development and what uses should be protected. The Council recognises that it is now time to review the policy relating to basement development, and the associated procedures, in the light of its experience in operating its current policies.
  
- 1.2 The Council published an Issues and Options paper in April/May 2012 in which it asked its stakeholders whether they considered the approach taken by the Council with regard to new basements was the right one. The Council then published a draft policy for consultation in December 2012. This draft policy document set out what the Council considered to be the right approach to be taken within the Core Strategy into the future. Following this consultation, further changes to the draft policy were proposed. These changes were significant and given the level of interest in the draft policy, the Council undertook a consultation on the second draft of the basements policy. The consultation on the second draft took place for a six week period from 21<sup>st</sup> March 2013. An SA/SEA was undertaken for each of these three consultation documents.
  
- 1.3 As a result of the representations received on the second draft policy the Council made minor amendments to the proposed policy to prepare the publication planning policy. Many of the changes related to the supporting text and were made to improve clarity.
  
- 1.4 A large volume of representations were received to the publication consultation in July 2013. Whilst in the Council's view the policy as proposed was sound, it was considered that it would be helpful for the examination process if the evidence base was made even more clear. As a result the Council has undertaken and commissioned further work into the different issues relating to the policy and is therefore undertaking another publication

consultation in to the soundness of the policy. This will enable all stakeholders to consider the additional evidence. This SEA/SA is on the publication planning policy.

## **2.0 The Sustainability Appraisal process**

- 2.1 Under the Planning and Compulsory Purchase Act 2004 Local Authorities must undertake a Sustainability Appraisal (SA) for each of their Development Plan Documents. A Core Strategy and a Local Plan are both Development Plan Documents, and this policy on basements will form part of the Core Strategy/Local Plan.
- 2.2 The Government's approach is to incorporate the requirements of the EU's Strategic Environmental Assessment (SEA directive (Directive 2001/42/EC) into the wider SA process, a process that considers the economic and social as well as the environmental effects. Accordingly, the basements policy is subject to a combined SA/SEA.
- 2.3 The process that the Council has carried out to ensure that it meets its requirements for Sustainability Appraisal is set out in the SA/SEA report on Basements published in December 2012. This report along with the SA/SEA of the draft and second draft basement policy is available to view on the Council's [website](#). In essence the SA/SEA reports demonstrate how the Council has considered wider sustainability issues in formulating the policy (Stages B and C of the process). This report is the Final SA/SEA of the policy to be submitted for examination (Stage D of the process).



**Figure 1: Five Stages of SA preparation process (ODPM, 2005 p.58)**

- 2.4 Stage A was carried out within the Addendum Scoping report published in April 2012.
- 2.5 The SEA Directive sets out a statutory process that must be followed. The SEA Requirement Checklist (Table 1) has been used to ensure the requirements of the SEA Directive are met.

<b>Environmental Report Requirements</b>	<b>Location</b>
(a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;	Chapter 1 and 3 & Scoping Report Addendum
(b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;	Scoping Report
(c) the environmental characteristics of areas likely to be significantly affected;	Scoping Report
(d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC (The Birds Directive) and 92/43/EEC (The Habitats Directive);	Scoping Report Addendum
(e) the environmental protection objectives, established at International, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;	Scoping Report
(f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;	Chapter 4
(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;	Chapter 4
(h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;	Chapter 2 of original SEA report (Dec 2012)
(i) a description of the measures envisaged concerning monitoring in accordance with Article 10;	Chapter 5
(j) a non-technical summary (NTS) of the information provided under the above headings.	See NTS

**Table 1: SEA Directive requirements checklist**

### **3.0 The Publication Policy**

3.1 The publication policy introduces limits on the scale of basements and requires a range of considerations to ensure that basements must be designed, constructed and completed to the highest standard and quality. It requires -

- Retaining a minimum of 50% of the existing garden.
- A restriction on basement development to a single storey.
- Exceptions to the above may be made on large sites.
- No further basement to be allowed where there is an extant or implemented planning permission for a basement.
- Not introduce light wells and railings to the front or side of the property unless they are already an established and positive feature of the local streetscape.
- Consideration of construction impacts at the design stage.
- Requirement to install a suitable pumped device to protect from sewer flooding.

3.2 It proposes to maintain the current position in relation to:

- sustainable urban drainage measures being required;
- no excavation under listed buildings; and
- measures to offset carbon emissions being required.

3.3 It proposes to give more weight to construction impact issues by putting material currently in the SPD into the Core Strategy, including:

- construction traffic;
- construction methods; and
- how to safeguard the structural stability of neighbouring buildings.

## 4.0 Assessment of the Policy Options

- 4.1 Table 2 sets out the various strands of the policy. Many of these strands have not changed significantly and were assessed within the SA/SEA of the second draft policy as published in March 2013. Where no change has taken place the findings of the original SEA remain valid.
- 4.2 Alternative policy options were specifically considered in the December 2012 SA/SEA. As these were dismissed at that time, it is not considered appropriate to address them again in this document.

<b>Extent of basements beneath gardens</b> (a)Not exceed a maximum of 50% of each garden. The unaffected garden must be in a single area and where relevant should form a continuous area with other neighbouring gardens. Exceptions may be made on large sites;
<b>Depth of basement</b> (b) Not comprise more than one storey. Exceptions may be made on large sites;
<b>Not beneath existing basement</b> (c) Not add further basement floors where there is an extant or implemented planning permission for a basement;
<b>Trees and planting</b> (d) Not cause loss, damage or long term threat to trees of townscape or amenity value;
<b>Heritage Assets</b> (e) Not cause harm to the significance of heritage assets;
<b>Listed Buildings</b> (f) Not involve excavation underneath a listed building (including pavement vaults)  (g) demonstrate there is no harm to the special architectural and historic interest of the listed building when proposed in the garden;
<b>External elements</b> (h) Not introduce light wells and railings to the front or side of the property unless they are already an established and positive feature of the local streetscape;  (i) Maintain and take opportunities to improve the character or appearance of the building, garden or wider area, with external elements such as light wells, roof lights, plant and means of escape being sensitively designed and discreetly sited;
(j) <b>SuDS</b> Include a sustainable urban drainage scheme (SUDs); including a minimum of one metre of permeable soil above any part of the basement beneath a garden. Where the character of the gardens within an urban block is small paved courtyards SUDs may be provided in other ways;

<p>(k) <b>Environmental standards</b>  Ensure that any new building which includes a basement, and any existing dwelling or commercial property related to a new basement, is adapted to a high level of performance in respect of energy, waste and water to be verified at pre-assessment stage and after construction has been completed;</p>
<p>(l) <b>Construction Traffic</b>  Ensure that traffic and construction activity does not harm pedestrian, cycle, vehicular and road safety, affect bus or other transport operations (e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby;</p>
<p>(m) <b>Noise, dust and vibration</b>  Ensure that construction impacts such as noise, vibration and dust are kept to permitted levels for the duration of the works;</p>
<p>(n) <b>Structural Stability</b>  Be designed to minimise damage to and safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway;</p>
<p>(o) <b>Sewer flooding</b>  Be protected from sewer flooding through the installation of a suitable pumped device.</p>

**Table 2: Publication Policy**

- 4.3 The Council developed sixteen Sustainability Appraisal objectives (SA Objectives) within its initial SEA/SA Scoping report for the LDF in 2005. These objectives are considered to remain relevant, and therefore form the basis for the SEA/SA appraisal. These are set out in Table 3 below.

<b>SA OBJECTIVE</b>
1. To conserve and enhance the natural environment and biodiversity.
2. Reduce crime and anti-social behaviour and the fear of crime.
3. To support a diverse and vibrant local economy to foster sustainable economic growth.
4. Encourage social inclusion, equity, the promotion of equality and a respect for diversity.
5. Minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables.
6. Reduce the risk of flooding to current and future residents.
7. Improve air quality in the Royal Borough.
8. Protect and enhance the Royal Borough's parks and open spaces.
9. Reduce pollution of air, water and land. 9a. Prioritize development on previously developed land.
10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic.
11. Reduce the amount of waste produced and maximise the amount of waste that is recycled.
12. Ensure that social and community uses and facilities which serve a local need are enhanced, protected, and to encourage the provision of new community facilities.
13. To aim that the housing needs of the Royal Borough's residents are met.
14. Encourage energy efficiency through building design to maximise the re-use of buildings and the recycling of building materials.
15. Ensure the provision of accessible health care for all Borough residents.
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.

**Table 3: Sustainability Appraisal Objectives**

4.4 Table 4 below assesses the compatibility of the different policy options with these SA objectives. Table 4 shows the marking scheme used.

+	Objectives are compatible
-	Objectives are conflicting
?	Objective correlation is unknown
X	No Objective correlation (i.e. unlikely to have a significant effect)

**Table 4: Marking scheme**

4.5 The elements of the publication policy are likely to have a positive relationship with the majority of the SA objectives, in particular with SA Objectives 1, 5, 6, 7, 9, 10, 11 and 16. This is as expected given that the stated purpose of the policy is that, “all basements must be designed, constructed and completed to the highest standard and quality.” In particular most aspects of the policy are compatible with SA objectives 5 and 16.

4.6 The principal negative relationship that is likely to occur relates to that with SA Objective 9a. Gardens are excluded from the definition of previously developed land in the NPPF. The proposed policy would allow development of gardens (Greenfield land), however limiting the extent of basements into the garden by requiring at least 50% of the existing garden to be retained in its natural state, and resists multi storey basement extensions. The new proposed limits will be more positive than the existing situation of allowing basements in up to 85% of the garden but there will continue to be a slight conflict with SA objective 9a. This is considered slight as extensions into gardens within certain limits are permitted by the General Permitted Development Order (GDPO) (as amended). Basements when designed and executed appropriately can be less visually intrusive than above ground development and have the benefit of providing additional accommodation.

The policy continues to preclude basements beneath listed buildings, and requires proposals to demonstrate there is no harm to the special architectural and historic interest of the listed building when proposed in the garden. This is considered to be compatible with SA objective 9a.

- 4.7 The Council does recognise that a policy which may reduce the scale of basement extensions permitted could potentially have a negative impact on SA Objective 3 (Fostering economic growth). The policy does not stop basements and given the policy criteria are followed, single storey basements can continue to be built under the entire footprint of the building and up to 50% of the garden. Therefore any negative impact is likely to be small. Even though limited in extent compared to the existing policy, a new basement can increase the floorspace and add significantly to the value of properties in the Borough. This is a permanent impact and may continue to balance any slight negative impact on the economy during the construction stage.
- 4.8 The proposed policies have no significant relationship, be this positive or negative with SA Objectives 2, 4, 8, 12, 13 and 15.

### ***Towards a Preferred Option***

- 4.9 The Guidance advises “*the LPA appraises in broad terms the effects of strategic options and then in more detail the effects of the preferred options when these have been selected*”.
- 4.10 Each element of the preferred policy (as set out in table 5 below) has been assessed against the objectives. The main positive and negative relationships are highlighted below. An assessment of the rejected alternatives formed part of the initial review of the draft policy (December 2012). This hasn't been repeated.
- 4.11 The Guidance also recommends that in predicting and evaluating the effects of a policy it is useful to examine “*whether the effect will be permanent rather than temporary, and the time scale over which the effect is likely to be observed*”. This has been identified in the explanatory text to the assessment table. In addition, the Guidance suggests that the uncertainty surrounding predictions should be identified.

No.	SA Objective	Extent of basement beneath gardens (a)	Depth of Basement (b)	Not beneath existing basements (c)	Trees and planting (d)	Heritage Assets (e)	Listed Buildings (f)	Listed buildings-Gardens (g)	External Elements (h)&(i)	SuDS (j)	Environmental Standards (k)	Construction Traffic (l)	Noise, vibration and dust (m)	Structural Stability (n)	Sewer Flooding (o)
1	Biodiversity	+	X	X	+	X	?	+	X	+/x	X	X	X	X	X
2	Crime	X	X	X	X	X	X	X	X	X	X	X	X	X	X
3	Economic growth	?	?	?	X	X	?	?-	X	X	?+	X	X	X	X
4	Social inclusion	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5	Climate change	+	+	+	+	X	+	X	X	+	+	+	X	X	X
6	Flooding	+	X	X	+	X	X	X	X	+	X	X	X	X	+
7	Air Quality	+	+	+	+	X	X	X	X	X	+	+	+	X	X
8	Parks and open spaces	X	X	X	X	X	X	X	X	X	X	X	X	X	X
9	Pollution	+	+	+	?+	X	X	X	X	X	+	+	+	X	+
9A	Previously developed land	?-	X	X	X	X	+	?-	X	X	X	X	X	X	X
10.	Traffic reduction	+	+	+	X	?+	?+	-	X	X	X	+	X	X	X
11	Waste	?+	+	+	X	?+	?+	X	X	X	+	X	X	X	X
12	Social and community facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X
13	Housing need	?+	X	X	X	X	X	X	X	X	X	X	X	X	X
14	Energy efficiency	X	X	X	X	X	X	X	X	X	+	X	X	X	X
15	Health care	X	X	X	X	X	X	X	X	X	X	X	X	X	X
16	Conservation of cultural heritage	+	+	+	+	+	+	?-	+	+	+	X	X	+	+

**Table 5: Option Assessment**

### ***Extent of basements beneath gardens***

- 4.12 The publication policy requires retaining a minimum of 50% of each garden free of development. This is a level of basement development that is likely to be acceptable in terms of the impact it will have upon surface water drainage, allow for flexibility in planting in the future and limit the carbon emissions of larger basements. This would be compatible with SA Objective 1 (Biodiversity), as there is a link between plant and tree growth and biodiversity. It would also have a compatible relationship with SA Objectives 7 and 9 (Air quality and Pollution) given that plant growth has a positive impact on air quality and on pollution.
- 4.13 The impact upon flooding could be significant (SA Objective 6), as one of the purposes of this part of the policy is to allow effective drainage of the remaining soil having a beneficial impact on surface water flows and flooding.
- 4.14 Proposals which have the potential to reduce the extent of development could have a positive impact on SA Objectives 10 and 11 (Traffic and Waste) as this will reduce the need for excavation of spoil, and the associated construction traffic.
- 4.15 The policy may have a slight positive impact on the Borough's housing needs, SA Objective 13 by allowing sizeable extensions to existing homes. It will be compatible with SA Objective 16 (Cultural Heritage) as the retention of mature landscaping, the potential for mature planting in the future and retaining the natural landscape can have considerable benefits to the character and appearance of the garden and of the wider area.
- 4.16 This approach could have a small negative impact upon the local economy (SA Objective 3), as building work does contribute to the local and wider economy. Such an impact is however, likely to be extremely small and temporary during the construction stage. Basement development can continue to take place within smaller limits with employment benefits to the construction industry. Once complete, basements can significantly increase

property values. This economic benefit of an enlarged dwelling is likely to be permanent. Furthermore, much of the success of the Borough relates to its attractive built form. Unsuitable extensions 'sterilising' entire gardens could harm this built form and in turn have a negative impact on the economy.

- 4.17 The policy does not completely preclude development into gardens and therefore will continue to have a slight conflict with SA Objective 9a. While gardens are not considered previously developed land in the NPPF, extensions within a certain limit are permitted in gardens by the General Permitted Development Order (as amended). Basements when designed appropriately can be less visually intrusive than above ground developments and provide benefits associated with enlarging and improving accommodation.
- 4.18 The publication policy is more compatible with all environmental and social SA objectives compared to the alternative of allowing basements in up to 75% of gardens.
- 4.19 Any environmental impact is likely to be permanent in nature, as once a basement is excavated it is extremely unlikely to be removed at a later date. Any negative impact on the local economy would be short term as would only relate to the construction phase of the development. The table at Appendix IV sets out the likely temporal impacts and the degree of certainty.

***Depth of basement***

- 4.20 The policy does not allow basements deeper than a single storey given the likely impact of the construction phase on the amenity and living conditions of those who live in the vicinity, the higher carbon embodiment of basements and the greater risk of harm to structural stability associated with deeper basement digs. The approach is likely to have a positive relationship with SA Objective 5 (Climate Change) as smaller basements will use less steel and concrete. It will also be compatible with SA Objective 10 (Traffic) in that a reduction in the amount of excavation is likely to reduce the number of vehicle movements required. A reduction in traffic and the construction process itself

will have a corresponding positive impact on air quality and pollution, and upon the creation of construction waste and reduction in traffic (Sustainability Appraisal Objectives 7, 9, 10 and 11). Where structural stability is maintained, this will have a positive impact on Sustainability Appraisal Objective 16 (Cultural Heritage).

4.21 These benefits are likely to be significant but relate to the construction phase of the development only.

4.22 The benefits of reduced carbon emissions are for the lifecycle of the basement. The ongoing use of a deep basement may have ongoing implications on emissions, given that deeper basements may require continual pumping and continual mechanical ventilation.

***Not beneath existing basement***

4.23 The policy precludes a new basement to be built where there is an implemented planning permission for a basement or where there is an extant planning permission to construct a basement. This is on the basis of greater structural risks involved in deeper basements and the impact in terms of construction and emissions.

4.24 This approach will have a compatible relationship with SA Objectives 5, 7, 9, 10, 11 and 16. These relate to climate change and construction impacts such as on air quality, pollution, traffic reduction and waste. Clearly with no development there will be no additional use of material with high embodied carbon or traffic generation will potential related impacts on air quality and pollution.

***Trees and planting***

4.25 The protection of existing trees has a close and compatible relationship with SA Objective 1 (Biodiversity) given the link between plant and tree growth and biodiversity. It would also have a compatible relationship with SA Objectives 7 and 9 (Air quality and Pollution) given that plant growth has a positive, albeit minor, impact on air quality and on pollution.

- 4.26 There is also likely to be a positive relationship with SA Objective 6 (Flooding), given that trees draw water up from the ground and can assist in reducing surface water flows.
- 4.27 The policy will be compatible with SA Objective 16 (Cultural Heritage) as the retention of trees of townscape or amenity value can have considerable benefits to the character and appearance of the garden and of the wider area.
- 4.28 The impacts are likely to be permanent in nature as once a basement is constructed it is unlikely to be removed at a later date. This differs from some conventional extensions which may be replace/removed with time. Once damage is done to an existing tree it is irreversible.

***Heritage Assets/ Listed buildings/Gardens***

- 4.29 The policy precludes excavation underneath a listed building (including pavement vaults) and requires it to be demonstrated that there is no harm to the special architectural and historic interest of the listed building when proposed in the garden. The intention of this element of the publication policy is to minimise the risk of basement development having an unforeseen negative impact on the structural stability of the neighbouring listed building. SA objective 16's very purpose is to protect the Borough's heritage assets. As such this policy strand would be compatible with SA Objective 16.
- 4.30 The approach taken to the protection and setting of archaeological remains is also considered to be compatible with SA Objective 16. At the request of English Heritage a specific reference to the possible indirect impact of development on surviving archaeology was added to the supporting text of the original policy.
- 4.31 Proposals which have the potential to reduce the extent of development could have a positive impact on SA Objectives 10 and 11 (Traffic and Waste) as may reduce the need for excavation of spoil, and the associated construction traffic.

- 4.32 This approach could have a small negative impact upon the local economy (SA Objective 3), as the scale of building work may be reduced where it cannot be demonstrated that there would be no harm to the special architectural and historic interest of the listed building when proposed in the garden, which could have an impact on its contribution to the local and wider economy. Such an impact is, however, likely to be extremely small.
- 4.33 Furthermore, much of the success of the Borough relates to its attractive built form. Unsuitable basement extensions could harm this built form, and in turn, the attractiveness to invest in this Borough.
- 4.34 The presumption against development beneath listed buildings but permitting them when it can be demonstrated that there would be no harm to the special architectural and historic interest of the listed building when proposed in the garden, supports SA Objective 9a (development on previously developed land). It works together with protecting a valuable heritage asset.
- 4.35 The impacts are likely to be permanent in nature as once a basement is constructed it is unlikely to be removed at a later date. This differs from some conventional extensions which may be replace/removed with time. Similarly once damage is done to the built fabric of a listed building or to archaeological remains, it is irreversible. Damage can be 'put right' but once historic fabric is lost it is lost forever.
- 4.36 Any negative impact on the local economy would be short term as it would only relate to the construction phase of the development.

#### ***External elements***

- 4.37 Implementation of the policy, to control the undesirable 'urbanising' effect of roof lights and such features by requiring sensitive design and location near the rear of the building, is likely to have a positive impact on SA Objective 16 (Cultural Heritage). It is likely to control the ill designed physical

manifestations of basement developments which have the potential to harm local environmental quality and the cultural heritage. The benefits associated with good design will be permanent.

### ***SuDS***

- 4.38 The requirement for the provision of at least 1 metre of permeable topsoil has a positive impact on SA Objectives 1 and 6 (Biodiversity and Flooding). Permeable topsoil in itself can provide a habitat for invertebrates, as well as supporting wider planting with the positive impact on biodiversity that this can have. Effective SuDS are compatible with the reduction of surface water flooding.
- 4.40 There may also be a positive correlation with SA Objective 16 (Cultural Heritage) in terms of encouraging the retention of mature planting and potential for mature planting and landscaping in the future.
- 4.41 This benefit will be indefinite, continuing as long as an adequate depth of soil is retained. The positive impact on biodiversity is dependent, to a degree, on the nature of the permeable top soil used.

### ***Environmental Standards***

- 4.42 The retrofitting of the entire property to the “very good” BREEAM Domestic for Refurbishment standards is considered to be an effective way to attempt to mitigate the environmental impact of a basement development. As such it will be compatible with SA Objective 5 (Climate Change), given that carbon emissions are one of the contributing factors to climate change. It will also have a direct positive impact on SA Objective 14 (Energy efficiency) through the building’s design.
- 4.43 This approach will also be compatible with SA Objectives 7, 9 and 11 (Air Quality, Pollution and Waste) though the relationship may be indirect. By the same token that a reduction in the scale of development may (in theory) affect the local building economy, the need to retrofit properties to high

environmental standards may have a positive effect on the economy (SA Objective 3).

- 4.44 The benefits will continue as long as the measures required by the carbon assessment remain in place. In most cases this is expected to be some period of time, or until the next refurbishment. Some measures are 'built in', and therefore will be permanent.
- 4.45 The standards are set at a level that will not require extensive fabric improvements to buildings. This is to protect the largely historic character of the building stock in this Borough and also to make the requirements reasonable. The policy precludes basements under listed buildings, and only allows them beneath their gardens when it can be demonstrated that there would be no harm to the special architectural and historic interest of the listed building. Hence there should be no impact (positive or negative) on listed buildings in most cases. In conservation areas as well the standards are set at a level that does not require extensive changes to the fabric. Where changes to the fabric such as double glazing is proposed to meet the standards, properties in conservation area may benefit from permitted development rights in this regard, but the policy itself does not favour harm to the historic fabric in order to achieve environmental benefits. Therefore there is a positive correlation with SA Objective 16 (Conservation of cultural heritage).

#### ***Construction Traffic***

- 4.46 The policy seeks to ensure that applicants demonstrate that the construction traffic associated with a basement build would not jeopardise pedestrian, cycle, vehicular and road safety, affect bus or other transport operations (e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby. It is likely to have a positive relationship with SA Objective 5 and 10 (Climate Change and Traffic) in that it may support sustainable alternative forms of transport, or even reduce the volume of traffic itself. It may also have

a positive relationship with SA Objectives 7 and 9 (Pollution and Air Quality), given the close links between traffic and emissions.

- 4.47 The benefits would relate to the construction phase of the development only.

***Noise, Vibration and Dust***

- 4.48 The requirement within the publication policy that construction will be carried out in such a way as to keep to a reasonable level impacts such as noise, vibration and dust is compatible with SA Objectives 7 and 9 (Air quality and Pollution). The very purpose of the policy is to ensure that the pollution (in its wider sense) is kept to reasonable levels.

- 4.49 The benefits would relate to the construction phase of the development only.

***Structural Stability***

- 4.50 The Council's intention is that a developer shows that a basement should be designed to safeguard the structural stability of the application building and of nearby buildings. This will be compatible with SA Objective 16 (conservation of cultural heritage) as significant cracking, or other structural damage can put the character of a property at risk. The Council does, however, recognise that it cannot require a basement to be built in any particular manner, and that if structural damage does occur; it is the responsibility of the owner to address the issue.
- 4.51 The benefit would be ongoing, as an applicant should demonstrate, as far as it is possible, that structural stability is maintained in perpetuity. However, where damage is to occur it is most likely occur during the excavation stage of the construction phase of the development. Longer term damage can occur, though it may be difficult to quantify or to link to a particular proposal.

### ***Sewer flooding***

- 4.52 The publication policy makes specific reference to the need to provide “a suitable pumped device” to protect the newly created basement from sewer flooding. This requirement is considered to be compatible with SA Objectives 6 and 9 (Flooding and Pollution), as its purpose is to mitigate both flooding and pollution events. It is not considered to have a negative impact on any other SA Objectives. The fitting of such devices is a small and cost effective intervention, which will not have an impact on the appearance of the completed development and the benefits from this measure would be permanent.

### **Predicting and evaluating the effects of the preferred policy option against the business as usual scenario.**

- 4.53 The Guidance advises *“the LPA appraises in broad terms the effects of strategic options and then in more detail the effects of the preferred options when these have been selected”*. The preferred option is the adoption of the policy.
- 4.54 The Council currently has a number of policies within the Core Strategy which specifically relate to basement development. These policies include:

Policy CL2, “New Buildings, Extensions and Modifications to Existing Buildings” part (g) only

Paragraph 34.3.20 in support of CL2(g)

Policy CE1, “Climate Change” part (c) only

Paragraph 36.3.12 in support of CE1(d)

In addition the Council has adopted a Subterranean Development Supplementary Planning Document which further elaborates the Council’s current approach to new basement development.

- 4.55 The previous SA/SEA report compares the preferred option (the second draft policy) and the “business as usual option”, (the policies which currently exist), against the SA Objectives. This exercise is set out in table 4.5 of the SA/SEA of the second draft basements policy published in March 2013.
- 4.56 The wording of CL7 (c) has been amended to state that “basement development should not add further basement floors where there is an extant or implemented planning permission for a basement”. The impact of this change is unlikely to change the conclusions drawn on this element of the policy in the previous SA.
- 4.57 This publication policy has changed in relation to the previous publication policy in that it now permits basements beneath the gardens of listed buildings subject to strict criteria being satisfied. This approach is broadly similar to the business as usual approach under the current SPD. The publication policy CL7 (g) *requires* that the applicants demonstrate that the development would not harm the listed building. The current policy is silent on this matter with officers using their discretion as to what level or amount of evidence should be submitted or measures demonstrated in order to safeguard the listed building. The formal policy requirement for it to be demonstrated that the basement development would not cause harm, would likely have a small negative impact upon the local economy (SA Objective 3). This is due to the fact that there will be some schemes where it cannot be demonstrated that there would be no harm to the special architectural and historic interest of the listed building when proposed in the garden, which could have an impact on its contribution to the local and wider economy. Such an impact is, however, likely to be extremely small. Furthermore, much of the success of the Borough relates to its attractive built form. Unsuitable basement extensions could harm this built form, and in turn, the attractiveness to invest in this Borough.
- 4.56 In brief both the preferred option and the business as usual scenario are unlikely to have any significant effect on SA Objectives 2 (Crime), 4 (Social Inclusion), 12 (Social and Community Uses), 13 (Housing) and 15 (Health Care).

- 4.57 Both scenarios may conflict with the SA Objective 9a (Previously Developed Land) but the preferred option would have a lesser impact on previously developed land compared to the existing policy. While gardens are not considered previously developed land, in the NPPF, extensions within a certain limit are permitted in gardens by the General Permitted Development Order (as amended). Basements when designed appropriately can be less visually intrusive than above ground developments and provide benefits associated with enlarging and improving accommodation. Other impacts could be on the construction economy but again this would only be slight with the benefits of ensuring a high quality development. Much of the success of the Borough relates to its attractive built form. Unsuitable extensions ‘sterilising’ entire gardens or posing risks to the structure of buildings could harm this built form and in turn have a negative impact on the economy.
- 4.58 The Guidance also recommends that in predicting and evaluating the effects of a SPD it is useful to examine “*whether the effect will be permanent rather than temporary, and the time scale over which the effect is likely to be observed*”. In addition, the Guidance suggests that the uncertainty surrounding predictions should be identified.
- 4.59 Appendix IV shows the table recording the prediction and evaluation of the effects of the SPD, incorporating the likely temporal effects and uncertainty of the effects of the option on the SA objectives.

### **Conclusions**

- 4.60 In terms of the SEA/SA the policies are considered to be appropriate. These policies are considered to have a positive effect on the majority of the Council’s Sustainability Appraisal Objectives. Any conflicts with the SA objectives are only slight and are outweighed by the considerable benefits associated with the policy.

## 5.0 Mitigation and Monitoring

### *Mitigation*

5.1 It has been identified during the appraisal process that the adoption of the preferred options could have a potential negative effect on the following matters:

- SA Objective 3: Economic Growth
- SA Objective 9a: Prioritizing development on previously developed land

5.2 Given the nature of these effects, it is not considered necessary to put specific mitigation measures in place for SA Objectives 3 and 9a. The Council is of the view that, even where the relationship with these indicators may be negative, the impact is likely to be not significant. Furthermore, the benefits associated with restricting basement development or influencing how they are built are such as to outweigh these negative impacts.

### *Monitoring*

5.3 The significant sustainability effects of implementing the policy must be monitored to identify unforeseen adverse effects and to be able to undertake appropriate remedial action.

5.4 The following indices (Table 6) will be collected to assist with monitoring.

<b>INDICATORS</b>
1. Number of applications for basement proposals, including a break down by size and type.
2. Number of schemes granted and refused, by size and type, and where refused the reasons for refusal.
3. Numbers of basements implemented
4. Number of appeals concerning basement developments, and where upheld, the reasons why.
5. Number of complaints received by the council relating to the construction of a basement development, and the nature of these complaints.

**Table 6: Proposed Monitoring Data**

## **6.0 Consultation**

- 6.1 Upon the completion of the SA/SEA report, the Guidance recommends its submission for consultation to the statutory consultees and to other stakeholders alongside the revised draft policy (SEA Directive Article 6 (2)). Consultation on the SA/SEA has been undertaken alongside the different stages of policy formulation. The comments from previous consultations have been taken into account then to be integrated into the report accordingly (SA Directive Article 8).

## **Appendix I – Responses to SA/SEA Scoping Report Addendum: Basement Development**

### **Natural England**

Natural England noted that they did not consider that the proposed Core Strategy poses any likely or significant risk to those features of the natural environment for which Natural England would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.

### **English Heritage**

English Heritage noted that:

- We recommend the inclusion of Policy 7.8F and G of the London Plan concerning borough plan preparation for the maintenance, conservation and enhancement of heritage assets;
- We support the Royal Borough's preparation of further evidence on this matter to inform the baseline information for the Addendum. English Heritage would highlight that archaeological impacts may experience a secondary or indirect impact as a consequence of changes to the water table and the Royal Borough may wish to highlight this matter as part of this proposed piece of evidence;
- We consider that the Royal Borough has identified the right sustainability issues but would add, as above, that the potential direct, secondary or indirect impacts on the Royal Borough's archaeological resource should also be considered.
- English Heritage is content that SA Objective 16 should cover all aspects of cultural heritage i.e. all types of heritage asset, in relation to this matter; and
- In respect of the paper itself, English Heritage welcomes the Royal Borough's close attention to this issue and supports all efforts to monitor this activity as we consider that there is potential for severe adverse impacts on the historic environment if this is not undertaken.

The Council has addressed these issues. The draft Core Strategy makes reference to possible secondary impact of basement development on architectural remains. Further details will be provided within the forthcoming Basement SPD.

With regard the London Plan, the entire document forms part of this Borough's development plan. There is, therefore, no need to repeat its provisions. The Council has considered policies 7.8F and G as part of the plan making process.

## Appendix II – Other relevant local plans / policies / strategies

The following lists relevant local plans, programmes, strategies and initiatives, and the key messages, identified in the Scoping Report Addendum.

National	Key message in relation to basement development
<p><b>National Planning Policy Framework (adopted March 2012)</b></p>	<p>The importance of securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings.            Need to conserve heritage assets.            Support for a low carbon future.            Inappropriate development in areas at risk of flooding should be avoided and development should not increase flood risk elsewhere.            Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.</p>
London	
<p>The London Plan (adopted July 2011)</p>	<p>Need for high quality design.</p>
Local	
<p><b>Core Strategy for the Royal Borough with a Focus on North Kensington Development Plan Document (adopted December 2010)</b></p> <p>Subterranean Development SPD (adopted May 2009)</p>	<p>Existing policies relevant to basement extensions include CR5, CR6, CL1, CL2, CL4, CE1, CE2 and CE5. These policies given more detail by the SPD.</p> <p>Subterranean Development SPD (2009)</p>

## APPENDIX III: SA OBJECTIVES

<b>SA OBJECTIVE</b>
1. To conserve and enhance the natural environment and biodiversity.
2. Reduce crime and anti-social behaviour and the fear of crime.
3. To support a diverse and vibrant local economy to foster sustainable economic growth.
4. Encourage social inclusion, equity, the promotion of equality and a respect for diversity.
5. Minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables.
6. Reduce the risk of flooding to current and future residents.
7. Improve air quality in the Royal Borough.
8. Protect and enhance the Royal Borough's parks and open spaces.
9. Reduce pollution of air, water and land. 9a. Prioritize development on previously developed land.
10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic.
11. Reduce the amount of waste produced and maximise the amount of waste that is recycled.
12. Ensure that social and community uses and facilities which serve a local need are enhanced, protected, and to encourage the provision of new community facilities.
13. To aim that the housing needs of the Royal Borough's residents are met.
14. Encourage energy efficiency through building design to maximise the re-use of building's and the recycling of building materials.
15. Ensure the provision of accessible health care for all Borough residents.
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.

## Appendix IV - Predicting the effects of the Preferred Option

PREFERRED OPTION – ADOPTION OF POLICY					
SA OBJECTIVE	TEMPORAL EFFECTS			UNCERTAINTY (1-3) (-+)	COMMENTS
	SHORT (2015)	MEDIUM (2018)	LONG (2020)		
1. To conserve and enhance the natural environment and biodiversity.	+/?	+	++	1	The effect of adopting the policy on this objective is expected to be positive; particularly in the long term, points (a), (d) and (g) are directly compatible but the policy as a whole would have a positive impact as well.
2. Reduce crime and anti-social behaviour and the fear of crime.	X	X	X	N/A	The policy is not expected to have an effect on this objective.
3. To support a diverse and vibrant local economy to foster sustainable economic growth.	?	?	?	3	The extent of the effects of adopting the policy on this objective is uncertain. (a) could have a small negative impact upon the local economy but this is not certain
4. Encourage social inclusion, equity, the promotion of equality and a respect for diversity.	X	X	X	N/A	The policy is not expected to have an effect on this objective.
5. Minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables.	?	?/+	?/+	2	Points (k) and (j) of the policy is expected to have positive long term effects on this objective. However, these will depend on the extent to which measures are implemented and it is, therefore, uncertain.
6. Reduce the risk of flooding to current and future residents.	?/+	+	+	1	The effect of adopting the policy on this objective is expected to be positive, particularly in the long term as (a), (d), (g), (j) and (o) are compatible, and provided the policy is implemented fully.
7. Improve air quality in the Royal Borough.	?/+	+	+	2	Point (d), (k) and (l) could have an indirect positive impact on reducing air pollution, particularly in the long term. However, these will depend on the extent to which measures are implemented and are therefore uncertain.
8. Protect and enhance the Royal Borough's parks and open spaces.	X	X	X	N/A	The policy is not expected to have an effect on this objective.
9. Reduce pollution of air, water and land.	?/+	+	++	3	Point (k) and (l) could have an indirect positive impact on reducing air pollution, particularly in the long term.

9a. Prioritize development on previously developed land.	+	+	+	1	However, these will depend on the extent to which measures are implemented and are therefore uncertain.
10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic.	?	?/+	?/+	3	Point (a) and (l) of the policy could have positive long term effects on this objective as they have the potential to reduce the extent of development and this will reduce the need for excavation of spoil, and the associated construction traffic. However, these will depend on the extent to which measures are implemented and are therefore uncertain. Although gardens are not considered previously developed land, the policy will introduce a restriction regarding the percentage which can be developed, having a likely positive impact in the long term when compared to the existing situation. Points (a) and (g) could have an indirect positive impact.
11. Reduce the amount of waste produced and maximise the amount of waste that is recycled.	+	+	+	1	The preferred option which has the potential to reduce the extent of development could have a positive impact here as this will reduce the need for excavation of spoil, and the associated construction traffic. Points (a), (b), (c) and (k) are the points which could have a positive impact o this objective
12. Ensure that social and community uses and facilities which serve a local need are enhanced, protected, and to encourage the provision of new community facilities.	X	X	X	N/A	The policy is not expected to have an effect on this objective.
13. To aim that the housing needs of the Royal Borough's residents are met.	X	X	X	N/A	The policy is not expected to have an effect on this objective.
14. Encourage energy efficiency through building design to maximise the re-use of buildings and the recycling of building materials.	+	+	+	1	Section (k) of the policy ensures the retrofitting of the entire property to the "very good" BREEAM Domestic for Refurbishment standards, and therefore this will have a direct positive impact on this objective

15. Ensure the provision of accessible health care for all Borough residents.	<b>X</b>	<b>X</b>	<b>X</b>	<b>N/A</b>	The policy is not expected to have an effect on this objective.
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.	<b>+</b>	<b>+</b>	<b>+</b>	<b>1</b>	The policy recognises the need to preserve the unique identity of the borough and contains measures aimed at conserving local amenity and the quality of the natural and built environment and heritage assets. Most of the points are likely to have a positive impact on this objective.