BASEMENT REVISION TO WESTMINSTER CITY PLAN: MAIN MODIFICATIONS

Where the main modifications require the insertion of new text, this is shown in **underline** with deletions shown as red ~~strikethrough~~ text. Unchanged paragraphs in the supporting text are not included.

MM1 – POLICY CM28.1

POLICY CM28.1 BASEMENT DEVELOPMENT

A. ~~applicants~~ **All applications for basement development will:**

1. **demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development;**
2. ~~All applications will~~ **be accompanied by:**
   a) **A detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required. In cases where the council considers there is a high potential risk that the development will have significant impacts on the matters covered by this policy or where work will affect a particularly significant and/or sensitive heritage asset, the council will have reports independently assessed at the applicant's expense.**
   b) **A signed proforma Appendix A ~~A construction management plan will be provided to~~ which demonstrates that the applicant will comply with ~~adherence to~~ the relevant parts of the council's Code of Construction Practice and awareness of the need to comply with other public and private law requirements governing development of this kind.**
3. ~~All basement development will:~~

   safeguard the structural stability of the existing building, nearby buildings and other infrastructure including the highway and railway lines/tunnels;

4. not increase or otherwise exacerbate flood risk on the site or beyond;

5. be designed and constructed so as to minimise the impact at construction and occupation stages on neighbouring uses; the amenity of those living or working in the area; ~~and~~ on users of the highway; and traffic and highways function; and

6. safeguard significant archaeological deposits.

B. Basement development to:

a) existing residential buildings; ~~or~~

b) buildings originally built for residential purposes where there is a garden and adjoining residential properties where there is potential for an impact on those adjoining properties;

c) non-residential development adjoining residential properties where there is potential for an ~~similar~~ impact on those adjoining properties; and

d) new build residential incorporating basements adjoining residential properties where there is potential for an ~~similar~~ impact on those adjoining properties;

will:

1. provide a satisfactory landscaping scheme, incorporating soft landscaping, planting and permeable surfacing as appropriate;

2. not result in the loss of trees of townscape, ecological or amenity value and, where trees are affected, provide an arboricultural report setting out in particular the steps to be taken to protect existing trees;

3. use the most energy efficient means of ventilation, and lighting, involving the lowest carbon emissions. Wherever practicable natural ventilation and lighting should be used where habitable accommodation is being provided;

4. incorporate sustainable urban drainage measures to reduce peak rate of run-off or any other mitigation measures recommended in the structural statement or flood risk assessment;

5. protect the character and appearance of the existing building, garden setting or the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located; ~~and~~

6. protect heritage assets, ~~safeguarding significant archaeological deposits~~ and in the case of listed buildings, not unbalance the buildings' original hierarchy of spaces, where this contributes to significance;

7. be protected from sewer flooding through the installation of a suitable pumped device.

C. Basement development to:

a) existing residential buildings; ~~or~~

b) buildings originally built for residential purposes where there is a garden and adjoining residential properties where there is potential for an impact on those adjoining properties;

c) non-residential development adjoining residential properties where there is potential for an ~~similar~~ impact on those adjoining properties outside Core CAZ, the Opportunity Areas and the Named Streets; and

d) new build residential incorporating basements adjoining residential properties where there is potential for an ~~similar~~ impact on those adjoining properties outside Core CAZ, the Opportunity Areas and the Named Streets;

~~will also be subject to the criteria set out above~~

will:

1. either:

a) not extend beneath more than 50% of the garden land; or ~~site curtilage~~

b) on small sites, where the longest distance between the existing building and any site boundary is less than 8m, ~~an exception will be made to allow~~ the basement may ~~to~~ extend up to 4m from the building in that direction. On all other sides of the building, the basement will not extend beneath more than half ~~50%~~ of any other garden area; and ~~the remaining site curtilage~~

c) leave a margin of undeveloped garden land proportionate to the scale of development and the size of the affected garden around the entire site boundary except beneath the existing building. ~~with the exception of one elevation adjacent to the public highway where the basement may extend beneath the public highway provided it satisfies the requirements set out in paragraph 10 below~~. Where D below applies, the boundary with the highway is excluded from this requirement.

2. provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement;

3. not involve the excavation of more than one storey below the lowest original floor level, unless the following exceptional circumstances have been demonstrated;

   a) that the proposal relates to a large site with high levels of accessibility such that it can be constructed and used without adverse impact on neighbouring uses or the amenity of neighbouring occupiers; and

   b) that no heritage assets will be adversely affected.

D. ~~where constructing new~~ Basement development under the adjacent highway will:

1. retain a minimum vertical depth below the footway or carriageway of 900mm; ~~and~~
2. not encroach more than 1.8m under any part of the adjacent highway; and
3. where extending or strengthening/~~improvement~~ improving ~~works to~~ existing basements horizontally under the highway;

   a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and

   b) will not be permitted where the existing basement already extends 1.8m or more under the highway.

MM2 – POLICY APPLICATION AND REASONED JUSTIFICATION

~~This policy will primarily apply to basement extensions to existing residential properties but may also apply to new build residential incorporating basements, especially where these are located on constrained sites.~~

This policy will apply differently for different types of application, with some provisions applying to all basements, and some depending on the type of basement. In terms of limits on the depth and extent of basement excavation, for new build residential and commercial basements, these apply to developments adjoining residential and where there is potential for impact on those properties, where the development is outside the Core CAZ, Opportunity Areas and Named Streets.

Garden land for the purpose of policy CM28.1 C1 is the site area excluding the footprint of the original building.

The original building is a building as it existed on 1st July 1948, or, if constructed after 1st July 1948, as it was built originally.

Adjoining means any buildings, premises or land which share a common boundary with the property where basement development is proposed.

Undeveloped garden land is land which **does not have** ~~**has not been built upon or under, nor had**~~ any impermeable surfacing installed. As a guide for larger sites, the margin of undeveloped land around the site boundary expected is a minimum of 0.5 – 2 metres depending on the site. This may be reduced on smaller sites, provided that flood risk, in particular surface water flood risk, can be adequately dealt with on site. ~~**The curtilage is land adjoining a building which is used together with that building.**~~

For the purposes of part C3a, the definition of large sites will depend on the circumstances, but should be able to accommodate plant and machinery and should include appropriate access (e.g. rear or side access) to enable construction without an adverse impact on neighbouring uses or occupiers.

The entire garden should incorporate planting and in cases where the removal of trees is permitted, the council will usually require their replacement within the curtilage of the property. In cases where topsoil and drainage layers, and/or ~~**SUDS**~~ **Sustainable Urban Drainage Systems** are provided above a new basement, the City Council may use conditions to prevent subsequent hard landscaping.

Where natural ventilation cannot be achieved and mechanical ventilation is considered acceptable, systems should include heat recovery to ensure that heat from evacuated warm air can be re-used to pre-warm incoming supply air when needed.

The submission of a signed Appendix A of the Code of Construction Practice binds the applicant to complying with the relevant parts of the Code of Construction Practice, including submitting a Construction Management Plan.

The structural methodology statement should be prepared and certified by a Chartered Civil Engineer (MICE) or Structural Engineer (MI Struct.E), and geo-hydrologist where appropriate. In the case of listed buildings, the engineer should be CARE **(Conservation Accreditation Register for Engineers)** accredited. This statement will not be approved by the Council, but will be required to demonstrate that a basement level can be provided without undue risk. The structural integrity of the development during the construction is

not controlled through the planning system but through Building Regulations with private law rights protected through the Party Wall Act.

Applicants are recommended to appoint a suitably qualified main contractor, experienced in basement excavation. While the council cannot recommend particular contractors, the Association of Structural Underpinning Contractors (ASUC) holds details of specialist, experienced contractors.

Minimising the amenity impact at design and occupation stages on neighbours will require careful siting of pumps and fans, and any other plant, to reduce noise nuisance.

Applications adjacent to or affecting the Transport for London Road Network (TLRN) or public transport infrastructure should seek advice from Transport for London. Development on land within the land identified for Crossrail 2 Safeguarding shall be subject to consultation with Transport for London as defined in the Safeguarding Directions (2015). Transport for London prioritises the free flow of movement of people and traffic on its roads, and applies a strict approach to avoiding disruptive highway closures arising through basement development. Developers should engage in early discussions with Transport for London regarding the feasibility of undertaking basement development affecting the TLRN.

The Environment Agency classes **self-contained** basements, **without internal access to upper floors above the breach level** as highly vulnerable uses**, and those with access to upper floors above the breach level as more vulnerable** and this policy must be read in conjunction with the flooding policy. Further detailed guidance on the above, including information requirements and detail of contents of the structural statement is set out in the Basement Development in Westminster SPD.

Reasoned Justification

Cellars and basements can also be vulnerable to flooding from a number of different sources, including the overflowing of drains and nearby watercourses, groundwater flooding and surface water flooding[i]. Although unlikely to change the groundwater regime, where basements are located close together their cumulative effect could alter groundwater levels[ii]. **Given their nature, basements are more susceptible to flooding, both from surface water and sewage, than conventional extensions. Fitting basements with a 'positive pumped device' (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.**

Westminster's heritage assets may be sensitive to the impact of basement development. While these are protected by the overarching heritage policy, listed buildings and

archaeology can be especially vulnerable to damage when excavation takes place, given the significant structural intervention which may be required. **Sites within Archaeological Priority Areas are particularly vulnerable due to the likelihood of archaeological deposits.** If not sensitively undertaken, this could adversely affect delicate historic fabric and finishes and disturb archaeological deposits. In addition to structural concerns, many of Westminster's listed buildings are terraced houses which date from the Georgian and Victorian periods and these properties were designed with a clear vertical hierarchy of spaces. This vertical hierarchy does in many circumstances contribute to their architectural and historic interest and significance, and can be unbalanced by large basement extensions[iii].

MM3 – POLICY S29

POLICY S29 HEALTH, SAFETY AND WELL-BEING

The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation, and this will be achieved through compliance with the relevant parts of the Council's Code of Construction Practice.

MM4 – IMPLEMENTATION AND GLOSSARY

HEADLINE OBJECTIVES	KEY INDICATORS' TOPICS	POLICY REF
Objective 2: To sensitively upgrade Westminster's building stock to secure sustainable and inclusive exemplary design which minimises energy and resource consumption and the production of waste, reduces the impacts of local environmental pollution and meets both today's needs and those of the future, including the effects of a changing climate; creating attractive places that function well whilst ensuring that the historic character and integrity of Westminster's built fabric and places is enhanced.	Design quality (qualitative assessment) Sustainable and inclusive design measures as part of applications and, including where relevant, Code for Sustainable Homes level Protection and creation of heating networks Creation of new heat and cooling networks Extension of existing heat and cooling network Achievement of 20% renewable energy generation New waste and recycling facilities Number of developments permitted against Environment Agency advice on flood risk grounds, **Installation of SUDS measures.** **Numbers of appeals upheld on the grounds of impact on heritage assets or impact on the hierarchy of spaces; Investigation and enforcement relating to the damage of listed**	**25, 26, 28, 28.1 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 44, 45**

	buildings during construction of a basement, Numbers of appeals for basements where the refusal relates to non-compliance with the basements policy, Enforcement investigation relating to basements constructed not in accordance with the approved permission, Numbers of basement permissions which include the loss or damage to a tree of townscape of amenity value; and enforcement investigations relating to damage to trees during construction of a basement; Proportion of applications permitted which do not include an adequate volume and minimum soil depth (of 1m plus drainage layer).[1]	
Objective 3: To maintain and enhance the quality of life, health and well-being of Westminster's residential communities; Ensuring that Westminster's residents can benefit from growth and change, providing more employment and housing opportunities, safety and security, and better public transport and local services; to work with our partners to foster economic vitality and diversity, improved learning and skills, and improved life chances in areas of deprivation.	Business space development by area (Economic Development Area, Central Activities Zone and Opportunity Areas) Number of vacant units in District Shopping Centres in the Economic Development Area (Church Street/Edgware Road and Harrow Road) Social and community infrastructure improvements and development New entertainment uses in the Economic Development Area, No of Code of Construction Practice compliant schemes. Numbers of basement construction complaints received by Environmental Health, Numbers of enforcement investigations relating to the discharge of pre-commencement conditions, Numbers of basements in imminent danger of collapse under the London Building Act.[1]	**1, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 19, 28, 28.1 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45**

GLOSSARY

Original building	**The original building is ~~In relation to~~** a building **as it** exist**~~eding~~** on 1st July 1948, **or, if constructed ~~as existing on that date, and, in relation to a building built on or~~** after 1st July 1948, as **it was ~~so~~** built **originally.**
Adjoining	**Adjoining means any buildings, premises or land which shares a common boundary with the property where basement development is proposed**