

BASEMENT DEVELOPMENT

1.0 INTRODUCTION

1.1 The Council adopted its Core Strategy in December 2010, a document which was intended to look ahead to 2028 setting a clear policy framework as to where new development should be located, the nature of this development and what uses should be protected.

1.2 Some 18 months on a number of aspects of the Core Strategy are being revisited and two questions are being asked, “are the Council's ambitions articulated by the policies within the Core Strategy still appropriate; and secondly if they are, are the policies within the Core Strategy working as expected?”

1.3 In Kensington and Chelsea, with an exceptional urban realm, extending homes upwards or rearwards may not be acceptable. Extending homes downwards is, therefore, seen by some residents as a practicable option. A well designed basement extension can offer the space needed by a growing family of a size that could not be achieved in conventional extensions. It creates space but is usually invisible, and does not have an impact upon the character of an area or the sense of enclosure or daylight enjoyed by its neighbours. But basement development must be carefully managed if it is to be a good neighbour.

2.0 SUSTAINABILITY APPRAISAL/ STRATEGIC ENVIRONMENTAL ASSESSMENT (SA/SEA)

2.1 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 entered into force in the UK on 21 July 2004 and applies to a range of English plans and programmes including LDFs.

- 2.2 Under the Planning and Compulsory Purchase Act 2004 (PCPA), Local Authorities must undertake SA for each of their DPDs and SPDs – the constituent parts of the LDF. SA is therefore a statutory requirement for LDFs along with SEA.
- 2.3 The Government's approach is to incorporate the requirements of the SEA Directive into a wider SA process that considers economic and social as well as environmental effects. To this end, in September 2004, the Government published draft guidance – which the Consultants are following - on undertaking SA of LDFs which incorporates the requirements of the SEA Directive¹ ('the Guidance').
- 2.4 Accordingly the adopted Core Strategy was subject to a full SA/SEA. This was a requirement of it being found to be 'sound' in 2010. All the elements and stages of the original SA/SEA are available on the Councils website¹.
- 2.5 The purpose of this SA/SEA scoping report is to ensure that this review of the policies relating to basement extensions comply with the requirements of the of the SEA Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004. The Council does recognise that the 2010 Core Strategy (and, therefore, the associated SA/SEA) did include the consideration subterranean development. However, the original scoping took place in 2005 and, therefore, requires updating to ensure the current context and environmental baseline is taken into account for the subsequent SA/SEA.

¹ Available from:
<http://www.rbkc.gov.uk/planningandconservation/planningpolicy/localdevelopmentframework/sustainabilityappraisal.aspx>

- 2.6 Furthermore, issuing the SEA/SA report alongside the Basement Development Options paper will help to provide objective information for consultees.
- 2.7 The SEA/SA report supports public consultations as required by Regulation 25 of the Town and Country Planning (Local Development) (England) Regulations 2004.

3.0 CONTENTS OF THIS REPORT

- 3.1 Figure 1 (below) sets out the outputs at each stage of the SA/SEA process. This Addendum report documents the Scoping (or Stage A) of the process, setting out the context and objectives of the SA/SEA. It also establishes the baseline and decides on the scope of the SA/SEA.
- 3.2 Stage A from figure 1 (as set out in subsequent sections of this report) is divided into the following 5 key tasks:
- A1 – Context;
 - A2 – Baseline;
 - A3 – Sustainability issues;
 - A4 – SA Framework; and
 - A5 – Consult on scope.
- 3.3 This report documents tasks A1 to A5.

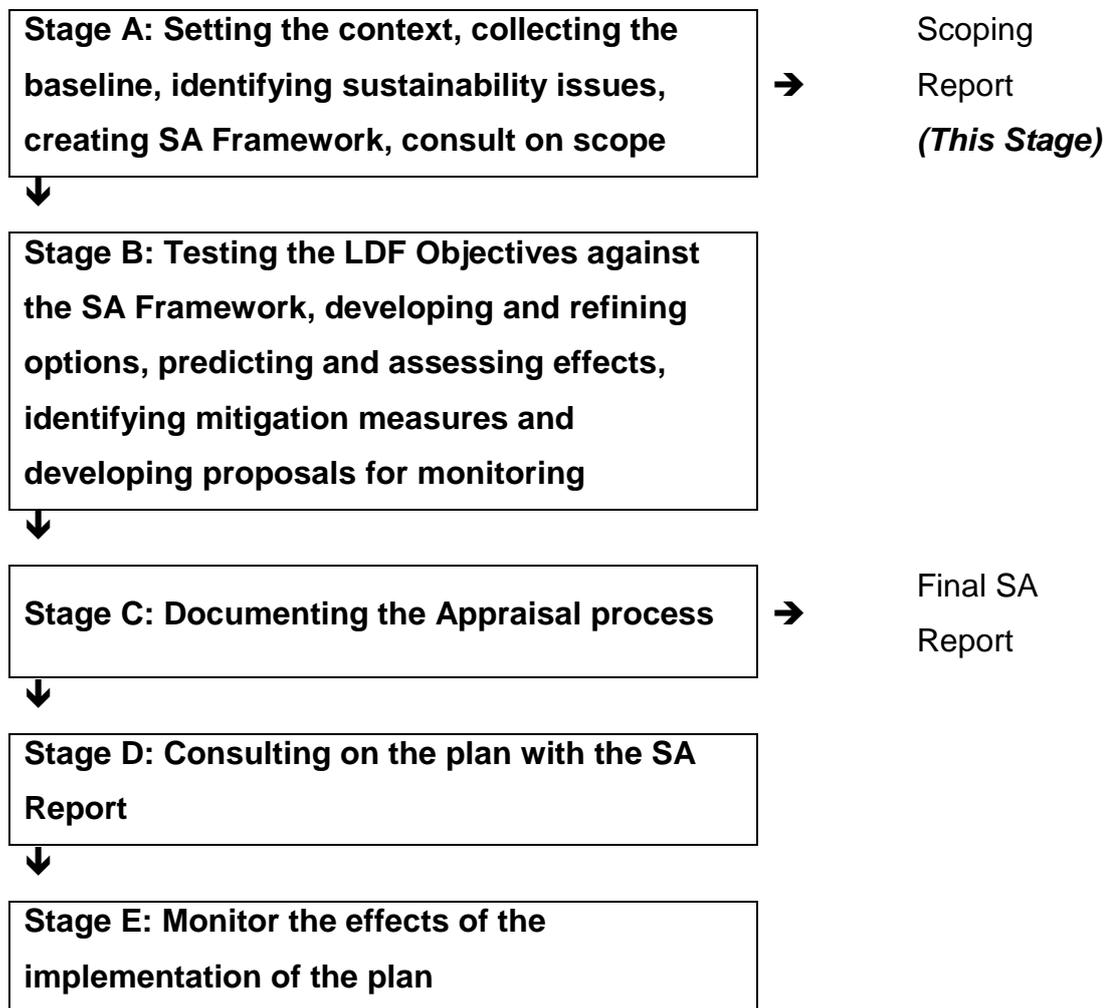


Figure 1. Outputs from the SA process

4.0 STAGE A: Tasks A1 to A4

Task A1 – Identifying other relevant plans, programmes and sustainability objectives

- 4.1 An initial review of policies, plans, programmes, strategies and initiatives (PPPSIs) was carried out as part of the LDF Scoping Report². The majority have now been superseded given the passage of time and the adoption of the National Planning Policy Framework in March 2012. This section, therefore,

² http://www.rbkc.gov.uk/pdf/rbkc_vol_I_scoping_report.pdf

outlines those PPPSIs, including those that postdate the original scoping report, which are considered to be of particular relevance to the policy regarding basement development. It also includes the key messages from these PPPSIs which need to be taken into account.

National	Key message in relation to basement development
National Planning Policy Framework (adopted March 2012)	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.
London	
The London Plan (adopted July 2011)	Need for high quality design.
Local	
Core Strategy for the Royal Borough with a Focus on North Kensington Development Plan Document (adopted December 2010) Subterranean Development SPD (adopted May 2009)	Existing policies relevant to basement extensions include CR5, CR6, CL1, CL2, CL4, CE1, CE2 and CE5. These policies given more detail by the SPD. Subterranean Development SPD (2009)

Table 1: List of relevant policies, plans, programmes, strategies and initiatives

Task A2 – Collecting Baseline data

- 4.2 The LDF SA/SEA Scoping Report identifies the key characteristics of the Royal Borough of Kensington and Chelsea. It did not include information of direct relevance to basement extensions. Further evidence concerning basement extensions has been carried out.

4.3 The Council's Annual Monitoring Report (2011) considered the number of planning applications, and certificates of lawful development, which have been received for development which includes a degree of basement excavation. These figures are set out in table 2 below.

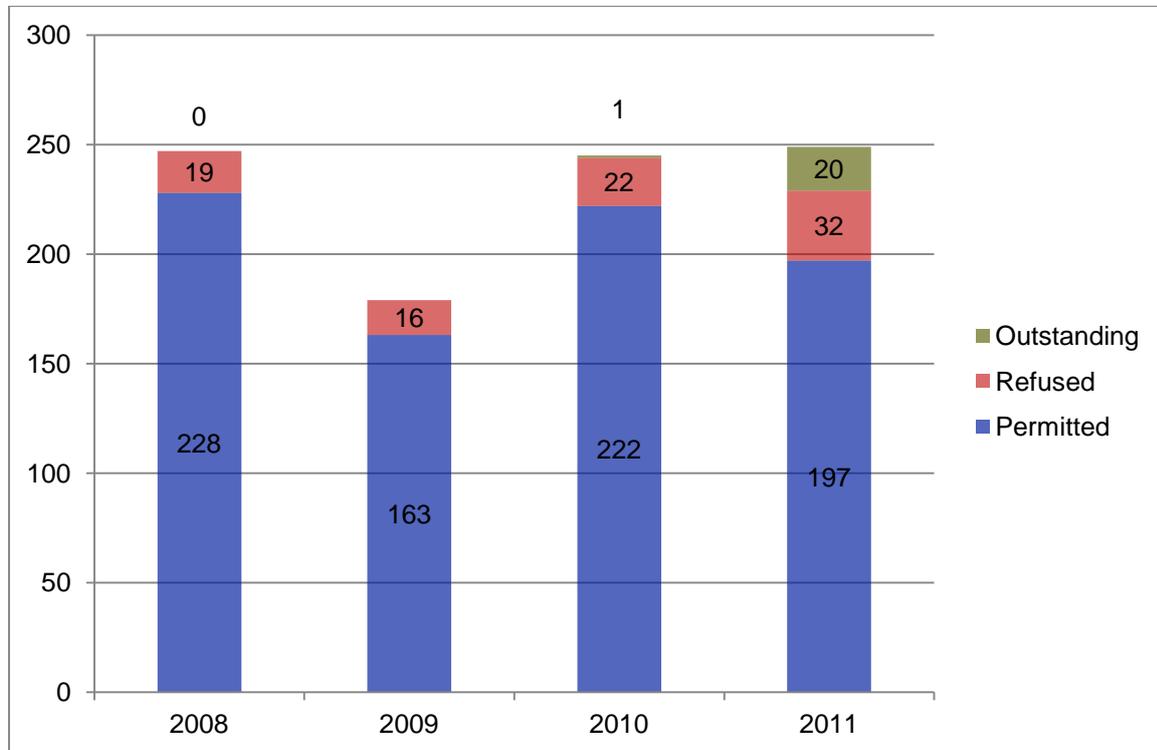


Figure 2: Planning applications received.
Source: RBKC Annual Monitoring Report

4.4 It is difficult to ascertain exactly how much basement development is being carried out in the Borough, because some does not require planning permission³ and that there is no requirement for an owner to apply for a certificate of lawful proposed development⁴. However, in 2011, we received notification of a further 46 basement schemes which did not require planning permission and were not the subject of certificates of lawful development.

³ Under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 single storey basement extensions that project no more than 3 metres into the rear garden of a single family dwelling are usually considered to be permitted development.

⁴ An applicant can apply for a Certificate of Lawful Proposed Development from the Council, which confirms that planning permission is not required for the proposed works.



Figure 3: Planning permissions granted for development including a basement extension 2010 and 2011

Task A3 - Main social, environmental and economic issues and problems identified

- 4.5 Section 4.3 of the original Scoping Report,⁵ along with the Sustainability Appraisal iterations and the Core Strategy provides a summary of the key social, environmental and economic issues that have been identified as of the most importance to the Royal Borough. This list is summarised in table 2 below.

Economic
Deprivation, shortage of small office space, high average house prices
Environmental
Poor air quality, shortage of open space, high number of noise and vibration complaints and recycling targets
Social
Limited availability of low cost housing, shortage of doctors surgeries, need for new schools, lack of elderly person homes, high crime in some areas

Table 2: Summary of key social, environmental and economic issues identified with scoping report (2005)

- 4.6 None of these issues are of direct relevance to basement extensions.
- 4.7 The Council has identified a number of further concerns of particular relevance to basement extensions. These include the impact that the construction of basement extensions can have upon structural stability; the impact that the construction phase can have upon the quiet enjoyment of neighbouring residential properties; the impact that construction may have upon the water table and upon surface water and sewer flooding; impact upon trees and vegetation; impact upon visual amenity and impact upon carbon dioxide creation. Aspects of these concerns may be considered by regimes other than planning.

⁵ http://www.rbkc.gov.uk/pdf/rbkc_vol_1_scoping_report.pdf

Data ‘gaps’ and availability

4.8 Of direct relevance to basement extensions is the potential they may have to impact the structural stability of listed buildings or to have an adverse effect on the visual appearance of a property within a conservation area. The Council is, therefore, in the process of commissioning a study to consider further:

- drainage and water table issues
- structural impacts
- the appropriate depth of soil and the appropriate amount of garden to leave undeveloped.

Future trends under the ‘business-as-usual’ option

4.9 Predicting the nature of future trends is fraught with difficulty. These depend on a wide range of factors including the global and national economic climate and decisions made at the national, regional and local level. It is likely, given the current information, and assuming a continuation of the current policy framework, that basement extensions will continue to be sought at a similar rate as existing. It is important to note that mitigation measures will be recommended in the SEA/SA, which could address any potential impacts of a future policy.

STAGE A: Task A4 - Sustainability Appraisal Framework

4.10 The Council's 16 SA objectives set out in the LDF SA / SEA Scoping Report are shown in Table 3 below. Changes may be made to these in light of the consultation on this Scoping Report Addendum.

SA objectives
1. To conserve and enhance the natural environment and biodiversity
2. To 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. To encourage social inclusion (<i>including access</i>), equity, the promotion of equality and a respect for diversity
5. To minimise effects on climate change through reduction in emissions, energy

efficiency and use of renewables and adopt measures to adapt to climate change
6. To reduce the risk of flooding to current and future residents
7. To improve air quality in the Royal Borough
8. To protect and enhance the Royal Borough's parks and open spaces
9. To reduce pollution of air, water and land
9a. To prioritise 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. To reduce the amount of waste produced and maximise the amount of waste that is recycled
12. To 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. To encourage energy efficiency through building design; maximise the re-use of building's and the recycling of building materials
15. To ensure the provision of accessible health care for all Borough residents
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage

Table 3: Sustainability Appraisal Framework: SA objectives

- 4.11 It is not proposed to change or add any further Objectives or sub-Objectives to the existing SA Framework as these Objectives, and in particular Objectives 1, 5, 6, 13, 14 and 16 are considered appropriate in terms of assessing the implications of a new basement development policy.

5.0 CONSULTATION

STAGE A – Task A5: Consultation on the Scope of the SA/SEA

- 5.1 In accordance with the regulations implementing the SEA Directive, the Council has a statutory duty to consult the three statutory SEA Consultation Bodies, namely English Heritage, English Nature and the Environment Agency, on the scope of the assessment contained in this Addendum Scoping Report. In accordance with these regulations, the period of consultation is 5 weeks, from the **27th April** until the **1st June 2012**.

5.2 This report focuses primarily on tasks A1 – A4 and when commenting on this report, respondents are asked to consider four key questions:

- Are the policies / plans / programmes / strategies / initiatives that have been highlighted as being of relevance to a future policy relating to basement extensions appropriate?
- Do you know of any further baseline indicators that might provide useful information? If so, please provide the information or a source for the data.
- Are the sustainability problems identified for RBKC the correct ones?
- Do the SA objectives encompass all the necessary issues?
- Do you have any further comments on the Basement Development Options paper?

6.0 NEXT STEPS

6.1 Following consultation on this Addendum Scoping Report, the Council will carry out a sustainability appraisal on an emerging basements draft policy. The SA / SEA report (or 'Stage B' of the SA process) involves assessing the various options put forward against the Borough's relevant SA objectives.

6.2 In addition, this 'Stage B' assessment will include:

- Testing the policy objectives against the SA Framework;
- Developing and refining options;
- Predicting and assessing effects;
- Identification of mitigation measures; and
- Developing monitoring proposals

6.3 The draft policy will be put out for public consultation in accordance with the adopted Statement of Community Involvement. The Council is required to

notify stakeholders when the Council is likely to consult, which in this instance will be a six week period from 27th April to 8th June 2012. The Sustainability Appraisal (SA) of the draft policy will be published alongside the policy document. These documents will be available on the Council's website.

Further Information

Further information on the development of a draft policy concerning basement extensions in the Borough and the accompanying SA process can be obtained from:

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