

Policy CL7: Basements – Adoption Statement The Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 26)

The Royal Borough of Kensington and Chelsea Core Strategy

Date of Adoption: 21 January 2015

This Adoption Statement gives notice that the Royal Borough of Kensington and Chelsea resolved to adopt Policy CL7: Basements with 'main modifications' at its full Council meeting on 21 January 2015. This policy now forms part of the Core Strategy which is the principal planning policy document and provides the vision, objectives and spatial policies to guide development in the Borough until 2028.

The Inspector made 'main modifications' to the Submission Planning Policy (February 2014) (section 23(2) (b) of the Planning and Compulsory Purchase Act 2004 (as amended). The Council has adopted Policy CL7 with the 'main modifications' in accordance with section 23 (3) (a) of the Act. These 'main modifications' are set out at the end of this adoption statement.

Under Section 113 (3) of the Planning and Compulsory Purchase Act 2004 (as amended) a person aggrieved by a relevant document may make an application to the High Court on the ground that–

- (a) the document is not within the appropriate power;
- (b) a procedural requirement has not been complied with.

The application must be made no later than the end of the period of six weeks starting with the date the policies were adopted i.e. by the 4 March 2015

The adopted policy and this adoption statement together with the sustainability appraisal reports can be viewed on the Council's website at www.rbkc.gov.uk (Planning Policy pages). These documents are also available for inspection during normal office hours at Kensington Town Hall and the following locations:

- Kensington Central Library: Phillimore Walk, London, W8 7RX (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);
- Chelsea Library: Chelsea Old Town Hall Kings Road, London, SW3 5EZ (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);
- North Kensington Library: 108 Ladbroke Grove, London, W11 1PZ (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);
- Brompton Library: 210 Old Brompton Road, London, SW5 0BS (Mon: 9:30am - 8pm; Tues: 9:30am - 8pm; Wed: 9:30am - 5pm; Thurs: 9:30am - 8pm; Fri: 9:30am - 5pm; Sat: 9:30am - 5pm);
- Notting Hill Gate Library: Pembridge Square, London, W2 4EW (Mon: 1pm - 8pm; Tues: 1pm - 7pm; Wed: CLOSED; Thurs: 9.30am - 1pm; Fri: 9.30am - 1pm and 2pm - 5pm; Sat: 9.30am - 1pm and 2pm - 5pm); and
- Kensal Library: 20 Golborne Road, London, W10 5PF (Monday: 1pm - 6pm; Tuesday: 1pm - 6pm; Wednesday: Closed; Thursday: 1pm - 6pm; Friday: 9.30am - 5pm; Saturday: 9.30am - 1pm, 2pm - 5pm)

Jonathan Bore

Executive Director of Planning and Borough Development - 22 January 2015

Inspector's Main Modifications

The modifications below are expressed either by ~~strike through~~ for deletions or by underlining in red for additions of text or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission Policy document, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	4	34.3.47	... Whilst roof extensions and rear extensions add visibly to the amount of built development, basements can be built with much less long term visual impact – provided appropriate rules <u>requirements</u> are followed. This policy sets out these rules <u>requirements</u> .
MM13	5	34.3.54	<i>Delete the entire paragraph and its associated footnotes.</i>
MM5	6	34.3.57	On larger sites, basements of more than one storey and greater than half the garden or open part of the site may be permitted in certain circumstances. These will generally be new developments located in a commercial setting or of the size of an entire or substantial part of an urban block ¹¹ . and <u>They should</u> be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site larger sites can <u>and</u> offer more opportunity to mitigate construction impacts and carbon emissions on site.
MM6	6	34.3.58	Where a basement has already been implemented following the grant of planning permission or through the exercise of permitted development rights, the policy does not allow further basement floors or basement extensions that would exceed 50% of the garden or open part of the site. <u>This provision would not apply to a basement which forms part of the original property or to a later addition which were constructed prior to 1st July 1948¹.</u> This is to ensure consistency <u>and fairness</u> of approach. <u>¹ The Town and Country Planning Act 1947 came into effect on 1st July 1948.</u>
MM14	6	34.3.59	¹² Works to trees should be carried out in accordance with BS 5837 2012 (with the exception that tunnelling

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		footnote 12	underneath the root protection area should not be undertaken) and the Council's Trees and Development SPD.
MM9	7	34.3.66	... Where external visible elements are allowed they need to be located near the building, and sensitively designed <u>and sited</u> , reflecting <u>respecting</u> the existing character and appearance of the building, streetscape and gardens in the vicinity.
MM12	8	34.3.67	A minimum of one metre of suitably drained permeable soil above any part of ... Other <u>SU+DsS</u> measures may also be required.
MM13	8	34.3.68	<i>Delete the entire paragraph and its associated footnotes.</i>
MM17	8	34.3.70	Basement development can affect the structure of existing buildings. <u>Guidance on this will be set out in a forthcoming Basements SPD (see paragraph 34.3.XX).</u> The applicant must thoroughly investigate the ground and hydrological conditions of the site and demonstrate how the excavation, demolition, and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural stability²². The structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage-related issues. ²²The details of what is required will be set out in the Basements Supplementary Planning Document.
MM18	9	After 34.3.72	<i>Insert the following new paragraph:</i> <u>A Basements SPD will be adopted which will provide guidance for the information that will need to be submitted with basement applications, including the following:</u> <ul style="list-style-type: none"> <u>Accompanying (but not part of) a planning application, a construction method statement (CMS) will need to be submitted by an appropriately qualified civil or structural engineer, which will contain a report into the ground and hydrological conditions of the site including groundwater flow and explain how these matters will be dealt with during the construction of the site. The CMS</u>

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			<p><u>will also demonstrate how the excavation, demolition and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural stability. The structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues.</u></p> <ul style="list-style-type: none"> • <u>Ways to minimise disturbance will also be included in the CMS. Detailed matters will include the drilling of boreholes; impact on trees; the sequence of temporary works to minimise the effect on neighbours; water flow; the consideration of related cumulative impacts; the link between a basement and the host property and the need for professional verification of certain works. Guidance relating to safeguarding amenity, that is noise, vibration and dust from construction works will also be included.</u> • <u>A draft construction traffic management plan (CTMP) will be required to be submitted with the application and where planning permission is granted the Council will attach a condition requiring a full CTMP. The CTMP will address issues relating to highway safety, the free flow of traffic, noise associated with/from construction vehicles and the availability of parking. Detailed matters will include vehicle stationing, manoeuvring and routeing, parking suspensions and issues in relation to residential and workplace disturbance, arising from vehicle stationing, loading and unloading and movement. The CTMP should take into account and allow for other active or permitted construction works nearby (including those of utility companies).</u>
MM3	9	After 34.3.72	<p><i>Insert the following new paragraph:</i></p> <p><u>The Council will monitor the policy to assess its effectiveness and will review it as a whole within five years of its adoption.</u></p>
MM2	10	CL7 (beginning)	<p>The Council will require all basements to be designed, constructed and completed to the highest standard and quality.</p>

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			To achieve this basement development should: <u>The Council will require all basement development to:</u>
MM8	10	CL7 e.	not cause <u>comply with the tests in national policy as they relate to the assessment of</u> harm to the significance of heritage assets;
MM7	10	CL7 f.	not involve excavation underneath a listed building (including its pavement vaults.);
MM8	10	CL7 g.	<i>Delete the entire criterion CL7 g.</i>
MM9	10	CL7 h.	not introduce light wells and railings to the front or side of the property unless they are already <u>where they would seriously harm the character and appearance of the locality, particularly where they are not</u> an established and positive feature of the local streetscape;
MM10	10	CL7 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; <u>in the case of light wells and roof lights, also limit the impact of light pollution;</u>
MM11	10	CL7 j.	<i>New criterion CL7 j. i.</i> include a sustainable urban drainage scheme <u>system</u> (S <u>U</u> Ds <u>S</u>), <u>to be retained thereafter;</u>
MM12			<i>New criterion CL7 j. ii.</i> <u>include</u> including a minimum of one metre of permeable soil above any part of the basement beneath a garden; Where the character of the gardens in the locality is small-paved courtyards SuDS may be provided in other ways
MM13	10	CL7 k.	<i>Delete the entire criterion CL7 k.</i>
MM15	11	CL7 l.	ensure that traffic and construction activity does not <u>cause unacceptable</u> harm <u>to</u> pedestrian, cycle, vehicular and road safety; <u>adversely</u> 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

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			those living, working and visiting nearby;
MM16	11	CL7 n.	be designed to safeguard the structural stability of the <u>existing</u> application building, nearby buildings and other infrastructure including London Underground tunnels and the highway;
MM4		BAS10	<p><i>Planning Policy Monitoring Indications:</i></p> <p><i>Delete entirely the 'CL7 Basements: Monitoring Indicators' section in BAS10 and substitute the wording below and overleaf.</i></p>