



building on success

Basements Publication Planning Policy

Partial Review of the Core Strategy



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

July 2013

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

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Consultation Information

The period for representations for the Publication Document runs from **Tuesday 9 July to Tuesday 3 September 2013**. Comments relating to the soundness of the policies must be received by **midnight on the 3 September 2013**. The Council may not be able to consider representations received after this date.

Please submit your comments online at planningconsult.rbkc.gov.uk, or by completing a comments form and emailing it to planningpolicy@rbkc.gov.uk. You can also send a comments form to:

The Executive Director of Planning and Borough Development
f.a.o The Policy Team
The Royal Borough of Kensington and Chelsea
The Town Hall,
Hornton Street,
London W8 7NX

The comments form can be obtained from the planning policy team by contacting us on 0207 361 3012 or can be downloaded from:

<http://www.rbkc.gov.uk/planningandconservation/planningpolicy/corestrategy/basements.aspx>

All representations must express a view regarding the soundness of the document. If the representation does not comment on the soundness or legal compliance, we will contact you for clarification.

A guide to making representations on the soundness of the proposed policies can be viewed on the same web page.

The purpose of this consultation

The purpose of this consultation is to seek your views on whether the policy set out in this document is “sound”. The Council intends to submit this policy to the Secretary of State who will appoint a Planning Inspector to examine the policy. The Council considers the policy set out in this document (Basements Publication Policy) to be the most appropriate policy to ensure that all basements are designed, constructed and completed to the highest standards and quality.

Please note that the Council is no longer in a position to change these policies. Any comments received will be passed to the Planning Inspector who will consider them as part of the future examination. ***If you do not comment at this stage you will not be able to be heard at any future Examination.***

How this document is set out

This document includes the publication policy CL7 on basements. The policy is preceded by supporting text called 'reasoned justification' which justifies the policy. The policy and the reasoned justification will be inserted into the third section of Chapter 34 of the Local Plan (currently called the Core Strategy), hence the paragraph numbering.

34. Renewing the Legacy

34.3 Policies

Basements (*Reasoned Justification*)

- 34.3.46 The policy applies to all basement proposals whether constructed as part of new buildings, or as extensions under or in the gardens of existing buildings across all land uses. 'Basement' is any storey that is completely below the prevailing ground level of the back gardens within the immediate area.
- 34.3.47 Basements are a useful way to add extra accommodation to homes and commercial buildings. 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 are followed. This policy, and the associated supplementary planning document which will be produced on basements, set out those rules.
- 34.3.48 Basement development in recent years has been the subject of concern from residents. Basements have given rise to issues about noise and disturbance during construction, the management of traffic, plant and equipment, and **concerns about the structural stability of nearby buildings**. These concerns have been heightened by the growth in the number of planning applications for basements in the Royal Borough with 46 planning applications in 2001, increasing to 182 in 2010, 186 in 2011 and 307 in 2012. The vast majority of these are extensions under existing dwellings and gardens within established residential areas.
- 34.3.49 In the Royal Borough, the construction impact of basements is a significant material consideration in planning. This is because the Borough is very densely developed and populated. Tight knit streets of terraced and semi-detached houses can have several basement developments under way at any one time. The duration of construction is longer than for above ground extensions, the excavation process has a high impact on neighbours and the removal of spoil requires many more vehicle movements.
- 34.3.50 A basement development next door has an immediacy which can have a serious impact on the quality of life, whilst the effect of multiple excavations in many streets can be the equivalent of having a permanent inappropriate use in a residential area with long term harm to residents' living conditions. There are also concerns over the structural stability of adjacent property, character of rear gardens, sustainable drainage and the impact on carbon emissions. For all these reasons the Council considers that careful control is required over the scale, form and extent of basements.

- 34.3.51 The policy therefore restricts the extent of basement excavation under gardens to no more than half the garden and limits the depth of excavation to a single storey in most cases. The extent of basements will be measured as gross external area (GEA).
- 34.3.52 Restricting the size of basements will help protect residential living conditions in the Borough by limiting the extent and duration of construction and by reducing the volume of soil to be excavated. Large basement construction in residential neighbourhoods can affect the health and well-being of residents with issues such as dust, noise and vibration experienced for a prolonged period. A limit on the size of basements will reduce this impact.
- 34.3.53 The carbon emissions of basements are greater than those of above ground developments per square metre over the building's life cycle^{1 2}. The embodied carbon³ in basements is almost three times the amount of embodied carbon in an above ground development per square metre. This is because of the extensive use of concrete and particularly steel both of which have high embodied carbon. Climate change mitigation is a key policy in the London Plan which promotes sustainable design and construction (including avoiding materials with a high embodied energy) and reducing carbon dioxide⁴. Limiting the size of basements will therefore limit carbon emissions and contribute to mitigating climate change.
- 34.3.54 The townscape of the Borough is urban and tightly developed in character. However, rear gardens are often a contrast, with an informal picturesque and tranquil ambience, regardless of their size. Whilst basements can preserve the remaining openness of the townscape compared with other development forms, it can also introduce a degree of artificiality into the garden area and restrict the range of planting⁵. Retaining at least half of each garden will enable natural landscape and character to be maintained, give flexibility in future planting (including major trees), support biodiversity and allow water to drain through to the 'Upper Aquifer'^{6 7}. 'Garden' is the private open area to the front, rear or side of the property, each assessed separately, and includes unpaved or paved areas such as yards. This policy takes into account

¹ Life Cycle Carbon Analysis of Extensions and Subterranean Development in RBK&C, Eight Associates, August 2010

² Life Cycle Analysis (LCA) is a methodology for assessing the environmental performance of a product (i.e. building) over its life cycle. For the purposes of the technical report above, life cycle is considered from the extraction of raw materials to 30 years of building operation and includes the construction stage.

³ Embodied carbon is the carbon emission in producing a material. Production includes the growing or mining and processing of the natural resources and the manufacturing, transport and delivery of the material (modified from the definition in London Plan, July 2011 glossary).

⁴ Policies 5.1, 5.2, 5.3 and para 5.25 of the London Plan, GLA, July 2011

⁵ Basements Visual Evidence, RBKC, July 2013

⁶ Royal Borough of Kensington and Chelsea Residential Basement Study Report, Alan Baxter and Associates, March 2013

⁷ Due to the impermeable London Clay which lies beneath the gravel terraces there is a local perched water table which is fed by precipitation within the Thames Valley. This is known as London's Upper Aquifer.

the London Plan⁸ and the Mayor of London's Housing SPG⁹ both of which emphasise the important role of gardens. The National Planning Policy Framework (NPPF)¹⁰ also supports local policies to resist inappropriate development of residential gardens and excludes private gardens from the definition of previously developed land.

- 34.3.55 Keeping the unexcavated area of a garden in a single area and adjacent to similar areas in other plots allows better drainage, and continuity of larger planting supporting biodiversity. In back gardens this area will usually be the end of the garden furthest from the building.
- 34.3.56 As well as causing greater construction impacts and carbon emissions, deeper basements have greater structural risks and complexities¹¹. In order to minimise these risks to the high quality built environment of the Royal Borough the policy takes a precautionary approach by limiting basements to a single storey.
- 34.3.57 A 'single storey' is one that cannot be horizontally subdivided in the future to create additional floors. It is generally about 3 to 4 metres floor to ceiling height but a small extra allowance for proposals with a swimming pool may be permitted.
- 34.3.58 A greater garden coverage and more than one storey may be permitted on larger comprehensively planned sites. These will generally be new developments located in a commercial setting or of the size of an entire or substantial part of an urban block¹² and be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site.
- 34.3.59 Building additional basements underneath existing ones will result in deep excavations which have greater structural risks. Basements will therefore be restricted to single, one-off schemes and, once a basement is built, a further basement underneath or in the garden will not be acceptable at the same site.
- 34.3.60 Trees make a much valued contribution to the character of the Borough, and bring biodiversity and public health benefits. Works to, and in the vicinity of, trees, need to be planned and executed with very close attention to detail. All applications for basements likely to affect trees¹³ either on-site or nearby must be accompanied by a full tree survey and tree protection proposal for the construction phase. Core Strategy Policy CR6 Trees and Landscape will also apply.

⁸ Policy 3.5 of the London Plan, GLA, July 2011

⁹ Para 1.2.18 and 1.2.22 Housing Supplementary Planning Guidance (SPG), GLA, November 2012

¹⁰ Para 53 and Annex 2: Glossary, NPPF, March 2012

¹¹ Royal Borough of Kensington and Chelsea Residential Basement Study Report, Alan Baxter and Associates, March 2013

¹² Urban blocks are generally bound by roads on all sides and can contain a mix of uses.

¹³ Works to trees should be carried out in accordance with BS 5837 2012 (with the exception that tunnelling underneath the root protection area should not be undertaken) and the Council's Trees and Development SPD.

- 34.3.61 The significance¹⁴ of heritage assets¹⁵ needs to be identified so that it is not harmed.
- 34.3.62 The special architectural or historic interest of listed buildings goes beyond appearance. It includes the location and hierarchy of rooms and historic floor levels, foundations, the original purpose of the building, its historic integrity, scale, plan form and fabric among other things. Consequently, the addition of a new floor level underneath the original lowest floor level of a listed building, or any extension of an original basement, cellar or vault, will affect the hierarchy of the historic floor levels, and hence the original building's historic integrity. Basements under listed buildings are therefore resisted by the policy.
- 34.3.63 Foundations are part of the historic integrity of a listed building. Basements in the gardens of listed buildings can result in extensive modifications to the building's foundations. This can harm the historic integrity and pose risks of structural damage to the building. Basements under the gardens of listed buildings are therefore also normally resisted. However, they may be acceptable in a large garden where the basement can be built without extensive modifications to the foundations by being substantially away from the listed building so that it does not harm the significance of the listed building and the link between the listed building and the basement is discreet and of an appropriate design.
- 34.3.64 In conservation areas, development should preserve or enhance the character or appearance of the conservation area. Basements by themselves with no external manifestations are not considered to affect the character or appearance of conservation areas. It is the other aspects such as the externally visible elements that can affect their character or appearance.
- 34.3.65 Archaeological remains are a finite and fragile resource. The conservation, protection or setting of such remains must not be threatened by development, directly or indirectly, to ensure the Borough's past is not lost forever. Policy CL 4(g) of the Core Strategy requires development to protect the setting of sites of archaeological interest.
- 34.3.66 The impact of basements on non-designated heritage assets¹⁶ must be assessed on their merits to avoid harm to their significance.

¹⁴ The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting (as defined in the NPPF).

¹⁵ A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest (as defined in the NPPF). These include listed buildings, scheduled ancient monuments, conservation areas, sites of archaeological interest and non-designated heritage assets (explained in the next footnote).

¹⁶ In addition to the national and statutory designations, a local planning authority may formally identify heritage assets that are important to the area. Such a designation will be material when assessing an application. A non-designated heritage asset may also be of value, and make an

- 34.3.67 It is very important to minimise the visual impact of light wells, roof lights, railings, steps, emergency accesses, plant and other externally visible elements. Care should be taken to avoid disturbance to neighbours from light pollution through roof lights and other forms of lighting. Introducing light wells where they are not an established and positive feature of the streetscape can harm the character or appearance of an area. Where external visible elements are allowed they need to be located near the building, and sensitively designed reflecting the existing character and appearance of the building, streetscape and gardens in the vicinity.
- 34.3.68 Policy CE 2 of the Core Strategy requires surface water run-off to be managed as close to its source as possible. A minimum of one metre of suitably drained permeable soil above any part of a basement within a garden provides for both reducing the amount and speed of water run-off to the drainage system and the long term future of shrub and other garden planting. Other SUDs measures may also be required.
- 34.3.69 The carbon emissions of basements are greater than the equivalent above ground development and the policy contains a provision to mitigate this impact. A BREEAM methodology is used as a proxy to achieve energy savings across a whole dwelling or commercial property to which the basement relates. For residential development (including listed buildings), the standard is BREEAM Domestic Refurbishment “very good” including a minimum standard of “excellent” in the energy section and a minimum of 80% of credits in the waste category¹⁷. For non-residential development, the standard is BREEAM “very good”.
- 34.3.70 Basement construction can cause nuisance and disturbance for neighbours and others in the vicinity, through construction traffic, parking suspensions and the noise, dust and vibration of construction itself. The applicant must demonstrate that these impacts are kept to acceptable levels under the relevant acts and guidance¹⁸, taking the cumulative impacts of other development proposals into account. The building compound and the skip location should be accommodated on site or in exceptional circumstances in the highway immediately outside the application site.¹⁹
- 34.3.71 Basement development can affect the structure of existing buildings. 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

important positive contribution to the environment. Guidance is available in English Heritage’s practice guide to PPS5.

¹⁷ Evidence Base for Basements and Policy CE1: Climate Change, Eight Associates, July 2013

¹⁸ There are a number of relevant acts and regulations including Control of Pollution Act (COPA) 1974, Environmental Protection Act 1990 and Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001. The guidance includes British Standard 5228 – 1 2: 2009: Code of practice for noise and vibration control on construction and open sites.

¹⁹ The details of what is required will be set out in the Basements and Transportation Supplementary Planning Documents.

temporary works) can be carried out whilst safeguarding structural stability²⁰. Minimising damage means limiting damage to an adjoining building to Category 1²¹ (Very Slight - typically up to 1mm). These are fine cracks which can be treated easily using normal decoration. The structural stability of the development itself is not controlled through the planning system but through Building Regulations and the Party Wall Act is more suited to dealing with damage related issues.

34.3.72 Given their nature, basements are more susceptible to flooding, both from surface water and sewage, than conventional extensions, and applicants are advised to see Policy CE2²². Fitting basements with a 'positive pumped device'²³ (or equivalent reflecting technological advances) will ensure that they are protected from sewer flooding. Fitting only a 'non return valve' is not acceptable as this is not effective in directing the flow of sewage away from the building.

34.3.73 Applicants wishing to undertake basements are strongly advised to discuss their proposals with neighbours and others, who will be affected, commence party wall negotiations and discuss their schemes with the Council before the planning application is submitted. Sharing emerging proposals related to traffic and construction with residents and businesses in the vicinity is beneficial as local knowledge and their needs can be more readily taken into account. Construction and traffic management plans and demolition and construction management plans should be discussed with the Council at pre-application stage, and submitted with the planning application.

²⁰ The details of what is required will be set out in the Basements Supplementary Planning Document.

²¹ As defined in Table 2.5 of CIRIA Report, C5804: Embedded Retaining Walls: Guidance for Economic Design. CIRIA is the Construction Industry Research and Information Association a member-based research and information organisation dedicated to improvement in all aspects of the construction industry.

²² Further information will be provided in the Basements Supplementary Planning Document.

²³ Sewers often surcharge to just below manhole cover level and so connecting a basement via a gravity connection provides a new low point for the surcharging sewer to discharge to. To reduce the risk of flooding, waste water from basements should be pumped.

Policy CL7

Basements

All basements must be designed, constructed and completed to the highest standard and quality.

Basement development should:

- 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 comprehensively planned sites;
- b. not comprise more than one storey. Exceptions may be made on large comprehensively planned sites;
- c. not be built under an existing basement;
- d. not cause loss, damage or long term threat to trees of townscape or amenity value;
- e. not cause harm to the significance of heritage assets;
- f. not involve excavation underneath a listed building (including pavement vaults) or any garden of a listed building, except for gardens on large sites where the basement would not involve extensive modification to the foundation of the listed building by being substantially separate from the listed building;
- g. 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;
- h. 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;
- i. 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;
- j. 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;

- k. 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;
- l. ensure that construction impacts such as noise, vibration and dust are kept to acceptable levels for the duration of the works;
- m. 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;
- n. be protected from sewer flooding through the installation of a suitable pumped device.

A specific policy requirement for basements is also contained in Policy CE2, Flooding.