

Basement Review: Core Strategy Draft Policy

STRATEGIC ENVIRONMENTAL ASSESSMENT/
SUSTAINABILITY APPRAISAL

Royal Borough of Kensington and Chelsea
December 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 draft policy has been subject to a Strategic Sustainability Assessment/Sustainability Appraisal (SEA/SA). The Basement SEA/SA Scoping Report Addendum identified the issues relevant to basements and the Sustainability Appraisal Objectives (SA Objectives) which were developed as part of the initial SEA/SA for the Core Strategy. Statutory consultees were consulted on the Scoping Report Addendum and when given their feedback was taken into consideration in the preparation of this report.

The SEA/SA examines the compatibility of the proposed policy options with the SA Objectives. The report also appraises the aims of a number of alternative options

against the SA Objectives. This included specific consideration of the “business and usual” scenario.

The preferred policy and the various options are likely to have a positive relationship with the majority of the SA objectives. This is not surprising given that the stated purpose of the policy is to, “require basements and associated development to be of the highest design quality, to protect and take opportunities to improve the character and quality of the area and the way it functions, individually, cumulatively and in the longer term, in particular in relation to the quality and character of buildings, townscape and gardens, to improve water management and to minimise the construction impacts on the neighbourhood.” This is also the case for the alternative options.

The principal negative relationship that is likely to occur relates to that with SA Objective 9a, as policies to control the nature of basements may, in some circumstances, discourage development on previously developed land. It is the Council’s view that other ambitions should outweigh this objective.

The Council does recognise that a policy which may reduce the scale of basement extensions permitted may have a negative impact on SA Objective 3 (Fostering Economic Growth). The construction industry is seen as one of the key drivers for growth, and as such proposals which may suppress development could potentially have negative impact.

Similarly, a policy which resists the creation of new residential units below ground could conflict with the objectives of SA Objective 13 (Housing Needs). It is however considered that such an impact will be minimal given that the basement extensions are rarely to create new residential units, normally associated with the creation for new floorspace of an existing.

The Council considers that the negative impact on SA Objectives 3, 9A and 13 are unlikely to be significant and to be outweighed by the considerable benefits to the other SA objectives associated with the successful implementation of the policy.

Retrofitting properties to high carbon standards may have implications on the character and appearance of a property (SA Objective 16). This is of particular concern within a listed building, where such alterations could harm its special architectural and historic interest. Other heritage assets could also be harmed, were there pressure, for example, to add double glazing to a property where this may not be appropriate.

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, (including a break down by size and type); number of schemes granted and refused (by size and type) and where refused the reasons for refusal; 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 has highlighted the likely effects of the adoption of the policy.

RBKC will be considering comments on the SEA/SA report together with responses from the consultation on the draft policy document.

The ultimate effectiveness of the policy, from the point of view of sustainable development, will depend on an effective partnership between RBKC, 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 Background

Purpose of the Sustainability Appraisal and the Sustainability Appraisal Report

- 1.1 The Council's Planning Department have undertaken a Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA) of the emerging Core Strategy policy which relates to basement development.
- 1.2 SEA involves the systematic identification and evaluation of the environmental impacts of a strategic action (e.g. a plan, programme or policy). In 2001, the EU legislated for SEA with the adoption of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the 'SEA Directive'). The Directive came into force in the UK on 21 July 2004 and applies to a range of English plans and programmes including Local Development Frameworks, and Core Strategies.
- 1.3 The UK Government has chosen to implement the SEA directive through 'Sustainability Appraisal' (SA), a method that encompasses economic and social concerns, as well as those of the environment. Under the Planning and Compulsory Purchase Act 2004 (PCPA), Local Authorities must undertake SA for each of their Development Plan Documents. A Core Strategy is a Development Plan Document.
- 1.4 In 2005 a sustainability framework has been prepared by the Council for all documents within the LDF¹. This is reviewed with each individual document, and an addendum scoping report prepared as necessary. The Basement Addendum Scoping Report was issued in April 2012, and is available on the Council's website.²
- 1.5 In October 2005, the Government published guidance on undertaking combined SEA / SA of LDFs ('the Guidance'³). This guidance was followed for the production of the Sustainability Appraisal.

¹ http://www.rbkc.gov.uk/pdf/isar_final_report.pdf

² <http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx>
3ODPM (2005) Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents.

- 1.6 The SEA Directive sets out a statutory process that must be followed. The SEA Requirement Checklist (Table 1.1) has been used to ensure the requirements of the SEA Directive are met.
- 1.7 This SA Report supplements the public consultation on the paper titled, “Basement Development: Issues” as required by Regulation 24 of the Town and Country Planning (Local Development) (England) Regulations, 2004 (as amended). It is intended to inform decision makers within the Council, alongside public and stakeholder responses to the consultation, before the policy document is finalised. Issuing the SA Report alongside the draft policy helps provide objective information for consultees, so that their responses can be made in full awareness of the predicted sustainability impacts of different 'options'. It also shows what information is being fed into the decision making process and how this was arrived at.
- 1.8 Table 1.1 below indicates where specific requirements of the SEA Directive can be found:

<i>Environmental Report Requirements</i> ⁴	<i>Location</i>
(a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;	Chapter1 & 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	Scoping Report

⁴ As listed in Annex I of the SEA Directive (Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment)

programme and the way those objectives and any environmental considerations have been taken into account during its preparation;	
(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 2
(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 3
(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
(i) a description of the measures envisaged concerning monitoring in accordance with Article 10;	Chapter 2
(j) a non-technical summary of the information provided under the above headings.	See NTS

Table 1.1: SEA Directive requirements checklist

This Report

- 1.09 Figure 1 shows the five-stage approach of the SA/SEA process recommended in the Guidance.
- 1.10 Stage A was carried out and documented in the SA Scoping Report Addendum for Basement Development. Consultation was carried out on the Scoping Report in line with Regulation 24 of the Town and Country Planning (Local Development) Regulations 2004 (as amended). Two responses were received. There were both from statutory consultees, Natural England and English Nature. These are set out in Appendix I. The SEA/SA and draft policies have been amended accordingly.

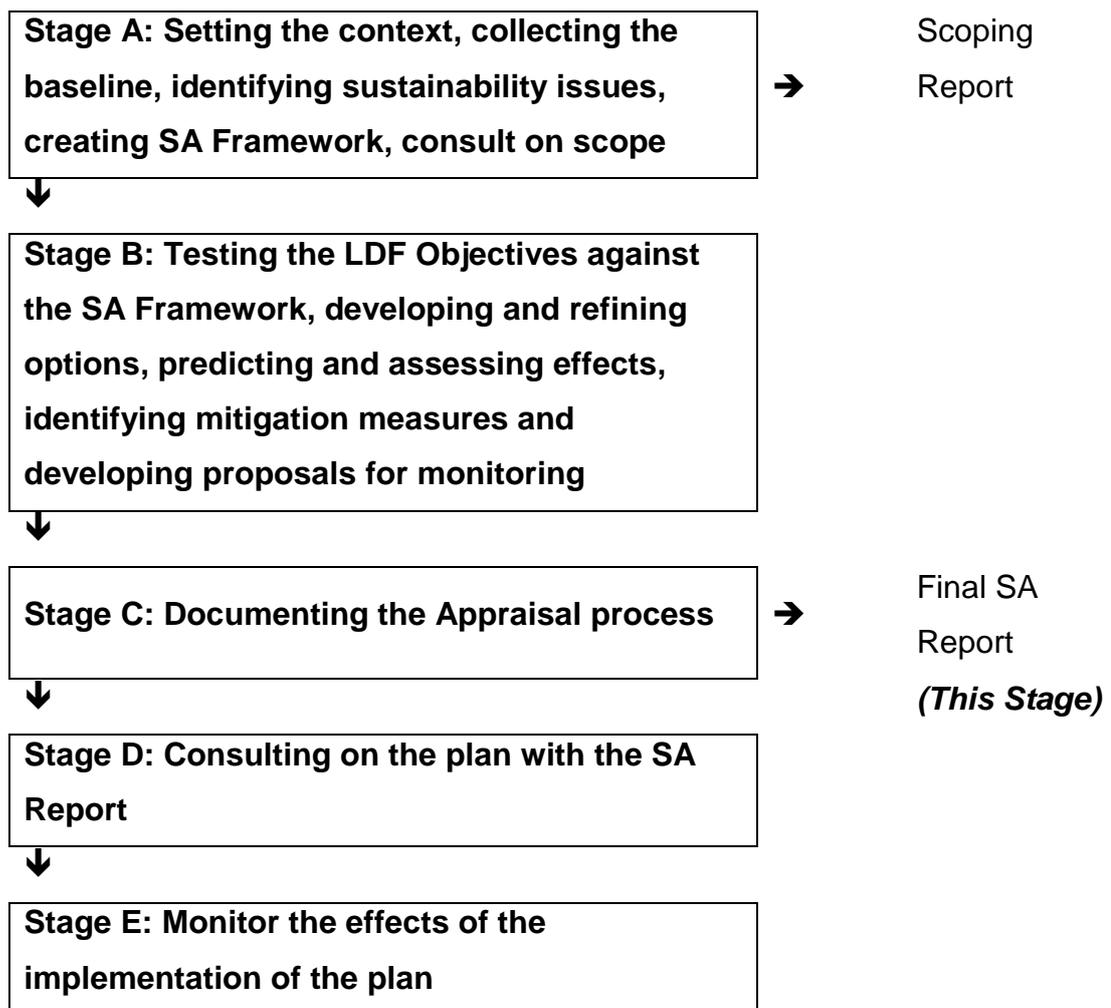


Figure 1: Five Stages of SA preparation process (ODPM, 2005 p.58)

1.11 The current report records Stages B and C of the SA process. Stage C involves the preparation of the SA report, which is documented here.

The Council's review of its basement policy

1.12 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 is now time to review the relevant policy, and the associated procedures, in the light of its experience in operating its current policies.

- 1.13 This review takes three strands; a review of the policies within the Core Strategy; a review of the contents of the Subterranean Development SPD and a review of the policies and procedures associated with determining applications for basement developments. Whilst the three strands are linked, the function of this SEA/SA is to assess the review of the Core Strategy policies.
- 1.14 The new policy does not propose to 'ban basements'. It proposes to maintain the current position in relation to:
- listed buildings, where basements are permitted under the gardens of listed buildings (subject to various matters) but not under the building itself;
 - sustainable urban drainage measures being required;
 - light wells etc needing to be discreetly located; and
 - measures to limit carbon emissions being required.
- 1.15 It proposes to limit basements to:
- a single storey, on the basis that the larger the basement the greater the construction impact;
 - under gardens to a maximum of between 50% and 75%, to allow for natural drainage, whilst also requiring that the associated structures (such as escape stairs, roof lights) are discreetly located, in order to protect the character of the garden. This may indirectly affect basement size.
- 1.16 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;
 - hours that building work can be carried out; and
 - how to safeguard the structural stability of neighbouring buildings.

2.0 Assessment of the Policy Options

Testing the policy options against the SA Objectives

- 2.1 Under the SEA Directive assessors should ensure that, “reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated” (Article 5(1)) and the Environmental Report should include “an outline of the reasons for selecting the alternatives dealt with” (Annex I (h)).
- 2.2 Over the Summer and Autumn of 2012 the Council has drafted a policy which relates to new basement development across the Borough. This policy contains a number of strands. These are set out in table 2.1 below. The Council has also considered a number of alternative options. These are also included as appropriate.

<i>Extent of basements beneath gardens</i> The basement must not exceed 75% of each garden of the property. Where the findings of the analysis of the surface water conditions of the site demonstrate surface water drainage will not be maintained, this percentage will be reduced. The unaffected garden must be in a single area.
<i>Depth of basement</i> The basement must not comprise more than one additional storey except on larger sites which are less constrained and where it can be demonstrated that traffic and construction impacts can be successfully mitigated.
<i>Trees and planting</i> There must be no loss, damage or long term threat to trees of townscape or amenity value, and the ability of future tree planting of a suitable size and scale both on site and in neighbouring gardens must not be prejudiced.
<i>Heritage Assets</i> Preferred Option The scheme must not cause substantial harm to heritage assets. Alternative Option Resist the creation of basements within the curtilage of a listed building.
<i>External elements</i> Preferred Option The development must maintain and take opportunities to improve the character 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. The basement must not introduce light wells and railings to the front or side of the property which are visible from the street, where these are not a feature of that street.

<p>Alternative Option Set a limit on the extent of development beneath a garden which takes account of visual impact as well as the need for effective sustainable urban drainage.</p>
<p>SuDS The development must include a sustainable urban drainage scheme including a minimum of one metre of permeable soil above any part of the basement beneath a garden.</p>
<p>Environmental standards Where the basement is to be constructed under an existing building, the dwelling or commercial property to which the basement relates must be adapted to a high level of performance in respect of carbon emissions and this must be verified at pre-assessment stage and after construction has been completed. Where a new building with a basement is proposed, the same applies to the entire building.</p>
<p>Construction Traffic The submitted application must demonstrate how traffic and construction activity will be organised so as not to harm road safety, significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living and working nearby.</p>
<p>Noise, dust and vibration The submitted application must demonstrate how the construction will be carried out in such a way as to minimise potential impacts such as noise, vibration and dust for the duration of the works.</p>
<p>Structural Stability The submitted application must demonstrate how it is intended to safeguard the structural stability of the application building and nearby buildings.</p>
<p>Other alternatives Resist all basement development within a conservation area.</p>
<p>Resist demolition which is carried out to assist in the implementation of a basement development.</p>

Table 2.1: Policy options and alternatives

- 2.3 The Council developed seventeen 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 will form the basis for the SEA/SA appraisal. These are set out in table 2.2 below.

SA OBJECTIVE
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 2.2: Sustainability Appraisal Objectives

2.4 Table 2.4 below assesses the compatibility of the different policy options with these SA objectives. Table 2.3 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 2.3: Marking scheme

2.5 The preferred policy and the various options 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 for, "basements and associated development to be of

the highest design quality, to protect and take opportunities to improve the character and quality of buildings, townscape and gardens and the way the area functions, individually, cumulatively and in the longer term, to improve water management and to minimise the construction impacts on the neighbourhood.” The alternative options are also considered to have a positive relationship with the SA Objectives.

- 2.6 The principal negative relationship that is likely to occur relates to that with SA Objective 9a, as policies to control the nature of basements may, in some circumstances, discourage the development on previously developed land. It is the Council’s view that other ambitions should outweigh this objective.
- 2.7 The Council does recognise that a policy which may reduce the scale of basement extensions permitted may have a negative impact on SA Objective 3 (Fostering Economic Growth). The construction industry is seen as one of the key drivers for growth, and as such proposals which may suppress development could potentially have a slight negative impact.
- 2.8 Similarly, a policy which resists the creation of new residential units below ground could conflict with the objectives of SA Objective 13 (Housing Needs).
- 2.9 The proposed policies have no significant relationship, be this positive or negative with SA Objectives 2,4,8,12 and 15.

No.	SA Objective	Draft Policies										Alternative Options			
		Extent of basements beneath gardens	Depth of basement	Trees and planting	Heritage assets	External elements	SuDS	Environmental standards	Construction Traffic	Noise, vibration and dust	Structural stability	Curtilage of listed building	Conservation Area	Demolition	Limit of development
1	Biodiversity	+	X	+	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	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	+	X	X	X	X	X	X	X
6	Flooding	+	X	+	X	X	+	X	X	X	X	X	X	X	X
7	Air Quality	+	+	+	X	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	X	X
9A	Previously developed land	-	X	X	-	X	X	X	X	X	X	-	?-	X	X
10.	Traffic reduction	?+	+	X	?+	X	X	X	+	X	X	+/?	+	X	X
11	Waste	?+	+	X	?+	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
13	Housing need	?-	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	Heath care	X	X	X	X	X	X	X	X	X	X	X	X	X	X
16	Conservation of cultural heritage	+	X	X	+	+	+	X	X	X	+	+	+	+	+

Table 2.4: Option Assessment

Towards a Preferred Option

- 2.10 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*”.
- 2.11 Each element of the preferred policy (as set out in table 2.4 above) and the other options has been assessed against the objectives. The main positive and negative relationships are highlighted below. An assessment of the rejected alternatives has also been included.
- 2.12 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*”. In addition, the Guidance suggests that the uncertainty surrounding predictions should be identified.

Extent of basements beneath gardens

- 2.13 The preferred option is to allow a level of basement development beneath a garden that is likely to be acceptable in terms of the impact it will have upon ground water flow and to allow for new planting in the future. This option 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.
- 2.14 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 from the remaining soil to the water table below, a connection which has a beneficial impact on surface water flow and flooding.
- 2.15 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.

- 2.16 The proposed policy will be compatible with SA Objective 16 (Cultural Heritage) as the retention of mature landscaping and the potential for mature planting in the future can have considerable benefits to the character and appearance of the garden and of the wider area.
- 2.17 The preferred approach, could have a negative impact upon SA objective 13 (housing need) were it to reduce the quantum of basement development permitted. This impact is likely to be extremely limited, given that most basements are to extend existing properties rather than creating new units in their own right. The Council has other policies in place to ensure that resident's housing needs are met. Similarly, 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. Furthermore, much of the success of the Borough relates to its attractive built form. Unsuitable extensions sterilising entire gardens could harm this built form. In common with many of the policies which may reduce the amount of development which may occur, the policy has the potential to reduce development on previously developed land, in conflict with SA Objective 9a.
- 2.18 Any 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.

Depth of basement

- 2.19 The draft policy seeks to resist the creation of double height basements given the likely impact of the construction phase on the amenity and living conditions of those who live in the vicinity. The approach is likely to have a positive relationship 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. (SA objectives 7, 9, 11 and 10).

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

2.21 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. However, such impact is likely to be small, and offset by requirements for the entire property to meet the appropriate Environmental standards.

Trees and planting

2.22 The protection of existing trees is 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.

2.23 The proposed 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.

2.24 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.

2.25 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 an existing tree it is irreversible.

Heritage Assets

Preferred Option

- 2.26 The preferred approach, to resist basements beneath a listed building, would be compatible with SA Objective 16 (Cultural heritage), as its very purpose is to protect the Borough's heritage assets. An extension within the curtilage of the listed building, but not beneath that building, will be assessed on its own merits. It will only be permitted when the special character of the building is not harmed.
- 2.27 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 has been added to the supporting text of the policy.
- 2.28 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.
- 2.29 The preferred approach, could have a negative impact upon SA objective 13 (housing need) were it to reduce the quantum of basement development permitted. As set out above this impact is likely to be extremely limited, given that most basements extend existing properties rather than creating new units in their own right. Similarly, this approach could have a small negative impact upon the local economy (SA Objective 3), as the scale of building work may be reduced, 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 extensions could harm this built form.
- 2.30 Neither the presumption against development beneath listed buildings, or anywhere within the curtilage of a listed building, supports SA Objective 9a (development on previously developed land). However, in both cases the

importance of protecting a valuable heritage asset is considered to be of greater importance.

Alternative option

- 2.31 Preclude basement development anywhere within the curtilage of a listed building. This option is compatible with SA Objective 16 (cultural heritage). It is not, however, considered to be appropriate as precludes development which may not have a detrimental impact on the character of the listed building.
- 2.32 In common with the preferred option, this option may have a negative impact upon SA Objectives 3, 9a and 13. This is not considered to be significant for the reasons given above. It is extremely uncertain whether excavation within the curtilage of a listed buildings will have any more than a minimal impact upon the local economy.
- 2.33 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.
- 2.34 Any negative impact on the local economy would be short term as would only relate to the construction phase of the development.

External elements

Preferred Option

- 2.35 Implementation of the draft policy, by which the Council chooses 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 18 (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.

- 2.36 Other elements of the Core Strategy, for example the unaltered parts of Policy CL2, CL1 and CL3 (not currently being reviewed), require high standards of design for all new development.

Alternative option

- 2.37 The alternative option, which is to set a threshold for all development beneath a garden to take account of visual impact as well as the need for effective sustainable urban drainage, is considered to have a similarly positive relationship with SA Objective 18. There is, however, a danger that that such an approach may encourage applicants to “plan to the figure” rather than take a qualitative assessment on impact.

- 2.38 The benefit, both for the preferred and alternative options, will be permanent.

SuDS

- 2.39 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.
- 2.40 There may also be a positive correlation with SA Objective 18 (Cultural Heritage) in terms of encouraging the retention of mature planting and potential for mature planting and landscaping in the future.
- 2.41 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

- 2.42 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.
- 2.43 This approach will also be compatible with SA Objectives 7, 9 and 11 (Air Quality, Pollution and Waste) through the relationship may be indirect.
- 2.44 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 measure are ‘built in’, and therefore will be permanent.
- 2.45 However, retrofitting properties to high carbon standards may have implications on the character and appearance of a property. This is of particular concern within a listed building, where such alterations could harm its special architectural and historic interest. Other heritage assets could also be harmed, were there pressure, for example, to add double glazing to a property where this may not be appropriate.

Construction Traffic

- 2.46 The draft policy seeks to ensure that applicants demonstrate that the construction traffic associated with a basement build would not jeopardise highway safety and the free flow of traffic. It is likely to have a positive relationship with SA Objective 10 (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.
- 2.47 The benefits would relate to the construction phase of the development only.

Noise, Vibration and Dust

2.48 The requirement within the draft core strategy 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.

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

Structural Stability

2.50 The Council's intention is that a developer shows that a basement can be built without having a detrimental impact on the structural stability of neighbouring properties. 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.

2.51 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 be caused it is most likely to be caused during the construction phase of the development, the period when the excavation is occurring, and the proposed mitigation will prove, or otherwise to be effective. Longer term damage can occur, though it may be difficult to quantify or to link to a particular proposal.

Resist demolition

2.52 An alternative option considered was to resist all demolition that would be carried out to assist in the demolition of a basement development. This option would be compatible with SA Objective 16 (Cultural heritage) as would ensure that demolition that would have the potential to harm the character of an area

could be resisted. However, the Council notes that under the Planning Acts demolition is only required when substantial in nature and is not possible to unilaterally resist all demolition. Reducing demolition would also have a positive impact on waste creation, compatible with SA Objective 11.

- 2.53 Whilst the demolition itself would occur during the construction phase, the benefit could be long term, or as long as that part of the property that was ‘saved’ remains.

No basements within conservation areas

- 2.54 An alternative option considered was to resist all basement development within a conservation area. Notwithstanding the reasonableness, or otherwise, of this approach, it would be compatible with SA Objective 16 (Cultural heritage). If no basements are permitted, they cannot have an impact on the character of the conservation area. In common with all options which may reduce the scale of basement development, it may have a positive impact on air quality and pollution, and upon the creation of construction waste and reduction in traffic. (SA objectives 7, 9, 11 and 10). It may also have negative impacts on SA Objectives 3, 9a and 13 (Economic Growth, Previously Developed Land and Housing).
- 2.55 If benefits are to occur they are permanent in nature as relate to the ongoing character and appearance of the property and surrounding area.

Predicting and evaluating the effects of the preferred Policy option against the business as usual scenario.

- 2.56 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)

- 2.57 In addition the Council has adopted a Subterranean Development Supplementary Planning Document which further elaborates the Council's current approach to new basement development.
- 2.58 The purpose of this section is to compare the preferred option and the "business as usual option", (the policies which currently exist), against the SA Objectives. This exercise is set out in table 2.5 below.
- 2.59 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) and 15 (Assessable Health Care).
- 2.60 Both scenarios may conflict with SA Objectives 3, (Economic Growth), 9a (Development on previously developed land) and 13 (Housing Need). This are considered below:

Economic growth

- 2.61 The Council recognises that reducing the scale of basement development that may occur within the Borough could potentially reduce the amount of building work occurring in the Borough. This could have a detrimental impact on the economy. However, this impact is likely to be small, if it is to occur at all. The purpose of the preferred policies is to ensure that the scale of basements, and the associated visible parts, reflect the character of the property and the area, and take account of the impact that their construction may have upon neighbours. It will not necessarily preclude the construction of the basement itself. Whether the scale of the basement is reduced, or the basement resisted altogether, the impact on the wider economy is likely to be minimal.
- 2.62 Furthermore, the Council takes the view that it is the role of the Local Planning Authority to resist unsuitable proposals even where they, or their construction, may have a positive economic effect. Economics cannot be the overarching determinant.

SA OBJECTIVE		Preferred option		Current policy approach
1. To conserve and enhance the natural environment and biodiversity.	+	By ensuring that trees are protected, adequate soil depth included and gardens retained, the biodiversity potential of the borough is protected.	+	By ensuring that trees are protected, adequate soil depth included and gardens retained, the biodiversity potential of the borough is protected.
2. Reduce crime and anti-social behaviour and the fear of crime.	X	No direct impact	X	No direct impact
3. To support a diverse and vibrant local economy to foster sustainable economic growth.	?-	Reducing the scale of basement development further could reduce the amount of building work occurring in the Borough, with a detrimental impact on the economy. This impact is likely to be small, if to occur at all.	X	No direct impact
4. Encourage social inclusion, equity, the promotion of equality and a respect for diversity.	X	No direct impact	X	No direct impact
5. Minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables.	+	Requiring the retrofitting of the entire building to a suitable carbon standard where a basement is proposed will mitigate the impact of the proposed basement on this objective.	+	Requiring the retrofitting of the entire building to a suitable carbon standard where a basement is proposed will mitigate the impact of the proposed basement on this objective.
6. Reduce the risk of flooding to current and future residents.	+	The proposed policy refers to the existing policies within the Core Strategy which concern the risk of flooding. These mitigate the risk. The new requirements concerning SUDS further reduce this risk.	+	The Core Strategy contains policies which mitigate the risk and impact of basements flooding. These are based upon sequential assessment and the provision of a Flood Risk assessment alongside applications for new basements. The Core Strategy requires effective SUD for all new development.
7. Improve air quality in the Royal Borough.	+	Indirect positive effect due to the requirement of a CTMP to ensure construction traffic is kept to a	+	Indirect positive effect due to the requirement of a CTMP to ensure construction traffic is kept to a minimum.

		<p>minimum.</p> <p>Explicit recognition that the dust created during the construction phase needs to be addressed should improve local air quality.</p> <p>Requiring the retrofitting of the entire building to a suitable carbon standard where a basement is proposed may have a positive indirect impact on air quality, reducing energy use.</p>		<p>Requiring the retrofitting of the entire building to a suitable carbon standard where a basement is proposed may have a positive indirect impact on air quality, reducing energy use.</p>
8. Protect and enhance the Royal Borough's parks and open spaces.	+	<p>The existing Core Strategy precludes the digging of basements beneath garden squares. This aspect has not been reviewed, and remains unaltered.</p>	+	<p>The existing Core Strategy precludes the digging of basements beneath garden squares. This aspect has not been reviewed, and remains unaltered.</p>
9. Reduce pollution of air, water and land.	+	<p>Indirect positive effect due to the requirement of a CTMP to ensure construction traffic is kept to a minimum.</p> <p>Explicit recognition that the dust and noise created during the construction phase needs to be addressed should improve local air quality and noise pollution.</p> <p>Requiring the retrofitting of the entire building to a suitable carbon standard where a basement is proposed may have a positive indirect impact on pollution associated with energy generation.</p>	+	<p>Indirect positive effect due to the requirement of a CTMP to ensure construction traffic is kept to a minimum.</p> <p>Requiring the retrofitting of the entire building to a suitable carbon standard where a basement is proposed may have a positive indirect impact on pollution associated with energy generation.</p>
9a. Prioritize development on previously developed land.	-	<p>Any initiatives which reduce the opportunities of basement development across the Borough have the potential to conflict with this objective. The more restrictive the policy the greater the possible conflict. The draft policy seeks to limit the extent of basement development further, both in terms of depth and size</p>	-	<p>Any initiatives which reduce the opportunities of basement development across the Borough have the potential to conflict with this objective. The more restrictive the policy the greater the possible conflict.</p>

		in relation with the garden.		
10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic.	+	Some indirect positive effect due to the requirement for a CTMP. This may reduce the amount of vehicle movements required.	+	Some indirect positive effect due to the requirement for a CTMP. This may reduce the amount of vehicle movements required.
11. Reduce the amount of waste produced and maximise the amount of waste that is recycled.	+	A waste management plan is required by existing policies within the Core Strategy for larger developments. The threshold is unlikely to be triggered by the majority of basement extensions.	+	A waste management plan is required by existing policies within the Core Strategy for larger developments. The threshold is unlikely to be triggered by the majority of basement extensions.
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	No direct impact	X	No direct impact
13. To aim that the housing needs of the Royal Borough's residents are met.	-	The preferred approach, could have a negative impact were it to reduce the quantum of basement development permitted. This impact is likely to be extremely limited, given that most basements are to extend existing properties rather than creating new units in their own right. The Council has other policies in place to ensure that resident's housing needs are met.	-	The preferred approach, could have a negative impact were it to reduce the quantum of basement development permitted. This impact is likely to be extremely limited, given that most basements are to extend existing properties rather than creating new units in their own right. The Council has other policies in place to ensure that resident's housing needs are met.
14. Encourage energy efficiency through building design to maximise the re-use of	+	Requiring the retrofitting of the entire building to a suitable carbon standard where a basement is proposed may have a positive indirect impact on energy efficiency.	+	Requiring the retrofitting of the entire building to a suitable carbon standard where a basement is proposed may have a positive indirect impact on energy efficiency.

buildings and the recycling of building materials.				
15. Ensure the provision of accessible health care for all Borough residents.	X	No direct impact	X	No direct impact
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.	+	<p>Implementation of the draft policy, by which the Council chooses 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 the objective. 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</p> <p>The requirement for retrofitting of the property to a high carbon standard may encourage alterations that harm a heritage asset.</p>	+	<p>The suite of polices within the existing Core Strategy allow the LPA to resist proposals which will have a detrimental impact on the appearance of a property, or where listed, on its special character.</p> <p>The requirement for retrofitting of the property to a high carbon standard may encourage alterations that harm a heritage asset.</p>

Table 2.5: Assessment of the compatibility of preferred options and the business as usual scenario with the SA objectives.

Development on previously developed land

- 2.63 Any initiatives which reduce the opportunities of basement development across the Borough have the potential to conflict with this objective, given that nearly all land within the Borough is classified as being “previously developed”. As such the more restrictive the policy the greater the possible conflict. This conflict is not considered to be significant given that a reduction in the nature of basement development in this Borough is unlikely to have more than a minimal impact on the developing of “green field sites” elsewhere.

Housing

- 2.64 In theory at least, both approaches could have a negative impact on the Council’s housing supply were it to reduce the quantum of basement development permitted.
- 2.65 However, in practice, this impact is likely to be extremely limited, given that most basements are to extend existing properties rather than creating new units in their own right. Notwithstanding this, the Council has other policies in place to ensure that resident’s housing needs are met. It does not need to allow unsuitable development to reach its stated housing targets.

Cultural Heritage

- 2.66 In addition both scenarios have the potential to conflict with Strategic Objective 16, in that a requirement for retrofitting of the property to a high carbon standard may encourage alterations that harm a heritage asset.

Cumulative Impact

- 2.67 The various parts of the draft policy are considered to complement each other in having a positive relationship with the SA Objective 16 (Cultural Heritage), given that one of the driving forces of the policy is to ensure that new basement development, be this the direct physical manifestations, such as light wells or roof lights protect, or take opportunities to improve the character and quality of the area. As discussed above a requirement for retrofitting to

high carbon standards has the potential, if not properly managed, to harm the character of a property. This is particular the case (though not exclusively so) for a listed building.

- 2.68 Where the component parts of policy may lead to a reduction the size of basement development, there is likely to be a positive impact on SA Objectives 7, 9,10 and 11. (Air Quality, Pollution, Traffic Reduction and Waste). Requirements for basement proposals to demonstrate that they have minimised the impact of construction is likely to have a similar positive relationship with these objectives. Reducing construction impact may reduce the scale of the development or may reduce the impact of the development, even if ultimately it is of the same scale as originally planned.
- 2.69 By the same token, any policies which may reduce the scale of development may have a cumulative negative impact on SA Objectives 3, 9a and 13. (Economy, Previously developed land and Housing).

Conclusions

- 2.70 In terms of the SEA/SA the “draft policies” are considered to be appropriate, and should be taken forward for consultation with the public. These policies are considered to have a positive effect on the majority of the Council's seventeen Sustainability Appraisal Objectives. Any negative effect is not considered to be significant, and to be outweighed by the considerable benefits associated with the policy.

3.0 Mitigation and Monitoring

Mitigation

- 3.1 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
- SA Objective 13: The Borough's housing provision
- SA Objective 16: Cultural Heritage

3.2 Given the nature of these effects, it is not considered necessary to put specific mitigation measures in place for SA Objectives 3, 9a or 13. The Council is of the view that, even where the relationship with these indicators may be negative, the impact would be so minor as to be inconsequential. Furthermore, the benefits associated with restricting with restricting basement development, or influencing the process by which they are assessed, are such as to outweigh these negative impacts. However, care must be taken to ensure that the need to retrofit buildings to high environmental standards does not harm the character of a building. As such reference has been made within the draft policy that some flexibility will be required in listed buildings, where the works needed to reach the necessary standards are incompatible with the special character of the listed building.

Monitoring

- 3.3 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 (SEA Directive).
- 3.4 A monitoring framework was developed for the LDF as a whole but sufficient information about the effects of a basement needs to be provided for.
- 3.5 The following indices (Table 3.1) will be collected to assist with monitoring.

INDICATORS
Number of applications for basement proposals, including a break down by size and type.
Number of schemes granted and refused, by size and type, and where refused the reasons for refusal.
Number of appeals concerning basement developments, and where upheld, the reasons why.
Number of complaints received by the council relating to the construction of a basement development, and the nature of these complaints.

Table 3.1: Proposed Monitoring Data

4.0 Consultation

4.1 Upon the completion of the SA report, the Guidance recommends the report be submitted for consultation alongside the draft policy to the statutory consultees and to other stakeholders (SEA Directive Article 6 (2)). The comments are 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>National Planning Policy Framework (adopted March 2012)</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>
<p>London</p>	
<p>The London Plan (adopted July 2011)</p>	<p>Need for high quality design.</p>
<p>Local</p>	
<p>Core Strategy for the Royal Borough with a Focus on North Kensington Development Plan Document (adopted December 2010)</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>