

Consultation Statement

Submission Draft (Regulation 22) Basement Revision



Revision to Westminster's City Plan

November 2015



City of Westminster

1.0 Introduction

1.1 This document summarises the consultation undertaken for the Basement Revision to Westminster's City Plan. It has been prepared to meet legal requirements¹ and must accompany the revision itself when it is made publically available and submitted to the Secretary of State. It also helps inform the independent Inspector appointed to examine the Revision and advise whether it is 'sound'.

1.2 This statement covers the consultation responses at the formal consultation stages². It sets out who was consulted, for how long, and how they were invited to make representations. A summary of the main issues raised by the responses is provided, and details as to how these representations have been taken into account in the Basements Revision.

1.3 All contacts on the council's LDF database were consulted, together with all specific consultees³, all ward councillors, and all neighbouring boroughs. Information on the database is updated on a continual basis, with contacts being added, removed or amended on request. This included a full refresh of contact details in 2013. The database currently has 615 consultees. Consultation was carried out in compliance with the council's Statement of Community Involvement⁴. It is noted that the Council laid an Article 4 Direction to remove permitted development rights to residential basement development in Westminster at the same time as the most recent consultation. Responses to this, have been summarised in this consultation statement for information, however they are immaterial to the basement revision itself.

1.4 Development of these policies has had a lengthy gestation. Detailed development management policies were being developed as a separate Development Plan Document (DPD) to be called the 'City Management Plan' (CMP) as follows:

1	Notify intention to produce a City Management Plan	Oct/Nov 2008	Now Regulation 18
2	Consultation workshop	13 Jul 2009	Informal
3	Informal consultation and evidence gathering	Jun 2009- Dec 2010	Informal
4	Policy Options consultation	Jan-Feb 2011	Old legal stage no longer required
5	CMP Policy Draft Informal Consultation	Nov 2011 - Mar 2012	Informal
6	Notify intention to produce the CMP Revision to the Core Strategy	May 2012	Regulation 18
7	Informal consultation booklet	Oct/Nov 2013	Informal
8	Notify intention to produce the CMP Revision to Westminster's City Plan	May 2015	Regulation 18
9	Consultation on draft Basements Revision	Jul-Sep 2015	Regulation 19

¹ Regulation 22 of the Town and Country Planning (Local Development) (England) Regulations 2012 ("The Regulations")

² Regulation 18, which notifies people of our intention to revise the plan, and Regulation 19 which is the formal, pre-submission consultation

³ These are consultees the Council is legally required to consult, and are usually public bodies or organisations responsible for utilities and infrastructure, and they are set out in Section 2 of the Regulations

⁴ This is a legal requirement under Regulation 19 of the Planning and Compulsory Purchase Act 2004 (as amended)

1.5 The growing trend towards basement extensions has become apparent over recent years, with subterranean development first being raised as an issue during workshops in 2009. Since that time there has been a doubling of the numbers of applications permitted each year, with particular clusters in St John's Wood, Mayfair, Knightsbridge and Belgravia. The trend in Westminster appeared to follow on from growing numbers in the Royal Borough of Kensington and Chelsea. An informal consultation booklet published in October 2013 set out issues and policy options. A Basement Development SPD was adopted in 2014, setting out the planning policy basis and other powers that the Council had available to it at that time, not having a specific basement planning policy.

2.0 Formal Pre-Submission Consultation (Regulation 19)

2.1 This consultation took place between 16th July to 9th September 2015, for a period of 8 weeks. Notification was made by email to the vast majority of the 615 consultees (see Appendix 4), with a small number of letters sent to 5 of the consultees. Specific consultees including local/regional authorities contacted were:

1. Association of Electricity Producers
2. Cavendish Communications
3. City of London
4. Clinical Commissioning Groups
5. Crossrail
6. Historic England (English Heritage)
7. Environment Agency (London Office)
8. Highways England
9. Homes and Communities Agency
10. London Borough of Brent
11. London Borough of Camden
12. London Borough of Southwark
13. London Borough of Wandsworth
14. Marine Management Organisation
15. Mayor of London and Assembly (GLA)
16. National Grid DPM Consultants
17. Natural England
18. NHS Property Services
19. Office of Rail Regulation
20. Royal Borough of Kensington and Chelsea
21. Thames Water Utilities Ltd
22. The Coal Authority
23. Town Planning Network Rail
24. Transport for London (TfL)

2.2 A copy of the consultation letter is attached as Appendix 1. The City Council's website also advertised this stage of consultation on the page relating to the Revision to Westminster's City Plan (attached as Appendix 2). This also included a link to the consultation letter.

2.4 Nineteen consultees submitted responses on the policy (sixteen of which were substantive comments) with, an additional response on the related Habitats Regulation Assessment Screening Assessment, and one additional response relating solely to the Article 4 Direction. Seven objections were received – from 8 respondees – while not necessarily expressed as objections, but have been categorised as such by officers as they raise key issues (responses attached as Appendix 9). A further 8 respondees supported the policy, some of whom also objected or made additional minor comments. The following is a summary of the main issues raised at this stage and details how the council took the main issues into account.

3.0 Key Issues Summary

Of the issues raised at the most recent (pre-submission) stage of consultation the following points are considered by the Council to be Key Issues. This is followed by a brief summary of support. Following this is an outline of comments which are not considered to be Key Issues of themselves, but which are included for consideration. Also included within this document for the sake of completeness are consultation responses relation to the Article 4 Direction and the Habitats Regulations Assessment Screening. However, these are not material to the basements revision itself.

3.1 Objections

- 1. Listed buildings shouldn't be allowed basement extensions⁵ [See also support]**
Westminster's listed buildings are far less homogenous in form than other boroughs' such as the Royal Borough of Kensington and Chelsea. There is much greater variation in the type and age of buildings in Westminster. Part 9 of the policy protects heritage assets, through a requirement not to unbalance the buildings' original hierarchy of spaces. In respect of deeper basements there is further protection for heritage assets. Westminster therefore does not propose a blanket ban on basements beneath listed buildings because each case should be considered on its merits. This approach is supported by Historic England.
- 2. Basements should not be permitted beneath terraces.⁶**
The Council's evidence base report prepared by Alan Baxter Associates acknowledges that there are greater risks and challenges associated with semi-detached and terraced properties particularly in locations where there has been previous movement, and depending on the ground conditions. The policy sets out a requirement for a site-specific structural methodology statement self-certified by a suitably qualified engineer, to demonstrate that they have taken into account the

⁵ SEBRA, Katherine Lubar, John Shailer, Knightsbridge Association

⁶ John Shailer

site-specific ground conditions, drainage and water environment, as well as structural stability of the existing and nearby buildings. This site-specific approach should allow for appropriate engineering and design solutions where possible, and where this cannot be demonstrated an application would not be policy compliant (and therefore could be refused).

3. No excavation should be allowed where a building already has a floor below street level⁷.

This comment raises a question of equitableness. Why should a building which already has an original basement be permitted a double basement, where others would only be allowed a single basement?

The underlying justification for the introduction of a policy imposing restrictions on basement developments relates to the adverse amenity impact on the neighbours of such developments during construction caused by activities such as the excavation and movement of large volumes of spoil. The impact of allowing one 'additional' storey is arguably similar (in terms of volume of spoil excavated, and therefore vehicle movements) to that of a single basement on a property without an existing basement level; there is therefore no evidence that the construction of an additional basement would give rise to increased amenity issues, raising a question over whether such a restriction would be justifiable.

4. Concern raised around proposed reliance on self-certification of structural stability by a suitably qualified engineer⁸.

The Council does not retain the expertise necessary in-house to be able to formally sign off such statements, nor is it a party to the contract between the applicant and the engineer in question. The duty of care to the client and relevant skill in this area is with the Chartered Civil Engineer, or Structural Engineer and geo-hydrologist where appropriate. Whilst the basement policy requires evidence of the structural integrity of the property to accommodate the basement development in question, the actual construction of the basement is not controlled through planning process but through alternative statutory regimes such as the Building Regulations and the Party Wall Act 1996. In addition adjacent owners have recourse to common law actions for trespass and or nuisance where their property is damaged by basement developments.

Notwithstanding the above, the policy does make clear that where there is a high risk, or a particularly significant and/or sensitive heritage asset, the council will have reports independently assessed at the applicant's expense. The proposed approach is justified on the basis of the evidence base prepared by Alan Baxter Associates, and is similar in approach to that adopted by the Royal Borough of Kensington and Chelsea which is reportedly working well in RBKC. The Council does not consider that an alternative whereby it seeks to become a party to such contracts, or to police them is desirable, proportionate, reasonable, or effective.

⁷ Grosvenor

⁸ Knightsbridge Association

5. Not enough done to address impacts for residents⁹ Suggest using additional powers over the issuing of highways licenses to manage these cumulative impacts.¹⁰

Under the Highways Act 1980 the Council has a 'Duty to Grant', which means that it cannot refuse a reasonable application for a licence. However under the Traffic Management Act 2004, the Council also has a Network Management Duty, which requires it to keep the traffic (including pedestrian traffic) flowing expeditiously on its roads. It has been suggested that where it is possible to show the Network Management Duty can be complied with by delaying a licence application (or requiring substantial alterations to it) that this could be used to "trump" the Duty to Grant. However a licence could not be refused simply because of the volume of work in the area where there is not a demonstrable traffic or pedestrian impact. Further consideration needs to be given to the potential to use this power. Although outside the scope of the Basements Policy revision itself, and may be dealt with as part of the revised Code of Construction Practice, which is being progressed to improve oversight of developments, giving the Council better ability to encourage greater 'cooperation' between sites.

6. Request that weekend works on construction sites should be banned altogether¹¹ or should be prevented prior to 10 or 11am¹²

Working hours are not specifically addressed in the policy itself, as this is covered by the Code of Construction Practice. This will include flexible wording to clarify that noisy works associated with residential basement development, close to neighbouring residential uses, may be subject to additional limits on working hours on Saturdays. A flexible site-by-site approach is advocated rather than imposing such limits in the policy wording, because the impact of reducing these hours, may be to extend the programme, and may not therefore always be desirable. Furthermore in some instances other types of noisy construction work on other sites may be permitted, which in some instances could render such a restriction pointless and open to challenge.

7. Concern that the policy should not be applied to commercial or major new build residential developments¹³

The justification for extending the policy approach to basements in commercial and major new build residential, in cases where these adjoin residential properties, and there is potential for an amenity impact, is based on conferring the amenity protection benefits of the policy, to those living adjacent to non-residential or to major new build residential development. It would apply in limited cases where such properties adjoin neighbours.

⁹ Katherine Lubar, Jessica Arah, John Shailer, Knightsbridge Association,

¹⁰ Knightsbridge Association

¹¹ Michael Salmon

¹² Katherine Lubar

¹³ WPA, Grosvenor supporting.

Parts A1a) and b) would be unlikely to apply to commercial and major new build development which tends to develop up to its site boundary. Part A3 of the policy, which establishes the single storey depth limit provides for 'exceptional circumstances' for large sites with high levels of accessibility such that it can be constructed and used without adverse impact which is more likely to be the case with commercial and larger new build residential sites.

3.2 Support

General

- Support for the proposed measures.¹⁴
- Strong support for the proposed revisions.¹⁵
- Basement revision is in general conformity with the London Plan.¹⁶

Paragraph 2.35

- Support the aim to prevent increased flooding¹⁷

CM28.1 Part 9

- Welcomes the proposed policy and the clear references to heritage assets and specific reference to potential impact on listed buildings and archaeology¹⁸.
- CM28.1 Part 4 and 5 - policy parts are in line with London Plan policies 3.5 and 7.21¹⁹

3.3 Comments

General

1. Recognise the growing concern with proliferation of large residential basements, and do not object to the principle of introducing additional controls and guidance for existing residential properties²⁰.
2. Why not incorporate suspension of PD rights within policy rather than via Article 4²¹
3. New policy element recommended on condition survey before and after works as well as full reinstatement of cobbles by applicant.²²
4. Consider providing guidance on other consents that may be necessary (e.g. Landlords).²³
5. Other types of development, e.g. loft conversions²⁴ and other significant development²⁵ cause similar disruption and should be covered.

¹⁴ Jessica Arah, SEBRA, John Lyon's Charity, Grosvenor, Mayor of London

¹⁵ St Marylebone Society, Thames Water

¹⁶ Mayor of London

¹⁷ Thames Water

¹⁸ Historic England

¹⁹ Mayor of London

²⁰ WPA

²¹ SEBRA

²² SEBRA

²³ Grosvenor

²⁴ Katharine Lubar

Response:

1. Comment acknowledged
2. Not possible to do this without incurring liability for compensation payments
3. Already covered in Code of Construction Practice
4. Text inserted in Policy Application.
5. Not raised at Regulation 18 stage. Other types of development covered in future plan revisions.

Paragraph 2.35

1. Additional wording suggested around ensuring developments are protected from flooding risks such as sewer flooding, and installation of suitable pumped device.²⁶

Response:

1. Accepted, additional text added at paragraph 2.35, new policy provision A13 and Reasoned Justification

Paragraph 5.16

1. Clarify whether policy applies to all buildings or only residential.²⁷

Response:

1. Policy intended to apply principally to residential buildings, although part C of the policy makes clear that it could be extended to non-residential basements where appropriate.

CM28.1

1. Clarify wording around 'curtilage'²⁸
2. CM28.1 part 1a). Extent of excavation should refer to the original garden before any extensions were made²⁹.
3. Clarify definition of 'small' and 'large'³⁰
4. CM 28.1 1 a) and b) Clarify wording and consider providing diagrams to improve intelligibility.³¹
5. CM28.1 1 b) Insert new text to clarify policy doesn't apply to Transport for London Road Network.³²
6. Address impact on groundwater including underground streams as drainage network has finite capacity.³³
7. 28.1 part 8 - energy efficient lighting³⁴ and natural lighting where possible³⁵
8. CM28.1 part 9 provide guidance on how the hierarchy of a listed building and its significance is to be assessed.³⁶

²⁵ Jessica Arah

²⁶ Thames Water, See proposed text '1' in Annex 1

²⁷ SEBRA

²⁸ Knightsbridge Association, WPA

²⁹ Grosvenor

³⁰ Grosvenor

³¹ Historic England,

³² TfL

³³ Knightsbridge Association, Paddington Waterways

³⁴ Mayor of London

³⁵ Mayor of London, SEBRA

³⁶ Grosvenor

9. CM28.1 part 9 suggest splitting paragraph into two to separate paras on archaeological advice and heritage, and consider making reference to impact on historic fabric.³⁷
10. CM28.1 Part 10 - Clarify does highway include footway. Basements shouldn't be beneath carriageway.³⁸
11. CM28.1 Part 10 - Insert new text to clarify policy doesn't apply to Transport for London Road Network.³⁹
12. CM28.1 Part 11 – Insert text to clarify that infrastructure includes highway and railway lines/tunnels.⁴⁰
13. Insert date of new Code of Construction Practice.⁴¹
14. Extend the protection of amenity of neighbours to occupation stage encourage consideration of location of pumps etc to reduce noise nuisance.⁴²

Response:

1,2,4. Delete 'site curtilage' and replace with simpler wording of 'garden land' as definition in Glossary makes clear it is site minus original building. Delete subsequent unnecessary reference to site curtilage in Policy Application and insert additional text in Policy Application clarifying that garden land excludes only the original building, not later extensions.

3. Guidance on 'large' sites added to aid in interpreting CM28.1 A3; small sites already defined in policy.

5,11. Additional wording has been inserted at policy parts CM28.1 A1b), CM28.1 A11

6. Policy does deal with this ("demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development.."), and proposes to limit deep and extensive excavations through policy parts A1 and A3.

7. Wording inserted to CM28.1 A6 promote natural and energy efficient lighting.

8. Agreed, guidance to be provided.

9. Drafting improvement splitting policy A9 into A9 and A10 to make clearer that protecting heritage and safeguarding archaeology are separate. Also emphasises listed buildings within part 9. Line added to RJ on Archaeological Priority Areas.

10. Both are used. Comment noted but Council has no power to restrict.

12. Additional wording at CM28.1 B1 expanding on definition of infrastructure

13. Date not known yet, and until it is in place misleading to refer to 'New' Code.

14. Wording inserted at CM28.1 B3 to extend protection of amenity to occupation phase at design stage. Also reference in Policy Application to location of pumps and fans.

Policy Application

1. Suggest a financial contribution towards tree planting where not replaced.⁴³
2. Clarify that the Environment Agency considers self-contained basements (without internal access to upper floors above the breach level as highly vulnerable, and those with access as more vulnerable⁴⁴ .
3. Contractors should be accredited, perhaps by Association of Structural Underpinning Contractors (ASUC).⁴⁵

³⁷ Historic England

³⁸ SEBRA

³⁹ TfL, See proposed text '2' at Annex 1

⁴⁰ TfL, See proposed text '3' at Annex 1

⁴¹ SEBRA

⁴² Mayor of London

⁴³ SEBRA

⁴⁴ Environment Agency

⁴⁵ Grosvenor

4. Insert text relating to links and further advice for applications adjacent to or affecting Transport for London Road Network (TLRN)⁴⁶

Response:

1. Not necessary in policy, could already do this, primary objective is to have replacement trees.
2. Text added in Policy Application.
3. Reference added in Policy Application
4. Text added in Policy Application.

Reasoned Justification

1. Clarify what are SUDS⁴⁷ note the specific role of SUDS in reducing peak rate of run-off and biodiversity and urban greening benefits.⁴⁸

Response:

1. Drafting improvement to highlight the role of SUDS in reducing peak run-off rate. (CM28.1 A7) and write SUDS in full in PA

3.4 Other Responses

Article 4

- Objection – to the blanket removal of permitted development rights, as contrary to NPPF para 200, it would not compromise the local amenity and wellbeing of the entire borough.⁴⁹ It adds a cost to the Council as no planning application fee is payable, which means the full cost of assessing applications must be carried by the Council. The full cost should include the cost of producing all of the documents that form the planning application if the basement could normally be PD, including the Structural Methodology Statement and Construction Management Plan.⁵⁰
- Article 4 Directions could have particular advantages for the assessment and management of Westminster’s Archaeological resource.⁵¹

Habitats Regulation Assessment Screening

- Comment that the search area should have included the Lee Valley SPA and Ramsar site which is within the 10km radius. Additionally the Essex Thames Estuaries SPA is an incorrect naming of two sites (The Thames Estuary and Marshes SPA and Essex Estuaries SAC which appear to have been combined. The conclusion that no further assessment is required doesn’t cause an issue for Natural England.⁵²

4.0 Formal Notification under Regulation 18 of The Regulations and other informal consultation

⁴⁶ TfL, See proposed text ‘4’ at Annex 1

⁴⁷ SEBRA

⁴⁸ Mayor of London

⁴⁹ Cranbrook Basements

⁵⁰ Cranbrook Basements

⁵¹ Historic England

⁵² Natural England

4.1 Formal notification of the Basements Revision to Westminster's City Plan was carried out between 19th March to 1st May 2015, for a period of just over six weeks. Notification was made by email to the vast majority of the 615 consultees (see Appendix 6), with a small number of letters sent to 5 of the consultees. Specific consultees contacted were:

- Association of Electricity Producers
- Cavendish Communications
- City of London
- Clinical Commissioning Groups
- Crossrail
- Historic England (English Heritage)
- Environment Agency (London Office)
- Highways Agency
- Homes and Communities Agency
- London Borough of Brent
- London Borough of Camden
- London Borough of Southwark
- London Borough of Wandsworth
- Marine Management Organisation
- Mayor of London and Assembly (GLA)
- National Grid DPM Consultants
- Natural England
- NHS Property Services
- Office of Rail Regulation
- Royal Borough of Kensington and Chelsea
- Thames Water Utilities Ltd
- The Coal Authority
- Town Planning Network Rail
- Transport for London (TfL)

4.2 A copy of the Regulation 18 consultation letter is attached as Appendix 6. Consultees were advised that the City Council was intending to make 7 revisions to Westminster's City Plan including this, the Basements Revision (further information on this revision is available on the Council's website). This coincided with the publication of a new Local Development Scheme. Consultees were advised that notice was given in accordance with Regulation 18, that once the first 6 revisions had been made this would replace the Unitary Development Plan, and that although the revisions were notified together, they would be progressed separately. Consultees were invited to let the council know what they would like to see in these two revisions, and asked what they thought the revisions should contain. They were also advised of the consultation timescale, provided with a telephone contact for further information, and relevant weblinks for further information.

4.3 The City Council's website also advertised this stage of consultation on the page relating to the Revision to Westminster's City Plan (attached as Appendix 7). This also included a link to the consultation letter.

4.4 Notification of the intention to develop a Basements Revision to the City Plan was part of a wider notification of the Council's intention to revise the City Plan. Eleven

responses were received at stage 8, in paragraph 1.4 above, (attached as Appendix 8), with two of those responses having relevance for the Basements Revision. These are summarised in section 3.0 below.

5.0 Responses at Regulation 18 Stage

1. Support with qualification No significant concerns with regard to the draft policy, but not extending the scope so as to have unintended consequences on non-residential basements.⁵³ The policy will not be applied to commercial, except where it adjoins residential, where the impacts are likely to be such that it is appropriate for the policy to apply, to mitigate harm to residential neighbouring buildings.

2. Comment – the policies should as a whole and individually integrate and promote the conservation and enhancement of heritage assets as part of a positive strategy for the historic environment. Please see also again for reference the previous Greater London Archaeological Service response, which supported the policy⁵⁴ - comment from EH, and support from the GLAAS noted.

6.0 Duty to Cooperate

The following sets out examples of the established relationships which fulfill the requirement in the Localism Act for the duty to cooperate. As this is a partial revision to the plan, only those aspects of the relationship most relevant to basements have been included. This may or may not be specific to the “planning policy” function of the City Council, but nonetheless informed development of the Basements Revision. These relationships also continue to inform plan development across the wider City Plan review.

Environment Agency

- Close working relationship on flooding and flood defence, which has informed basements policy development directly, as well as indirectly through the dialogue around the flooding policy development.

Historic England

- Close working relationship with detailed application specific liaison including joint site visits on many schemes and EH provide advice on archaeology. This directly influences policy development.
- Twice yearly liaison meetings between senior Built Environment officers and English Heritage. Council officers and English Heritage attend quarterly liaison meetings to discuss issues around major heritage assets.

⁵³ British Land

⁵⁴ Historic England

- Ongoing regular liaison and informal meetings on emerging policy, including via the London Conservation Officers' Group⁵⁵ (see Cross Borough Partnerships below) which has considered basements in London.
- Dialogue with Greater London Archaeological Advisory Service around archaeological implications of basements.
- Greater London Historic Environment Records maintained by English Heritage, with input from Westminster.

Natural England

- Informal liaison through the London-wide Biodiversity Officers Forum.
- Application-specific notification e.g. lighting and bats.

Mayor of London (including Transport for London and Homes and Communities Agency)

- Regular policy and funding meetings with TfL, as well as topic specific joint working including excavation which might impact on their assets including London Underground Lines or TfL roads.
- Joint working on housing development capacity (NB. most basement excavations do not contribute additional housing units).
- Liaison for development of the Mayor's Sustainable Design SPG, which in turn informed development of Basements policy
- Drain London Partnership provides opportunities for direct input to the Pan London Surface Water Opportunities Management (see cross-borough partnerships below)

Clinical Commissioning Group

- Close working relationship though not directly relevant to the basements policy.

Network rail

Joint working where basement excavations potentially impacts their assets.

Cross Borough Partnerships

Officers and politicians come together across London informally, with either regular groupings such as the Association of London Borough Planning Officers and London Council's, or informal task groups and meetings around particular topics or consultations/legislative changes.

Central London Forward⁵⁶ (CLF):

Close working relationship though not directly relevant to the basements policy.

⁵⁵ Informal meeting of Conservation Officers from all London Boroughs facilitated by Historic England.

⁵⁶ London Boroughs of Camden, Islington, Kensington & Chelsea, Lambeth, Southwark, Westminster and the City of London

Cross River Partnership⁵⁷ (CRP): Close working relationship though not directly relevant to the basements policy.

Drain London Partnership⁵⁸: facilitated by the Greater London Authority, and the **London North Central Flood Risk Partnership**⁵⁹: produced Preliminary Flood Risk Assessment, Local, Flood Risk Management Strategy, produce Flood Risk Hazard Maps, maintain a register of Flood Risk Management assets, establish ownership & responsibilities, in terms of flood risk, and investigate flood events.

London Tree Officers' Association: close working relationship on issues pertaining to basements policy development, such as tree stability and soil depths.

Association of London Borough Planning Officers (ALBPO): Regular meetings at different levels and for different planning disciplines/areas, presentations, standing items for borough updates and the opportunity for informal liaison in person and via emails. Includes heads of service/Chief Planning Officer level, and officer level for CIL, development plans, information and monitoring etc.

London Boroughs

Close working relationships with the following boroughs in developing basements policy:

London Borough of Camden

Royal Borough of Kensington & Chelsea

London Borough of Wandsworth

London Borough of Southwark

London Borough of Lambeth

London Borough of Islington

City of London

⁵⁷ Angel Aim BID, Better Bankside BID, Camden Town Unlimited BID, Cheapside Initiative, City of Westminster, Corporation of London, Greater London Authority, Groundwork London, Heart of London Business Alliance, InSW1 BID, London and Partners, London Borough of Camden, London Borough of Islington, London Borough of Lambeth, London Borough of Southwark, Network Rail, Royal Borough of Kensington and Chelsea, South Bank Employers Group, Team London Bridge BID, Transport for London, Waterloo Quarter Business Alliance

⁵⁸ London Boroughs, Thames Water, Environment Agency, London Councils, Defra, TfL

⁵⁹ London Boroughs of Islington, Kensington and Chelsea, Camden, Hammersmith and Fulham, City of London

Annex A: Text Proposed by Consultees.

The following text amendments were proposed by consultees. Underline text shows the text proposed with surrounding text given for context.

1. Paragraph 2.35

“Care is also needed to ensure that the cumulative impact of development (particularly basements) does not lead to increased incidence of surface water or other flooding-and to ensure that the developments are protected from flooding risks such as sewer flooding.”⁶⁰

2. Policy S28.1, 1b)

“leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway (other than where the highway forms part of the Transport for London Road Network [TLRN]) where the basement may extend beneath the public highway provided it satisfies the requirements set out in paragraph 10 below”.⁶¹

3. Policy S28.1, 10

“where constructing new basement development under the adjacent (non-TLRN) highway;
a) retain a minimum vertical depth below the footway or carriageway of 900mm;
and
b) not encroach more than 1.8m under any part of the adjacent highway.”⁶²

4. Policy S28.1, Insert new policy provision 12.

“12. be protected from sewer flooding through the installation of a suitable pumped device.”⁶³

5. Policy S28.1,

“Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development and that the basement development will:

- 1. safeguard structural stability of the existing building, nearby buildings and other infrastructure including the highway and railway lines/tunnels.”⁶⁴*

6. Policy S28.1 Replace final paragraph with the following:

“Basements within new-build commercial and major residential developments within the CAZ will not usually be restricted.

Where new commercial or major residential developments are adjacent to residential properties, applicants may be required to demonstrate how the potential adverse amenity effects listed at 1-3, above, will be mitigated.”⁶⁵

⁶⁰ Thames Water

⁶¹ TfL

⁶² TfL

⁶³ Thames Water

⁶⁴ TfL

⁶⁵ WPA

7. S28.1 Policy Application

*“Applications adjacent to or affecting the Transport for London Road Network (TLRN) or public transport infrastructure shall have regard to advice available at www.tfl.gov.uk. Development on land within the land identified for Crossrail 2 Safeguarding shall be subject to consultation with TfL as defined in the Safeguarding Directions (2015), for which further advice is available at <http://crossrail2.co.uk>”*⁶⁶

8. Policy S28 Reasoned Justification.

*“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.”*⁶⁷

⁶⁶ TfL

⁶⁷ Thames Water

Annex B: Basements Revision Schedule of Minor Modifications

Reference	Reason for change	Change made
Paragraph 2.35	Consultation response (Thames Water)	Wording added to clarify that developments should also be protected from risks of Sewer Flooding
CM28.1	Numbering unclear	Policy renumbered to aid clarity
CM28.1 A1a)	Consultation responses requesting clarity over meaning (Knightsbridge Association, Grosvenor)	Delete 'site curtilage' and replace with simpler wording of 'garden land' as definition in Glossary makes clear it is site minus original building.
CM28.1 A1b)	Consultation response (TfL)	Wording to clarify that policy does not apply to TfL roads
CM28.1 A6	Consultation response (Mayor of London and SEBRA)	Wording inserted to promote natural and energy efficient lighting.
CM28.1 A7	Consultation Response (Mayor of London)	Drafting improvement to highlight the role of SUDS in reducing peak run-off rate.
CM28.1 A9 and A 10	Consultation Response (Historic England)	Drafting improvement splitting policy A9 into A9 and A10 to make clearer that protecting heritage and safeguarding archaeology are separate. Also emphasises listed buildings within part 9.
CM28.1 A11	Consultation response (TfL)	Clarification that policy does not apply to TfL roads
CM28.1 A13	Consultation response (Thames Water)	New policy provision re ensuring protection of new basements from sewer flooding.
CM28.1 B1	Consultation response (TfL)	Additional wording expands on definition of infrastructure to specifically refer to highway and railway lines and tunnels.
CM28.1 B3	Consultation response (Mayor of London)	Wording to extend protection of amenity to occupation phase at design stage.
CM28.1 B4	Text changes to make sense of renumbering.	Delete text to make renumbering work.
CM28.1 4b)	Text changes to make sense of renumbering.	Delete and add text to make renumbering work.
PA	Clarification	Additional wording to make clear that garden land excludes only the original building, not later extensions.

PA	Text unnecessary following deletion of site curtilage in policy	Deletion of text relating to curtilage.
PA	Consultation responses (Mayor of London, Historic England, Grosvenor)	Guidance on 'large' sites to aid in interpreting CM28.1 A3
PA	Clarification	Write SUDS in full
PA	Consultation response (Grosvenor)	Insert guidance relating to appointing a suitably qualified main contractor and ASUC
PA	Consultation response (Mayor of London)	Reference to having regard to location of pumps and fans to reduce noise nuisance.
PA	Consultation response (TfL)	Directing applicants adjacent to TfL roads/Crossrail 2 Safeguarding to relevant information.
PA	Consultation response (Grosvenor)	Advising applicants who are not freeholders to seek landlord permission .
PA	Consultation response (Environment Agency) drafting error	Correction to clarify Environment Agency classification of highly vulnerable/more vulnerable basements.
RJ	New text suggested Thames Water	Giving useful further detail on how to ensure protection from sewer flooding.
RJ	Consultation Response (Historic England)	Added reference to vulnerability of Archaeological Priority Areas.

Appendix 1: Regulation 19 letter



From: Councillor Robert Davis MBE DL

**Deputy Leader of Westminster City Council
and Cabinet Member for Built Environment**

**Westminster City Hall, Victoria Street, London SW1E 6QP
020 7641 8574**

Please reply to: Lisa Fairmaner

Telephone: 020 7641 4240

Email: planningpolicy@westminster.gov.uk

Date: 16 July 2015

Dear Sir/Madam

Basement Revision to Westminster's City Plan: Publication Draft Article 4 Direction for Basements

Westminster City Council is making revisions to Westminster's City Plan, adopted in November 2013. We are writing to consult you on a proposed revision to Westminster's City Plan: the "Basement Revision", which has now been published.

The Basement Revision provides the detailed policy framework for determining planning applications for basement development beneath an existing building, where that building is residential or is in the vicinity of residential development.

It is accompanied by a proposed Article 4 Direction which will remove permitted development rights for basement development across Westminster.

The Publication Draft documents for the Basement Revision, and supporting documents can be viewed or downloaded at www.westminster.gov.uk/revision-westminsters-city-plan or you can request a paper copy by phoning 020 7641 2503, or emailing planningpolicy@westminster.gov.uk. Copies are available for inspection at Westminster City Hall and Westminster's libraries. The supporting documents are:

- An Integrated Impact Assessment, including a Sustainability Appraisal report, and equalities and health impact assessments.
- A Consultation Statement, which summarises consultation undertaken at the previous Regulation 18 stage and informal consultation stages
- Supporting information for the Basement Revision including evidence regarding basement development.

Representations relating to the Basement Revision (or supporting documents) must be made to arrive by close of business on Wednesday 9th September 2015 to

planningpolicy@westminster.gov.uk or posted to:

Lisa Fairmaner, Westminster City Council, 19th floor, City Hall, 64 Victoria Street, London SW1E 6QP.

Representations relating to the Article 4 Direction

Notice will be given by press advertisement, site notice and on Westminster's website of the making of the article 4 direction. The Article 4 Direction will come into effect one year from the date of the publication of this notice. Representations on the making of the Article 4 direction should be made within six weeks of the date of the publication of the notice.

A copy of the Direction and of the Plan defining the area to which it relates may be seen at the offices of the Council at Westminster City Hall, 64 Victoria Street, London SW1E 6QP during normal office hours or can be viewed on the Council's website at www.westminster.gov.uk

All responses will be made public, although private email and postal addresses and other contact details, and any signatures will be redacted. We will submit all representations received to the Inspector appointed to examine the Basement Revision. We will also add your details to our database and notify you of future planning policy and neighbourhood planning consultations **unless you specifically request not to be added to the database**. We will not use your contact details for other purposes.

The purpose of the public examination is to consider whether the revision complies with legal requirements, has regard to national policies, is in general conformity with the London Plan and is sound. 'Soundness' is assessed using the criteria set out in detail in paragraph 182 of the National Planning Policy Framework which can be viewed at <http://bit.ly/GXntIS>.

Representations may be accompanied by a request to be notified at a specified address of any of the following:

- that the Basement Revision has been submitted to the Secretary of State for independent examination under section 20 of the above Act,
- the publication of the recommendations of any person appointed to carry out an independent examination of the Basement Revision, and
- the adoption of the new local plan incorporating the Basement Revision.

For further information please email planningpolicy@westminster.gov.uk or telephone 020 7641 2503.

Yours faithfully

Councillor Robert Davis MBE DL

Deputy Leader of Westminster City Council

Cabinet Member for the Built Environment

In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, notice is hereby given that copies of the Publication Draft Basement Revision to Westminster's City Plan document, together with Sustainability Appraisal Report (included within a wider Integrated Impact Assessment also looking at equalities and health), Consultation Statement, and supporting information regarding basements are available for inspection free of charge at the following places and times from 10th July 2015 to 4th September 2015:

- Westminster City Hall, 62 Victoria Street, London SW1E 6QP: Monday – Friday 9.00am to 5.00pm (by prior arrangement by telephoning (020) 7641 2503)
- Charing Cross Library, 4-6 Charing Cross Road, London WC2H 0HF, Mon 9.30am-8.00pm, Tues,Thurs & Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 10.30am-2.00pm, Sun 11.00am-5.00pm
- Church Street Library, 67 Church Street, London NW8 8EY, Mon 9.30am-8.00pm, Tues,Thurs & Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm
- Little Venice Sports Centre Library (completely self-service), 6a Crompton Street London W2 1ND, Mon-Fri 9.00-10.30pm, Sat-Sun 10.00am-5.30pm
- Maida Vale Library, Sutherland Avenue, London W9 2QT, Mon 9.30am-8.00pm, Tues,Thurs & Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm
- Marylebone Library (entrance in **Gloucester Place**), 109-117 Marylebone Road, London NW1 5PS, Mon,Tues,Thurs & Fri 9.30am-8.00pm, Wed 10.00am-8.00pm, Sat 9.30am-5.00pm, Sun 1.30pm-5.00pm
- Mayfair Library, 25 South Audley Street, London W1K 2PB, Mon-Fri 11.00am-7.00pm, Sat 10.30am-2.00pm
- Paddington Library, Porchester Road, London W2 5DU, Mon,Thu&Fri 9.30am-10.00pm, Tues 9.30am-9.00pm, Wed 10.00am-9.00pm, Sat 9.30am-5.00pm, Sun 11.00am-5.00pm
- Pimlico Library, Pimlico Academy, Lupus Street, London SW1V 3AT, Mon to Fri 9.30am-8.00pm, Sat 9.30am-5.00pm, Sun 1.30pm-5.00pm
- Queen's Park Library, 666 Harrow Road, London W10 4NE, Mon 9.30am-8.00pm, Tues,Thur&Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm
- St John's Wood Library, 20 Circus Road, London NW8 6PD, Mon,Tues &Thurs 9.30am-7.00pm, Wed 10.00am-7.00pm, Fri 9.30am-8.00pm, Sat 9.30am-5.00pm, Sun 11.30am-3.00pm
- Victoria Library, 160 Buckingham Palace Road, London SW1W 9UD, Mon 9.30am-8.00pm, Tues,Thurs &Fri 9.30am-7.00pm, Wed 10.00am-7.00pm, Sat 9.30am-5.00pm

Appendix 2: Webpages for Regulation 19

The screenshot shows a web browser window with the URL <https://www.westminster.gov.uk/node/7781/visions/72753/view>. The page title is "Regulation 19 Consultation".

The council is currently consulting on two revisions to Westminster's City Plan, Strategic Policies:

1. Publication Draft Mixed Use Revision
2. Publication Draft Basement Revision

The consultation runs from Thursday 16 July to Wednesday 9 September 2015.

These are pre-submission consultations on revisions that we believe are 'sound' as set out in paragraph 182 of the National Planning Policy Framework. Following this consultation, we intend to submit the revisions to the Secretary of State for public examination by an independent Inspector.

The revisions are accompanied by an Integrated Impact Assessment bringing together the Sustainability Appraisal, Equalities Impact Assessment and Health Impact Assessment. They also have a Consultation Statement, and additional supporting information in the case of basements.

Both revisions will be accompanied by an Article 4 Direction which will be published separately following completion of the necessary legal procedures.

Mixed Use Revision

This revision makes changes to the Local Plan in relation to commercial development in the Central Activities Zone, and introduces new borough-wide targets for commercial jobs and office jobs. It also changes the relative priority of housing, and the housing target and delivery.

[Publication Draft Mixed Use Revision to Westminster's City Plan, Strategic Policies](#)[®]

[Mixed Use Revision Integrated Impact Assessment](#)[®]

[Mixed Use Revision Consultation Statement](#)[®]

Basement Revision

This revision introduces detailed development management policy for basement development.

[Publication Draft Basement Revision to Westminster's City Plan, Strategic Policies](#)[®]

[Basement Revision Integrated Impact Assessment](#)[®]

[Basement Revision Consultation Statement](#)[®]

[Basement Revision Supporting Information](#)[®]

Previous Stages

[Regulation 18 Notice](#)

Appendix 3: Specific consultation bodies

1475	Association of Electricity Producers
1944	Cavendish Communications
2149	City of London
2513	Clinical Commissioning Groups
1267	Crossrail
1006	Historic England (English Heritage)
2054	Environment Agency (London Office)
1212	Highways Agency
193	Homes and Communities Agency
1000	London Borough of Brent
2328	London Borough of Camden
746	London Borough of Southwark
462	London Borough of Wandsworth
2251	Marine Management Organisation
2512	Mayor of London and Assembly (GLA)
562	National Grid DPM Consultants
1499	Natural England
2573	NHS Property Services
2216	Office of Rail Regulation
684	Royal Borough of Kensington and Chelsea
1227	Thames Water Utilities Ltd
1345	The Coal Authority
1214	Town Planning Network Rail
2514	Transport for London (TfL)

Appendix 4: General consultation bodies

7	Abbey Centre	2567	Bidwells Property Consultants
1049	Abbey Community Association Ltd/South Westminster Action Network	22	Bishop Ho Ming Wah Association
12	Abercorn School	26	Black and Ethnic Minority Diabetes Association
2547	Acting Head of Development	27	Black Disabled People's Association
2546	Acting Head of Policy	1927	BLD International Fashion Agency Ltd
1545	Action on Hearing Loss	37	BME Health Forum
1548	Advocate for Mental Health	39	BME Network, Voluntary Action Westminster
586	Africa Centre	2135	BRE Global Limited
1613	Age Link	1110	Brent Planning Service
1014	Age UK Westminster	2233	Brewery Logistics Group
13	Al Manaar Muslim Cultural Heritage Centre	47	British Arab Resource Centre
2173	Alan Wipperman and Co	2184	British Beer and Pub Association
20	Al-hasaniya Moroccan Women's Centre	48	British Black Anti Poverty Network
25	All Souls Clubhouse	107	British Buddhist Association
1552	Alzheimer's Society	2394	British Land
32	Amberley Club	117	Brownie Guide Unit 6th East Paddington
36	American School in London	2536	Business
38	Ancient Monuments Society	1742	Butterfly Conservation
1919	Andrew Cotton	2324	Campaign to Protect Rural England
105	Arab Maghreb Community Association	2463	CAMRA
90	Arab Women and Youth	2282	CAMRA
96	Arab Women's Centre	1075	Canal & River Trust London
42	Archdeacon of Charing Cross	2526	Capco (Capital and Counties Properties Plc)
1562	Arthritis Care	2580	Capita
1331	ARUP	2568	Carbon Culture
1604	Ashley Gardens Residents Association	138	Cardinal Hume Centre
1223	Atkins Global	1253	Carers Network Westminster
2293	Baker Street Quarter Partnersip (BID)	5	Carlton Hill Residents' Association
2303	Basement Force	2410	Carter Jonas
67	Bayswater Residents Association	2393	Carter Jonas
1649	Bayswater Social & Cultural Association	1334	Cathedral Area Residents Group (CARG)
2199	Bayswater Village (BID)	144	Caxton Youth Organisation
2421	Bective	1328	CB Richard Ellis
2564	Belgravia Neighbourhood Forum	2275	CBRE - Central London Retail
1687	Belgravia Residents Association	1568	CBRE Ltd
77	Belgravia Residents Association	2319	CBRE Ltd
79	Bengali Cultural Association	1500	Central London Forward
200	Bengali Women's Welfare Project	1897	Centred (formally Kairos in Soho)
2056	Bennetts Associates	1249	Centro Cristiano Casa De Adoradores - CCCA
2305	Berkeley Homes	2468	Cgms
2261	Beverley Butler	2279	CgMs Consulting
1352	BG Gas Services Limited		

1258	Charlotte Street Association		Association
2488	Chief Executive (Westminster City Council)	206	Covent Garden Community Association
2545	Chief of Staff - Westminster	1303	Cross River Partnership (Lambeth Office)
1039	Chinese Community Centre	2511	Cultural Partnerships Officer
1801	Chinese Information and Advice Centre	224	Davis Coffey Lyons
1793	Chinese National Healthy Living Centre	2575	Deloitte LLP
999	Chris Thomas Ltd	246	Deloitte Real Estate
1790	Christian Muslim Forum	262	Democratic Development and Understanding
704	Church Army - Marylebone Project	1572	Department for Environment Food and Rural Affairs (DEFRA)
1452	Church Street Library	2505	Deputy Director Public Health
2565	Church Street Neighbourhood Forum	2427	deputy private secretary to the Prince of Wales
1036	Churches Together in Westminster	1637	Derek Horne & Associates Ltd
1692	Churches Together in Westminster	231	Derwent London
1056	Churchill Gardens Estates Residents	2039	Development Securities Plc
176	Churchill Gardens Lessees Association	222	DHA Planning
2096	City Commissioner of Transportation (CLT)	2542	Director of Communications and Strategy (SEB)
2221	City Of Westminster College	2540	Director of Public Health
2544	City Treasurer	1090	Director of Sport, Leisure and Wellbeing
1057	CityWest Homes Limited	1017	Disabled Living Foundation
1478	Civil Aviation Authority	2148	Dolphin Square Foundation
2559	Clarence Gate Gardens Residents Committee	240	Dorothy Gardner Nursery Centre
1020	Cluttons LLP	2284	DP9
2276	Cluttons LLP	2288	DP9
1647	Colliers International	2292	dp9
2285	Colliers International	2392	DP9
2259	Colliers International	2466	Dp9
2297	Colliers International	2555	Dp9
2301	Collins & Coward Limited	2560	dp9 Ltd
2495	Commissioner of Events, Filming and Contingencies (CLT)	2582	DP9 Ltd
2094	Commissioning Waste and Parks (CLT)	243	DPDS
2508	Commissioning Waste and Parks Team	2252	Drew Planning & Development Ltd
1940	Condici Limited	2587	E.ON Ruhrgas UK Energy Trading Limited
1479	Confederation of Passenger Transport	1010	Eagle Eyes NGO
1949	Consortium of LGBT Voluntary & Community Organisations	1063	eas planning a trading name of Capita Symonds
2412	Consultancy	1424	Eclipse Internet Home (KCOM Group Plc)
1358	Corona Energy Retail Limited	1224	EDF Energy
202	Cosmic (Children of St. Mary's Intensive Care)	2487	Edgware Road Partnership
203	Cotes House Tenants & Residents Association	2549	English Heritage
1276	Covent Garden Area Trust	274	Eritrean Community Support & Information Centre
2323	Covent Garden Community	2467	Ernst and Young

272	Ershad Community Centre	2417	GVA Grimley Ltd
2274	ESA Planning	2425	GVA Ltd
2588	ESP Electricity Limited	2539	H&F Executive Director of Finance & Corporate Finance
1245	Essie Graham	353	Hallfield Estate Residents' Association
1591	European Land & Property Ltd	362	Harrowby and District Residents Association
2283	Exhibition Road Cultural Group	1270	HCA International Ltd
572	Filipino Women's Association	2424	HDG Ltd
1584	First Base Ltd	1646	Head of Affordable and Private Housing
1038	Firstplan	2502	Head of Investment (WCC and CLT)
2530	Firstplan	2503	Head of Legal and Democratic Services (CLT)
292	Fitzrovia Court Residents' Association	2504	Head of Service Westminster Adult Education Services
1272	Fitzrovia Neighbourhood Association	1696	Head of Strategy Housing
1337	Fitzrovia Trust	2343	Heart of London BID
2235	Forextra Developments Ltd	1043	Heart of London Business Alliance
297	Forsterss Solicitors	2552	Hilson Moran
1463	Forward UK	2553	Hodkinson Consultancy
1461	Foundation 66	1277	Howard de Walden Estates Ltd
1756	Four Rivers Resident's Association	2164	Hugh Cortazzi
306	Freshwater Court Residents' Association	1938	Hunza
1297	Fusion Online Ltd	1124	Hyde Park Estate Association
1320	Future Champions	2407	Iceni Projects Limited
1748	Garden Square News	2300	Iceni Projects Limited
1326	Gay Business Association	2465	Iceni Projects Limited
1308	Gemma	2355	Iceni Projects Ltd
321	Genuine Empowerment of Mothers in Society	330	Imaan
2517	Gerald Eve	387	Imperial College Early Years Education Centre (EYEC)
2194	Gerald Eve LLP	1096	In Deep Community Task Force
2583	GIA - Surveying and Design Consultancy	391	Independent Mothers Pre-School
1416	Gieves and Hawkes	1097	India Welfare Society
2420	GL Hearn	1625	Individual
2572	GLA and Mayor contact	2464	Individual (Resident)
2183	GMRA Committee	1853	Individual (Resident)
1575	GMS Estates Limited	2434	Individual (Resident)
467	Go Ahead London	2435	Individual (Resident)
328	Golaw	2436	Individual (Resident)
337	Great Portland Estates Plc	2437	Individual (Resident)
2192	Grosvenor	2438	Individual (Resident)
1045	Grosvenor	2439	Individual (Resident)
345	Grosvenor Ltd	2440	Individual (Resident)
1597	Grosvenor Ltd	2441	Individual (Resident)
997	Groundwork Trust (Camden, Islington & Westminster)	2442	Individual (Resident)
2470	GVA	2444	Individual (Resident)
2585	GVA	2447	Individual (Resident)
2458	GVA Grimley		

2448	Individual (Resident)	2476	London Borough of Lambeth
2449	Individual (Resident)	2477	London Borough of Lewisham
2450	Individual (Resident)	2478	London Borough of Tower Hamlets
2451	Individual (Resident)	1578	London Business School
2452	Individual (Resident)	1906	London Chinatown Chinese Association
2453	Individual (Resident)	1263	London Diocesan Fund
2454	Individual (Resident)	2480	London Enterprise Partnership
2459	Individual (Resident)	1011	London Fire and Emergency Planning Authority (LFEPA)
2516	Individual (Resident)	475	London First
2538	Individual (Resident)	1683	London Forum of Amenity & Civic Societies Residents
2165	Individual (Resident)	2479	London Green Grid Local Nature Partnership
1244	Individual (Resident)	1631	London Irish Centre
2243	Individual (Resident)	1630	London Tigers
2446	Individual resident	487	London Travel Watch
706	Inner London Scope Nor-West Club	492	London Wildlife Trust
2220	Inner North West London PCT's	536	Londonewcastle
2501	Interim CIO	494	Look Ahead Housing Association - Head Office
1286	J Young	500	Lydford Estate Tenants & Residents Association
402	Jacs Club	502	M R Partnership
1917	Jeffrey Green Russell Limited	506	Malcolm Scott Consultants Ltd
1627	Joan Safran	511	Martlett Court Residents' Association
2581	Jon Dingle Ltd	512	Mary Paterson Nursery School
1281	Katherine Hosleyns	2204	Mary Travers
1898	Kenric	2226	Maryland Road Community Association
2100	Kensington and Chelsea with Westminster Friends of the Earth	998	Marylebone Association
1697	Kensington Society	2186	Marylebone Association
2313	Kingly Partners LLP	644	Marylebone Bangladeshi Society
2267	Kirkwells	1232	Matthew Bennett
2556	Knight Frank	2227	Mayfair Residents Group
304	Knight Frank LLP	2296	McCarthy & Stone
1900	Kongolese Centre for Information and Advice	519	Meanwhile Gardens Playhut
2198	Land Securities Group PLC	1280	Meard and Dean Street
426	Landmark Hotels	2571	Media Officer - Westminster City Council
1616	Langham Estate Management Limited	2402	Member of Parliament
2062	Legal and General Property	2548	Members Services WCC
2102	Leicester Square Association	1549	Mencap
477	LHA London Ltd	2403	Merit Thornton Consultants
1481	Licensed Taxi Drivers Association Ltd	2280	Metropolis
1903	Lighthouse West London	526	Metropolitan Police (Central Traffic Unit)
446	Lisson Green and Church St Arab Association	525	Metropolitan Police Service
453	Loftus Family Property	534	Migrants Resource Centre
1019	London Borough of Hackney		
2474	London Borough of Hammersmith & Fulham		
2475	London Borough of Islington		

1551	Mind - National Association for Mental Health	2310	Paul Kentish & Co
585	Mono Consultants Ltd on behalf of The Mobile Operators Association (MOA)	2318	PC Dalton Planning
1338	Moreton Triangle Residents Association	613	PCCG Licensing Working Party
2076	Mothers' Union	617	Peacock and Smith
1851	Nathaniel Lichfield & Partners	2577	Pegasus Group
2109	National Portrait Gallery	2406	Pilbrow and Partners
2321	Natural England	1609	Pimlico FREDA
2074	Naz Project London	624	Pimlico FREDA
1757	Network Stadium Housing Association	2445	Pimlico Grid Resident Association
2075	New Roots	622	Pimlico Mothers And Childrens Association
1241	New West End Company (NWECC)	628	Pimlico Toy Library
2317	Nicholas Taylor and Associates	2460	Planning Aid for london
1858	Nimax Theatres Ltd	2574	Planning Consultant
1123	North Paddington Society	2404	Planning Consultants
2533	Northbank (BID)	2456	Planning Consultants
1915	Notre Dame de France	2457	Planning Consultants
2563	Notting Hill East neighbourhood forum	2519	Planning Consultants
1081	Octavia Housing	2520	Planning Consultants
44	One Housing Group	2522	Planning Consultants
195	One Support One Housing Group	2521	Planning Consultants
1100	Open Age	2432	Planning Potential Ltd
2497	Operational Director Development Planning (CLT)	1641	Pocket Living
2082	Operational Director for Children's Services	2072	Polish Social and Cultural Centre (POSK)
2496	Operational Director for Street Management (CLT) Interim	1569	Positively UK
2086	Operational Director Premises Management (CLT)	1570	Press for Change
588	Our Lady of the Assumption & St Gregory Church	2308	Preston Bennett
589	Out and About Club	1602	Pride London
2168	Outdoor Media Centre	2506	Private sector and Energy Commissioning Manager
1668	Paddington Academy	648	Pursuing Independent Paths - PIP
592	Paddington BID	2206	Qatari Diar
1305	Paddington Development Trust (PDT)	2188	Quadrant Town Planning Ltd
1131	Paddington Residents Active Concern on Transport (PRACT)	651	Queen's Park Crèche
601	Paddington Waterways & Maida Vale Society	649	Queen's Park Bangladesh Association
1689	Paddington Waterways and Maida Vale Society	656	Queen's Park Estate Society
2350	Paddington Waterways and Maida Vale Society	657	Queen's Park Neighbourhood Forum
605	PAN Westminster	2268	Quod
162	Parents Empowerment Community Association (PECA)	662	Radha Krishna Temple
608	Parkinson's UK	1273	Real Action Ltd
612	Paul Dickinson & Associates	1254	Refuge (Head office)
		668	Reliance Trust Ltd
		1661	Residents of Carlton House Terrace
		670	Residents' Society of Mayfair and St James's
		1332	Richard Coleman City Designer
		2409	Rinsler

1740	RNLI	2190	St James's Conservation Trust
676	Road Haulage Association Ltd	1282	St James's Conservation Area Trust
1074	Rolfe Judd Planning	766	St John's Wood Pre-Preparatory School
2132	Rose Doyle	1126	St John's Wood Society
1922	Royal Air Force Club	1318	St Marylebone Society
1876	Royal Albert Hall	759	St. Andrews Club
2473	Royal Borough of Greenwich	760	St. Christina's School (RC)
2311	Ruth Bloomfield	771	St. Judes Over 50s Club
697	Salvation Army - Edward Alsop Court	776	St. Marylebone Society
701	Sanctuary Housing Association - Dean Abbot House	777	St. Mary's Hospital Estates & Facilities
2316	Sanei Hopkins Architects	782	St. Vincent's Family Project
2217	Savile Row Bespoke	2020	Stanhope Plc
2469	Savills	1628	Stewart Ross Associates (also known as Dev Plan)
2265	Savills	2490	Strategic Director for City Management (SEB)
2270	Savills	2492	Strategic Director for Housing Regeneration and Property (SEB)
2411	Savills (UK) Limited	2299	Strategic PH Advisor
2431	Savills (UK) Limited	2586	Strathmore Estates
2315	Savills (UK) Ltd	2413	Strutt and Parker
199	School's Out!	2414	Strutt and Parker
2562	Scott Brownrigg	2077	Subway Gallery
2510	Senior PH Officer (Workforce Development)	804	Sudanese Supplementary School
2584	Serle Court	810	Sustrans
710	Shaftesbury PLC	813	Tachbrook Nursery School
204	Shanfina Voluntary Organisation	809	Terrence Higgins Trust
2066	Shape Arts	355	The Advocacy Project
2554	Shaw Corporation	251	The Anglo-Egyptian Society
1693	Shire Consulting	1093	The Avenue's Youth Project
2291	Simon Tarrant	2120	The Belgravia Society
2529	Smith Jenkins Town Planning Consultants	823	The Berkeley Group
2289	Snr Practitioner, Air Quality	2255	The British Antique Dealers' Association (BADA)
2307	Soho Estates Ltd	824	The British Hospitality Association
729	Soho Family Centre	1467	The British Land Company
732	Soho Society	1098	The Cara Trust
2561	SohoCreate	826	The Central London Gurdwara
2295	Sotheby's	1082	The Chelsea Society
1127	South East Bayswater Residents Association (SEBRA)	1330	The Church Commissioners
1555	Spinal Injuries Association (SIA)	1002	The Crown Estate
1034	Sport England	261	The Egyptians' UK Association
2543	SSA Planning	2472	The Foreign and Commonwealth Office (FCO)
751	SSAFA Forces Help (Westminster Division)	317	The Garden History Society
1407	SSE Utility Solutions	1325	The Georgian Group
752	St George Central London Limited	1669	The Inland Waterways Association
754	St James Group Ltd	419	The Knightsbridge Association

2379	The Lorenz Consultancy	1588	Victoria Palace Theatre
837	The Portman Estate	1092	Voluntary Action Westminster
1327	The Portman Group	359	WAIT UK
1333	The Roman Catholic Diocese Of Westminster	184	Walsingham Planning
1048	The Royal Parks Agency	878	Wand UK
2257	The Society of London Art Dealers (SLAD)	2532	Warwick Way Residents' Association
839	The Strand, Aldwych and Trafalgar Square Association	2419	Wells Mackereth Architects
1257	The Theatres Trust	2481	West Berkshire Council - (Waste)
840	The Tree Council	896	Westbourne Neighbourhood Association
862	The Twentieth Century Society	1288	Westbourne Neighbourhood Association
1324	The Victorian Society	2566	Westbourne Neighbourhood Forum
217	The Westminster Society for people with learning difficulties (Croxley Project)	185	Westbourne Park Family Centre
2045	The Wigmore Hall Trust	897	Western Charitable Foundation
1921	Thornbury Castle	1665	Westminster Academy
845	Thorney Island Society	2570	Westminster Advice Forum (Citizens Advice Bureau)
2569	Tibbalds Planning and Urban Design Ltd	356	Westminster Advocacy Service for Senior Residents
2245	Tim Carnegie	1482	Westminster Amenity Societies Forum (WASF)
2422	TJR Planning	2071	Westminster Arts
1636	tp bennett LLP	652	Westminster Bangladeshi Association
1008	Transport for London (TfL) - specific contacts	905	Westminster Boating Base
860	Travis Perkins	466	Westminster Islamic Community Centre
861	Trehearne Architects	238	Westminster Learning Disability Partnership
2541	Tri Borough Executive Director of Adult Social Care	2429	Westminster Living Streets
2500	Tri-borough Director of Libraries and Archives	2430	Westminster Living Streets
2491	Tri-Borough Executive Director for Children's Services	556	Westminster Muslim and Bangladeshi Association (WMBA)
1064	Tri-borough Head of Asset Strategy (Children's Services)	1255	Westminster Property Association (WPA)
1594	Turley	1250	Westminster Refugee Consortium
2362	Turley	1321	Westminster Senior Citizens Forum
2312	Turley Associates	1252	Westminster Senior Citizens Forum
2320	Turnberry Consulting	841	Westminster Society
400	Turning Point	505	WhiteKat Collective Trust
2576	UK Screen Association	2528	Wildstone Planning
401	Umoja Pamoja	507	Yaa Asantewaa Arts Centre
1513	University of Westminster	514	YMCA Central London
2537	URS (Acoustic consultants)	940	Young England Kindergarten
1715	Valentine Montagnani	944	Zoroastrian Trust Funds Of Europe (Inc)
1225	Verizon		
1293	Victoria Business Improvement District (BID)		
1750	Victoria Interchange Group		

Appendix 5: Regulation 19 Responses

1. Natural England
2. Katherine Lubar
3. Office of Rail and Road
4. Highways England
5. Katherine Lubar (second response)
6. Historic England
7. Jessica Arah
8. Mayor of London
9. John Shailer
10. St Marylebone Society
11. Thames Water
12. Environment Agency
13. Knightsbridge Association
14. WPA
15. SEBRA
16. Paddington Waterways
17. Michael Salmon
18. Grosvenor
19. John Lyons Charity

Other Responses

1. Natural England (HRA Screening)
2. Cranbrook Basements (Article 4)

Appendix 6: Regulation 18 letter



**From: Councillor Robert Davis DL
Deputy Leader of Westminster City Council
and Cabinet Member for the Built Environment**

**Westminster City Hall, Victoria Street, London SW1E 6QP
020 7641 8574**

Please reply to: Lisa O'Donnell

Direct Line / Voicemail: 020 7641 2503

Fax: 020 7641 3050

Email: planningpolicy@westminster.gov.uk

19th March 2015

Dear Sir/Madam

Revisions to Westminster's City Plan: Strategic Policies

Westminster City Council adopted the Westminster's City Plan: Strategic Policies in November 2013. We are writing to advise you that the City Council is going to make revisions to this document as follows:

1. Basement Revision to Westminster's City Plan
2. Vacant Building Credit Revision to Westminster's City Plan
3. Mixed Use Revision to Westminster's City Plan
4. Special Policy Areas and Policies Map Revision to Westminster's City Plan
5. Energy Revision to Westminster's City Plan
6. Full Revision to Westminster's City Plan
7. Waste Revision to Westminster's City Plan

This notice is being made in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012.

Once the first six revisions have been made, the new document will be the Local Plan for Westminster and will replace all current policies in the Unitary Development Plan. Although we are notifying you of these revisions together, they will be progressed separately to ensure there are no unnecessary delays.

We are inviting you to let us know what you would like to see in these revisions. What do you think these revisions should contain?

Detailed information about each revision is set out in Westminster's Local Development Scheme which can be viewed at www.westminster.gov.uk/local-development-scheme . However the revisions are briefly summarised as follows:

Basement Revision - Insertion of new detailed basement policy into Westminster's City Plan: Strategic Policies for managing basement developments and for use in determining these planning applications

Vacant Building Credit Revision - New definition of vacancy and policy for the application of the vacant building credit within Westminster

Special Policy Areas and Policies Map Revision - A) Strategic designation of the Mayfair Special Policy Area and inclusion of this area in City Plan Policy S2, for art galleries and antiques traders. B) Insertion of detailed policies into Westminster's City Plan: Strategic Policies for managing the following Special Policy Areas: Harley Street (to replace UDP Policy SOC5), Portland Place (to replace UDP Policies COM6 and COM7), East Marylebone (to replace UDP Policy COM12), Savile Row, St James's and Mayfair. C) Make minor boundary alterations to the adopted 'Westminster City Plan: Strategic Policies' Policies Map to address some minor errors in the current boundaries. The OS base map is updated periodically and this has created minor anomalies in the boundaries, for example where a City Plan designation boundary does not follow the actual site boundary on the base map.

Mixed Use Revision to Westminster's City Plan - New policy including revision to the adopted Strategic Policy in Westminster's City Plan: Strategic Policies for managing office development including proposals involving the loss of office floorspace and office to residential conversion/redevelopment, and delivering mixed use

Energy Revision - Insertion of new detailed energy policy into Westminster's City Plan: Strategic Policies for delivering energy efficiency, on-site and local energy solutions and the cost of carbon for where required energy targets cannot be achieved.

Full City Plan Revision - To set out criteria against which planning applications covering all of the policy areas set out in the topic-based booklets subject to informal consultation Oct 2013 to Mar 2015 not covered by the revisions set out in 1 to 5 above to: A) Provide greater detail to those policies in the City Plan and ensure the development accords with the objectives set out in the City Plan. B) Revise to the adopted Westminster City Plan: Strategic Policies as appropriate.

This revision will replace all remaining Unitary Development Plan policies. Once this revision is adopted, the Unitary Development Plan, adopted Jan 2007, will no longer form part of the statutory development plan for Westminster.

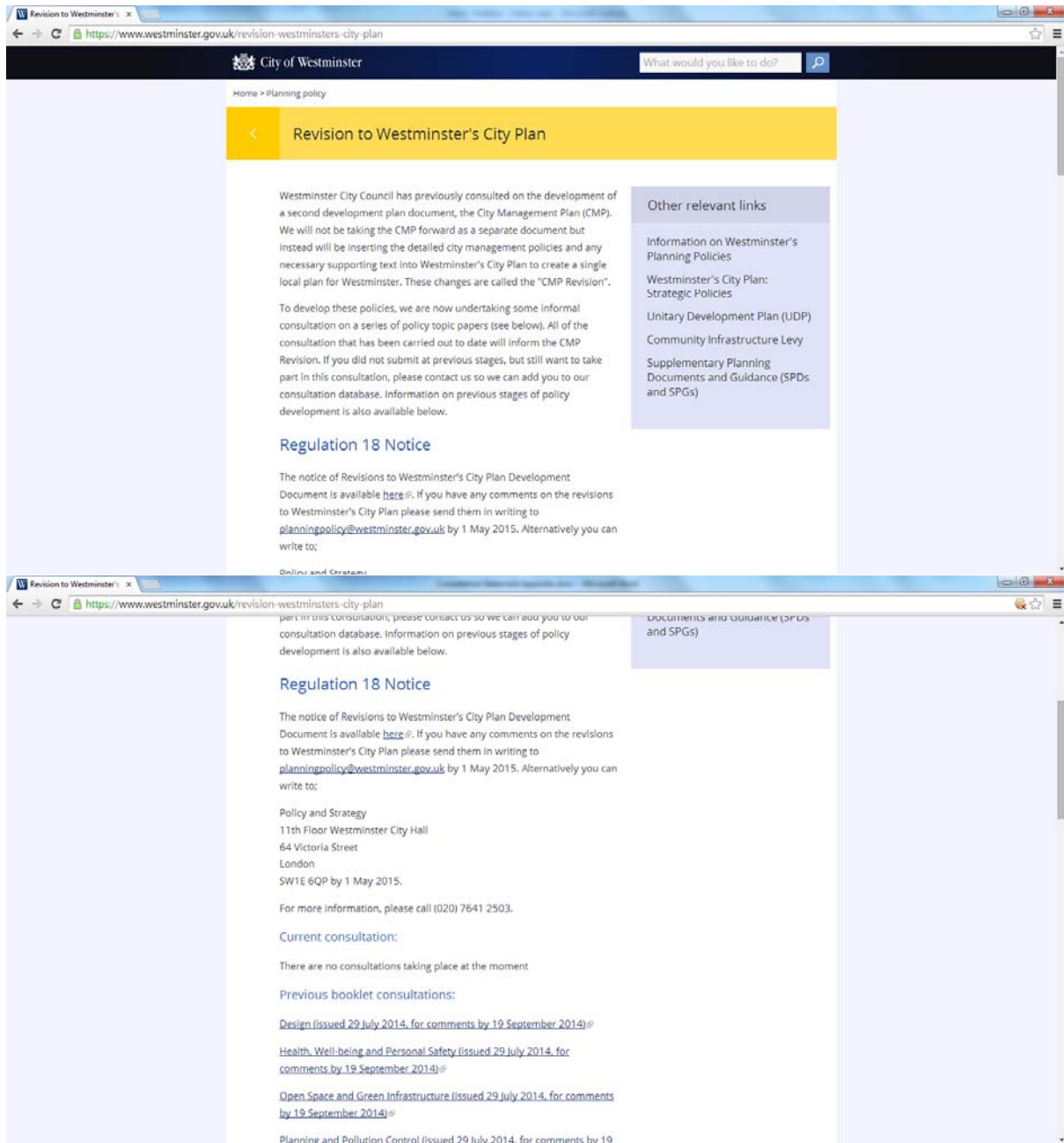
Waste Revision - To be developed alongside, and build upon, revisions to Westminster's Municipal Waste Management Strategy, and connect contractual obligations with waste planning and capacity provision within Westminster. The Waste Revision will secure any new waste sites that have been identified, and will also set out any joint working arrangements with other London Boroughs.

If you have any comments on the revisions to Westminster's City Plan please send them in writing by the **1st May 2015**. For more information, please call (020) 7641 2503. You can also find further information on the City Council's website at www.westminster.gov.uk/revision-westminsters-city-plan .

A handwritten signature in black ink, appearing to read 'RD', with a stylized flourish extending to the right.

Councillor Robert Davis DL
Deputy Leader of Westminster City Council
Cabinet Member for Built Environment

Appendix 7: Webpages for Regulation 18



Appendix 8: Regulation 18 responses

- 1 Natural England
- 2 Highways Agency
- 3 Office for Rail Regulation
- 4 Marine Management Organisation
- 5 British Land
- 6 Royal Borough of Kensington and Chelsea
- 7 BBC
- 8 Criterion Capital
- 9 Historic England
- 10 Heart of London Business Alliance
- 11 Covent Garden Area Trust

Appendix 9 - Responses to Regulation 19

Consultation responses to the Basement Revision

1	Cranbrook Basements
2	Grosvenor
3	Highways England
4	Environment Agency
5	Historic England
6	Jessica Arah
7	John Lyons Charity
8	John Shailer
9	Katherine Lubar
10	Knightsbridge Association
11	Mayor of London
12	Michael Salmon
13	Natural England
14	Office of Rail and Road
15	Paddington Waterways
16	SEBRA
17	St Marylebone Society
18	Thames Valley Team, Natural England
19	Thames Water
20	WPA

Dear Sir / Madam,

I wish to register an objection to the proposed Article 4 direction in relation to Basements.

We do not support the blanket removal of permitted development rights and we consider that the introduction of an Article 4 Direction that takes basements out of permitted development is an unnecessary infringement of the house owner's right.

The NPPF states in paragraph 200 that "the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so." We do not consider that the local amenity and wellbeing of the area would be compromised throughout the entire Borough in order to justify the Article 4 Direction.

The proposed Basement SPD has only just been introduced which clarifies what can be built under permitted development. The Article 4 direction adds another cost to the Council when a planning application is required because permitted development rights have been removed, no fee is payable. This means the full cost of assessing applications must be carried by the Council. The full cost should include the cost of producing all of the documents that form the planning application if the basement could normally be constructed through permitted development, including Construction Method Statement, Subterranean Structural Method Statement and Construction Management.

Kind regards

Robert Walker BA(hons) MSc

Senior Architectural Designer
For and on behalf of Cranbrook Basements



GROSVENOR

09 September 2015

CIL Consultation
Policy, Performance and Strategy
19th Floor, City Hall
Westminster City Council
64 Victoria Street
London, SW1E 6QP

Our ref: |

Dear Barry

We welcome the opportunity to comment upon the latest revision of the basement policy - albeit it is slightly unfortunate that the consultation period has spanned the whole of the summer holiday period which may well have limited the number of responses that you might otherwise have received.

Grosvenor has commented on previous basement policy revisions and the comments made in those previous representations still stand. We therefore welcome the latest draft - subject to the specific comments below and also to the over-arching comment that an opportunity seems to have been missed to create a basement policy that could have been aligned more directly to those of the City's neighbours in the Royal Borough of Kensington & Chelsea, particularly as it applies to listed buildings.

The problems associated with the increasing number and scale of subterranean developments, especially those under existing residential buildings, is well documented within the consultation responses and as the associated maps show, this affects certain areas of the City, such as Belgravia, more than others.

It is because of the disproportionate impact that large scale basement developments can have upon the amenity of neighbours within dense residential communities, and upon the fragile fabric of listed and historic buildings, that we believe that the City Council's policies in respect of subterranean development under historic buildings should be more restrictive. Where however there is good access to the site, where it is a redevelopment rather than underpinning an existing building and particularly where it is within a commercial area, we support the WPA in their representations that deeper basements may be appropriate. In all cases the terms of the Construction Management Plan are crucial.

In terms of the document itself, we have the following comments:

1. Extent of excavation under the garden. This should be qualified so that it refers to the extent of the original garden before any extensions were made to the original building. Where there is a small courtyard, and it would be helpful to have a definition of both 'small' and 'large', it may be appropriate to allow an excavation under its entirety and not to insist upon the 1200mm soil cover, provided that there is some form of SUDs incorporated.



2. Where the lowest original floor level is already below street level and for listed buildings where there is historic fabric above, we do not believe that any further excavation below that

historic fabric should be encouraged. It may however be possible to carry out some excavations away from the historic fabric.

3. If the proposed policy is to be adopted, it would be helpful to have some guidance on how the hierarchy of a listed building, and its significance, is to be assessed. This could be based upon the listed status of the building (building of merit, grade II, II* or grade I), the internal integrity of the building and/or the size of the extension in relation to the overall floor area of the building.

4. In addition to engineers being CARE accredited, it is important that the contractors undertaking the subterranean works are also accredited. The Association of Structural Underpinning Contractors (ASUC) may be an appropriate body.

It may also be helpful to applicants to set out within the guide a list of the various consents, in addition to planning, that may be required. Such consents could include listed building consent, party wall awards, building regulation approval, landlord's consent and for those properties that are situated on an estate that is covered by an estate management scheme approved under S19 of the Leasehold Reform Act 1967 (which would include Grosvenor's Mayfair & Belgravia estates), the consent of the scheme manager.

Please contact me should you wish to discuss these comments in any further detail.

Yours sincerely

Nigel Hughes BSc FRICS
The Estate Surveyor
Grosvenor Britain & Ireland
Direct Line
Mobile
Email |

For the attention of: Lisa Fairmaner

Consultation: Westminster's Basements Revision to the City Plan

Dear Lisa,

Thank you for your correspondence dated 20 July 2015 inviting Highways England to be involved in the above consultation process.

Please note that as from the 1 April 2015, the Highways Agency is now Highways England. Please amend any references in the document(s) accordingly.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have reviewed and have no comments on this occasion.

Thank you again for consulting with Highways England and we look forward to working with London's local authorities.

Sent on behalf of Stephen Hall (Asset Manager) at Highways England.

Many thanks

Anup Shrestha, Admin Officer
Web: www.highwaysengland.co.uk



Lisa Fairmaner
Westminster City Council

Our ref: [REDACTED]

By email:
Planningpolicy@westminster.gov.uk

Date: 8 September 2015

Dear Lisa

Revision to Westminster's City Plan
1.Publication Draft Mixed Use Revision
2.Publication Draft Basement Revision

Thank you for consulting us on the above application. We have no comments to make on the mixed use revision aspects of the revision.

The only comment we have to make in respect of the basement policy is that page 7 states that the Environment Agency classes basements as highly vulnerable. We have noted in previous consultations that when reviewing applications for basements we would consider a self contained basement as one without internal access to upper floors above the breach level and therefore highly vulnerable. Basements with access to upper floors above the breach level would be considered more vulnerable.

If you have any queries on the above comments please do not hesitate to contact me on the details below.

Yours sincerely

Mrs Jane Wilkin
Planning Advisor

Telephone: [REDACTED]
E-mail: [REDACTED]
Based at: [REDACTED]

End





Historic England

City Planning Delivery Unit
Westminster City Council

Our ref:

By e-mail: planningpolicy@westminster.gov.uk

14 August 2015

Dear Sir/Madam

City of Westminster – City Plan Basement Revision (Regulation 19 consultation) July 2015

and Article 4 Direction for basements

Thank you for consulting Historic England on the draft City Plan Basement Revision and the associated Article 4 Direction. As the Government's adviser on the historic environment, and a statutory consultee in the context of Strategic Environmental Assessment (SEA), Historic England is keen to ensure that the conservation and enhancement of the historic environment is fully taken into account at all stages and levels of the Local Plan process.

Accordingly, in consultation with the Greater London Archaeological Advice Service (GLAAS) we have reviewed this consultation in the context of the National Planning Policy Framework (NPPF) and its core principle that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Having done this, Historic England advises that:

City Plan Basement Revision

Historic England welcomes the clear references in this proposed policy to heritage assets (points 3b and 9). Specifically we are pleased that the document makes specific reference to the potential impact of basement developments on listed buildings, and to archaeology. This should help applicants address these issues at an early stage in the development planning process.

Nevertheless, as the two are different issues we would suggest that you split the paragraph on heritage (currently pp.7-8) into two. This is important with regard to archaeology as the excavation of a basement normally necessarily involves the destruction of archaeological remains within its footprint. Therefore it would be helpful if the reasoned justification were to make reference to the Archaeological Priority Areas within the City of Westminster, cross referencing where these can be found. You could also direct applicants in need of further advice to the GLAAS team ([link](#)).



Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



In regard to listed buildings we are pleased that consideration of the impact of basements on the hierarchy of listed buildings is clearly expressed. You may also wish to make reference to likely impacts on the historic fabric, as some construction methods involve the total destruction of the original foundations when the building is underpinned and a new floor slab is cast.

While not heritage related, we are concerned that the intelligibility of part 1 a) and b) of the policy may undermine the overall effectiveness of the policy. This is because these clauses are very difficult to understand, and may encourage people submitting applications that the City Council would find unacceptable. In addition to providing clearer wording, we would ask you to consider whether more detailed guidance could be provided in the Policy Application section, including, potentially illustrations to illustrate what the Council considered acceptable.

Article 4 Direction for basements

Considering the proposed basement policy discussed above, Historic England notes that this Article 4 Direction could have particular advantages for the assessment and management of Westminster's archaeological resource.

Conclusion

Historic England welcomes the City Council's proposed basement policy, which should help manage the impacts of this type of work on the historic environment.

Finally, it must be noted that this advice is based on the information provided by you and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently relate to this policy or Article 4 Direction and which may have adverse effects on the environment.

Yours sincerely

David English
Historic Places Adviser - London

Hello

I would like to register my support of the proposed measures to curb basement developments in Westminster but I still feel the proposed changes do not adequately address the enormous problems of noise, vibration, dirt and damage to property suffered by the neighbours of the developers while these works are being carried out.

For those with young children, the elderly and those who work at home (as I do) or are unwell (such as my daughter, who has had to take a year off university because of illness), living next to a building site with unmonitored and unregulated noise for two years or more can be a living nightmare and can destroy physical health and mental wellbeing as well as livelihoods.

Not only basement developments but all significant redevelopments need to be covered by more stringent building control and noise regulations and this should be taken into consideration when planning applications are considered.

Sincerely

Jessica Arah

Policy and Strategy
19th Floor
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

9 September 2015

Dear Sirs

Basement Revision – Publication Draft (Regulation 19) Revision to Westminster City’s Plan: Strategic Policies

We are writing on behalf of John Lyon’s Charity and wish to advise that they will not be making any representation with respect to the basement revision publication. They have asked us to confirm their support for the proposals.

Yours faithfully,

 **Richard Lodge**
Partner
Cluttons LLP

T:
E:
M:
u2

cc: A J F Stebbings, Esq Chief Executive, John Lyon’s Charity

I would like to comment on Westminster Council's proposals for Basement Developments. In particular..

I do NOT think it is appropriate to develop residential basements under listed buildings

I do NOT think it is appropriate to allow basement development under a single property which is part of a larger single structure such as a terrace. The risk to neighbouring properties is too great.

Thank you

John Shailer

Dear Madam/Sir,

I wanted to write in with some comments regarding your plans to update the Basement Excavation guidelines.

I live on street with a number of building works going on, and also behind another street (Northumberland Place) with even more building works. These all cause a great deal of problems for those living nearby, such as loud noise - esp being woken up by loud drilling, vibrations, etc. There is also a huge amount of dust every day, which is not good for the plants and gardens in the vicinity. Because of all this disruption, I feel that the rules need to change for the times that builders can do certain types of work. I feel strongly that anything noisy, such as drilling, should only be allowed between 9.30-6 during the week and 11-5 on Saturdays. Any earlier than that risks waking people up who have a later schedule than the builders (which is most people).

I also think that basement excavations should be banned for buildings in listed areas, such as our street (Sutherland Place). It is dangerous for the foundations, and many of these buildings haven't got very strong or thick walls. My building has developed cracks because of all the building works going on nearby, and I know other people along our street have had the same problem.

I am also concerned with the recent spate of roof conversions - replacing roofs with mansard roofs. I have been told that these are not even the kind of roofs that the original buildings had (they had butterfly roofs, apparently) and they pose a risk because of the heavier weight of the lead that other types of roofs, and this can affect the load-bearing walls. There is also much disruption, noise and dust involved.

Please amend your regulations, with consideration of how the people living in the area are affected. My partner and I have even considered leaving the area, as it is so unpleasant to live among constant building works, even though I have lived here for almost 20 years and it would be a shame to leave my community.

I would be interested in taking part in any further consultations regarding these issues.

Kind regards,
Katherine Lubar

Dear Planning Department,

I would like to make some comments about the proposed revisions to the Mixed Use policy and Basement excavation policy.

In terms of basement excavations and story additions, I don't think that this should be allowed for listed buildings. Our street (Sutherland Place) has very old houses - from the early 1850s and all the building works in the area are causing cracks and structural problems.

For building works that are allowed, I feel that the working hours allowed need to change. They shouldn't start any noisy works (ie drilling) before 9.30am during the week and 12pm on Saturdays (if Saturdays should be allowed at all, which is debatable). Many people in the area either work from home, have a disability, are retired, or work different shifts from a regular 9-5 workday, which means that loud drilling noises are extremely disturbing to many residents. The laws that stipulated allowed working hours were devised before the advent of electric drills and other loud machinery. Therefore, I feel the hours need to change, based on what is best for the local community. Saturday morning used to be a good time for builders to work as most people were out doing their shopping; whereas now, most people try to catch up on their sleep from the week on Saturday mornings and do their shopping in the afternoon, or on Sundays.

There should be penalties for building sites that cause disturbing noise, and especially is this is early in the morning.

In regards to your mixed use policy amendment, I wholeheartedly agree that there needs to be an improvement in the mix of types of properties, as there are too many property developers building more luxury flats than other, more needed buildings. I don't think that buildings should be allowed to change usage unless there is a compelling reason for this. And Westminster needs to make sure that there are enough commercial premises, so as to serve the residents in an area. Where I live, in Bayswater, there are less and less useful shops than there used to be, so this needs to be addressed as well. On Westbourne Grove, there are now too many fancy furniture shops and restaurants and not enough basic food shops or other useful amenities for residents.

In terms of housing, there should be a law that says for every new housing development, there needs to be a certain percentage (25%?) of affordable housing built. Although at the moment it seems there too many residential properties and not enough commercial/community ones.

The other issue I wanted to mention was that many fine artists are being forced out of their studios in the city, as their studio buildings get turned into apartments by property developers. This is unethical as well as bad for the city, as artists bring a richness to London, even though they don't necessarily bring profits. Because so much of the property market is profit-driven, Westminster needs to make sure that artists as well as other non-profit types of activities are encouraged to thrive. It would be really helpful if Westminster provided subsidised buildings for artist studios like they do in other major cities, such as Berlin. Most artists are being priced out of London and the ones in London are barely surviving, and many aren't even able to rent studios anymore.

The ability for property developers to change the usage of buildings is part of the problem. A certain amount of buildings in the city need to be designated as fine artist studios, so that this doesn't continue to happen.

I'd be interested to be kept updated about this consultation.

Thank you for letting me share my views.

Kind regards,

Katherine Lubar

Basement Revision to the City Plan Consultation

This e-mail consultation response on the Basement Revision to the City Plan Consultation is made on behalf of Knightsbridge Association.

The Association overlaps both WCC and RBKC and therefore we are in a unique position to make a firsthand comparison of the two Councils' policies. We would like the following to be taken in to account

50% of gardens. WCC talks of 50% of 'curtilage', RBKC of 'garden or open part of the site'. We assume that they are the same thing but it isn't crystal clear.

Number of basement levels. We read the two plans as using different words to mean the same thing. If your house was built with a basement you can have one extra level underneath it but if a basement was added subsequent to the original construction, you can't. Is this correct?

Listed buildings. RBKC bans basements under listed buildings. WCC says you mustn't 'damage heritage assets' and you must not 'unbalance the [listed] building's hierarchy of spaces, where this contributes to significance'. This is not a ban and we would expect many listed buildings to be allowed basements under this policy. We would point out that WCC have long stopped people making lateral conversions across terrace houses on the basis that it would mess up the 'hierarchy of spaces'. What makes basements any more acceptable?

Impact on the highway during construction.

Highways licences.

The greatest nuisance caused by the development of basements is the disruption during the building period. The prime means of controlling this is the license given to builders permitting them to occupy the highway with their various excavation systems, skips, materials, vehicles etc. Where a planning permission has been given, it is not possible, as we understand the law, for a local authority to refuse a highway license outright. On the other hand all kinds of restrictions and conditions can and should be imposed in order that the street functions as well as possible during the building operations. For example, Trevor Place is a street of some 45 houses of which 34 were built in the first half of the 19th Century. For example since the beginning of 2010 a dozen of these houses have had basements created, or are in the process of building work to create a garden extension of the basement or have applied for basement work to be carried out. It has not been unusual for half a dozen of them to be worked on simultaneously. The disruption caused is not difficult to imagine.

The failure to coordinate and regulate these works is in our view a failure of the local authority to carry out its duties under the Highway Acts. Councils have ample powers; builders must receive consent before using skips or scaffolding or before storing materials or rubbish on the street or before using the street as a workplace. Consent can be refused if a proposed structure would cause an unreasonable obstruction of the highway. In addition the Highways Acts contain provisions for charging for such uses of the street or for charging if the agreed period for a licence is overrun. It is anomalous that these powers to make charges are not used when charges are made for other uses of the highway such as parking and street vending.

We recommend that:

- a) **Local authorities should delay licences in places where a licence or licences have already been issued and further works would create unreasonable obstruction to the normal functioning of the street.**
- b) **Local authorities should devise charging schemes, which would provide an incentive to minimise the time that the works take. In particular, skips and other builders' licenses should be charged by the day like a parking meter.**

The issuing of highway licences is a fairly obscure corner of local authority regulation rarely the subject of the political or public scrutiny that the planning application process receives, with its consultations, public committees and appeal processes. In a dense urban environment the highway licensing system is, however, crucial to the ability of those neighbouring a building site to continue their ordinary existence reasonably undisturbed. This is especially true in the streets of terrace houses with which we are primarily concerned.

Neither authority has taken up these ideas and we have never seen evidence that the KA's proposals misunderstand the powers available. It has always seemed to us essential to be able to control the *timing* of construction. One basement building site in your street may be tolerable; two or three are not.

WCC and developers should address the impacts of developments on ground water, including underground streams, and the capacity of clean and dirty wastewater infrastructure explicitly. There are many underground streams in London and our drainage network has finite not infinite capacity.

We are concerned about the so-called comfort derived from the duty of care owed by the engineer who prepares a structural engineer's report for the developer. These typically allege or confirm that the proposed double basement does not pose a particular risk. Many WCC case officer reports cite this assurance to the Committee on basement applications. The reliance on the duty of care is entirely misplaced. The engineers are commissioned by the applicant to prepare a report to assist the applicant in getting planning permission. The engineer owes his or her duties ONLY to the client and not to WCC or any adjoining property owners. While the engineer is a professional and must exercise professional judgement, it will do so in the context of the brief he/she is given - in these cases the brief is to assist in getting planning permission rather than to carry out a fully objective assessment of the risk associated with extensive underground excavations in a fully built up area. If the engineer is wrong and damage is caused to surrounding properties, neither those owners nor WCC will have any right of recourse against the engineer. Permission is being granted for basement excavations all too frequently on the basis of engineer's reports which are very limited in scope and responsibility. We would like WCC to require the structural engineer's report to include an express duty to WCC and the adjoining owners as well as the developers.

Yours sincerely,

Edward Davies-Gilbert.

Chairman of the Planning and Conservation Committee.

GREATER LONDON AUTHORITY
Development, Enterprise and Environment

Lisa O'Donnell

City Planning
11th Floor
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Our ref: L
Date: 26 August 2015

Dear Ms O'Donnell,

**Planning and Compulsory Purchase Act 2004 (as amended);
Greater London Authority Acts 1999 and 2007; Town and Country Planning
(Local Development) (England) Regulations 2012**

**Re: Consultation on Basement Revision to Westminster's City Plan: Strategic
Policies: Publication Draft (Regulation 19 and Regulation 21); and Mixed
Use Revision to Westminster's City Plan: Strategic Policies: Publication Draft
(Regulation 19 and Regulation 21)**

Thank you for consulting the Mayor of London on the proposed revisions to Westminster's City Plan listed above. As you are aware, all development plan documents have to be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. In this instance the Mayor has delegated authority to me to respond and his representations are set out below.

On 06 March 2015 the Mayor provided initial comments on the Booklet 18 (Mixed Use and Office to Residential Conversions) reference LDF33/LDD35/EK/02. The Council has responded positively to a number of matters raised as part of that process. It is my opinion that the publication draft documents for the Basement Revision and the Mixed Use Revision are in general conformity with the London Plan. However, there are some strategic policy concerns which I set out below along with representations to clarify and improve policy areas.

Basement Revision

The Council's approach to basement development is supported. The policy would benefit from further guidance on the thresholds for 'large' and 'small' sites and how a developer or owner can determine the original use of the building. Diagrams would be useful to illustrate the policy set out in criteria 1.

Criteria 4 and 5 which seek to protect gardens and trees are in line with London Plan policies 3.5 and 7.21. The Mayor has a target to increase tree cover by a further 5 percent by 2025. This is in part to help address urban heat island effect and climate change adaptation in line with London Plan policies 5.9 and 5.10.

In addition to encouraging energy efficient ventilation policy CM28.1 should encourage energy efficient lighting, and natural lighting where possible and appropriate.

It would be useful to note the specific role of SUDs to reduce the peak rate of run-off as well as other potential combined benefits such as improved biodiversity and urban greening.

It would be beneficial to extend the protection of the amenity of neighbours to the occupation stage, encouraging developers to consider the location of pumps and fans that may be required to ventilate a basement so as not to create noise nuisance.

In regard to transport issues, policy text should be amended to recognise the different approaches adopted in regard to borough roads and the Transport for London Road Network (TLRN). Further detail on this issue is provided in Appendix 1.

Mixed Use Revision

Policy S1 Mixed Use in the Central Activities Zone

Policy S1 sets out a policy cascade for determining the appropriate way that a relevant development should provide residential floorspace. Part C iii. of the policy requires the residential floorspace to be provided in off-site within the CAZ. It states ‘...The housing provided must be greater and of a higher quality than would be possible under i. or ii. above.’ The Council should clarify in the plan what ‘*greater and of a higher quality*’ means in practice for this policy requirement.

As highlighted in my representation of the 6 March 2015, part D ii. of Policy S1 could further erode the supply of small office space in Westminster contrary to the intention of London Plan Policy 4.3Bc by incentivising the change of use of offices in building originally built as residential. Former residential building can provide a valuable supply of lower cost office accommodation due to their suboptimal layout for office use. It is appreciated that it may not be practical to require on-site provision of commercial floorspace for the change of office use in former houses to residential use. However, requiring offsite provision of commercial floorspace or use of a mixed use credit would be practical, and it would level the policy requirements for the change of use of offices that are in different building typologies.

The final paragraph of Policy S1 (copied below) provides a choice of options for meeting the requirement to provide commercial and /or social and community floorspace.

‘The commercial and/or social and community floorspace can be provided on-site, offsite or by the draw down of mixed use credits (Policy CM47.2) or by an appropriate payment in lieu to the City Council’s Civic Enterprise Fund. These options will not apply where an active frontage is required at ground floor level, which must be provided on-site.’

The likely default option for an applicant will be to make a payment in lieu to the Council’s Civic Enterprise Fund rather than provide floorspace on or offsite. The fund assists in the creation of new ventures that support economic development in Westminster. However, on-site and offsite commercial and/or social and community floorspace will better meet the objective of the policy to maintain a broad mix of uses in the CAZ than a payment to the fund which may be used outside the CAZ. Thus the policy options should be presented as a cascade similarly to part C, with the preferred option being on-site provision, then offsite, then a draw down of mixed use credits, and finally where none of these options are practical by an appropriate payment in lieu to the City Council’s Civic Enterprise Fund.

The diagram in the Policy Application section of Policy S1 is useful for explaining a complex policy. However, it would be helpful to show examples for the development of existing mix use buildings and office buildings.

Policy S6 Core Central Activity Zone

The third bullet point of Policy S6 states:

‘Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.’

This policy is overly restrictive and anti-competitive given that the introduction of a single new late-night use in the area would result in an increase in concentration, and thus would be restricted by the policy. As stated in my earlier representations (Ref LDF33/LDD35/EK/02) on the West End Booklet, the area is a strategic location for night-time as well as evening uses. To support London’s night-time economy there will be a 24 hour tube service over weekends from September 2015. The West End will be at the centre of the new ‘night tube’ network, which will bring a greater demand for, and opportunities to provide, an increased supply of night-time entertainment destinations in the West End.

It is understood that the Council intends to revise its policy approach to the West End in the near future. Westminster’s Local Plan should recognise the regional and national importance of night-time uses (10pm to 6am¹) in the West End, and plan positively to support these uses, particularly for the strategic clusters of night-time uses around Soho/Leicester Square/Covent Garden in accordance with London Plan Policies 2.11 Ae and 4.6.

The mixed use approach to the Millbank Strategic Cultural Area is welcome, particularly the references to including affordable business floorspace, workshops and studios.

The reference to the importance of art galleries in Mayfair and St James’s and the growth of men’s fashion retail in paragraph 4.20 is welcomed as these both are areas that the Mayor’s Culture Strategy has identified as a priorities.

Policy S18 Commercial Development

The change in policy approach to make commercial and other non-residential activities the priority use in the Core Centre Activities Zone in response to Council’s monitoring evidence base is supported.

Policy S20 Offices and Other B1 Floorspace

The policy sets a target of providing additional floorspace capacity for 58,000 new jobs between 2016/17 and 2036/37. The basis of this target is explained in footnote vii on page 26. The policy should clarify that the target is for office jobs so it is not confused with the total new jobs target set in Policy S18. In addition it would aid clarity if the footnote referenced which figures have been used from the London Office Policy Review 2012 Update for calculating the target.

¹ For the purposes of transport planning TfL have used 10pm as the beginning of the night-time, continuing through to the beginning of operations the following morning (5/6am). Source: TfL 90993 – Impact of the Night Tube on London’s Night-Time Economy Report September 2014, paragraph 4.3.

The end of the first paragraph in the reasoned justification for Policy S20 states:

‘Losses of office to other commercial or social and community uses are acceptable as they likewise contribute to the commercial activity in the area.’

Other commercial uses could include hotel use. The Council is reminded that hotel uses are not appropriate everywhere in the CAZ. London Plan Policy 4.5 London’s Visitor Infrastructure part C states:

‘...within the CAZ strategically important hotel provision should be focussed on its opportunity areas, with smaller scale provision in CAZ fringe locations with good public transport. Further intensification of provision in areas of existing concentration should be resisted, except where this will not compromise local amenity or the balance of local land use’

Appendix 4: Windfall Development

The second paragraph on page 36 and the following table states that small schemes of less than 10 units make up about 44% of additional residential units completed in Westminster. The Council should check its calculations are correct as the total number of <10 unit schemes is shown in the table as 3,283, and total number of all conventional housing units is given as 10,051. Thus the <10 unit schemes make up 33% of additional residential units completed in Westminster rather than 44%.

If you would like to discuss any of my representations in more detail, please contact Elliot Kemp (()) who will be happy to discuss and arrange a meeting.

Yours sincerely,

Stewart Murray

Assistant Director – Planning

cc Kit Malthouse, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Alex Williams, TfL

Appendix 1: Transport for London comments for Proposed Basement Planning Policy

Policy	Original Text	Proposed Text (new / additional text in red)	Reason
<p>CM28.1</p>	<p>Basement development to existing residential buildings or buildings originally built for residential purposes will:</p> <p>1.b) leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary 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.</p> <p>....</p> <p>10. where constructing new basement development under the adjacent highway;</p> <p>a) retain a minimum vertical depth below the footway or carriageway of 900mm; and</p> <p>b) not encroach more than 1.8m under any part of the adjacent highway.</p> <p>11. where extending or strengthening/improvement works to existing basements horizontally under the highway;</p> <p>a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and</p>	<p>Basement development to existing residential buildings or buildings originally built for residential purposes will:</p> <p>1.b) leave a margin of undeveloped garden land proportionate to the scale of development around the entire site boundary with the exception of one elevation adjacent to the public highway where the basement may extend beneath the public highway (other than where the highway forms part of the Transport for London Road Network [TLRN]) provided it satisfies the requirements set out in paragraph 10 below.</p> <p>....</p> <p>10. where constructing new basement development under the adjacent (non-TLRN) highway;</p> <p>a) retain a minimum vertical depth below the footway or carriageway of 900mm; and</p> <p>b) not encroach more than 1.8m under any part of the adjacent highway.</p> <p>11. where extending or strengthening/improvement works to existing basements horizontally under the highway;</p> <p>a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and</p> <p>b) not be permitted where the existing basement already extends 1.8m or more under the highway.</p> <p>Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water</p>	<p>To recognise the different approaches adopted in regard to borough roads and the TLRN, and the separate routes to gaining consent for work affecting those highways, or infrastructure.</p> <p>TfL do not support new non (TfL / transport) operational excavation / development beneath the TLRN and the policy needs to clearly relay that.</p>

	<p>b) not be permitted where the existing basement already extends 1.8m or more under the highway.</p> <p>Applicants will demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development and that the basement development will:</p> <ol style="list-style-type: none"> 1. safeguard structural stability of the existing building, nearby buildings and other infrastructure; 2. not increase or otherwise exacerbate flood risk on the site or beyond; and 3. be constructed so as to minimise the impact on neighbouring uses; the amenity of those living or working in the area; and on users of the highway. <p>All applications will be accompanied by a detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required</p>	<p>environment(s) in the area of the development and that the basement development will:</p> <ol style="list-style-type: none"> 1. safeguard structural stability of the existing building, nearby buildings and other infrastructure including the highway and railway lines / tunnels; 2. not increase or otherwise exacerbate flood risk on the site or beyond; and 3. be constructed so as to minimise the impact on neighbouring uses; the amenity of those living or working in the area; and on users of the highway. <p>All applications will be accompanied by a detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required.</p> <p>Applications adjacent to or affecting the Transport for London Road Network (TLRN) or public transport infrastructure shall have regard to advice available at www.tfl.gov.uk. Development on land within the land identified for Crossrail 2 Safeguarding shall be subject to consultation with TfL as defined in the Safeguarding Directions (2015), for which further advice is available at http://crossrail2.co.uk/ .</p>	
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Consultation Statement – Publication Drafts (Regulation 19) – Strategic Policies & Basement Revision.

Thank you for sending me the booklets on the above subjects.

I wish to make the following comment.

At the moment property developers in Westminster work a five and a half day week. This means that for half of Saturday local residents have to put up with all the disturbance involved in major building development. This includes drilling and all the inconvenience involved when large vans move into narrow streets such as Melina Place NW8, where I live. It also means that certain residential parking spaces are not allowed to be used while building work is going on. Although banksmen control delivery van movements so that local residents suffer minimum inconvenience, inevitably there is interference with residents' normal life. In Melina Place, residents parking places are barred to residents on Saturdays from 8 am to 1 pm.

I am therefore suggesting that for future developments in residential areas The Council should only allow developers to work from Monday to Friday inclusive allowing residents to enjoy week-ends free from what they have suffer from Monday to Friday.

Yours faithfully,

Michael Salmon

Date:
Our ref:
Your ref: Westminster's City Plan



Ms L Fairmaner
Westminster City Hall
Victoria Street
London
SW1E 6QP

BY EMAIL ONLY

planningpolicy@westminster.gov.uk

Dear Ms Fairmaner,

Basement Revision to Westminster's City Plan: Publication Draft

Thank you for your consultation on the above dated 16 July 2015 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England does not consider that this Basement Revision poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,

Victoria Kirkham
Consultations Team

Dear Sir/Madam

Thanks for your e-mail of 16.7.15 in regard to the proposed revision to Westminster's City Plan: the "Basement Revision" Consultation.

We have reviewed your proposals and can confirm that the ORR has no comment to make on this particular document.

For future reference ORR only requires to be consulted if the minerals & waste plan, transport plan, planning application, core strategy etc mentions or impacts on the mainline railway, tramway or London Underground network.

Kind regards

A Harrison
Planning Executive

In addition to the excellent letter from SEBRA, Paddington Waterways would add one point, based on local (bad) experience:

It would be good if any future WCC policy could clearly include a requirement for ground water flows to be evaluated, at the expense of the applicant and taken into consideration before significant deep and extensive basements were approved.

Elizabeth Virgo

**SEBRA COMMENTS ON REVISION OF BASEMENT POLICY
(FOR 9 SEPT 2015)**

We welcome this long overdue strengthening of policy. However, we suggest the following improvements.

5.16

The first two paragraphs relate to all buildings. The transition after the second paragraph to setting out a new policy, which relates only to residential buildings, is rather abrupt. It is not clear whether or not policy on non-residential buildings will change. (Apparently not, unless they adjoin residential properties, see page 5.)

New policy CM28.1

- a. The new policy is proposed to be accompanied by an Article 4 Direction that all proposals for basements beneath residential buildings will require planning permission, and that the present permitted development rules no longer apply. Should its wording not say this explicitly, so that the document is self-contained? As now drafted, one has to wait until two pages later to get this idea (when encountering the words 'Applications' and 'All applicants', in the first two full paragraphs of page 5).
- b. The way in which the policy relates to listed buildings needs more emphasis and should be brought forward from policy points 9 and 3 (b). More importantly, on the substance, we believe that, initially, the City Council should go for a much more stringent policy such as that which we understand is proposed by RB&KC – no new basements at all beneath listed buildings. We believe it is an open question at present whether or not the Inspector looking at the RB&KC code will accept this policy. If so, why draw back at the outset from this more stringent position?
5. (See third paragraph on page 6 about trees '.. the council will usually requirement their replacement ..'.) In the unusual case of no replacement, we suggest instead a stipulation of a financial contribution towards planting trees elsewhere in the public realm.
8. Refers to light-wells, skylights etc, in the design context. We suggest a new sub-policy to the effect, that subject to good design, basements should be naturally lit so far as possible.
10. '.. adjacent highway' Is it clear that 'highway' includes the footway (pavement), if indeed it does? Point (a) overleaf, in referring to 'footway or carriageway', implies that it does, but clarification is needed. In general, we believe that no basement should extend beneath the carriageway.

A furthe new sub-policy.

The construction of basements in narrow streets and in mews has caused much damage to the road surfaces there, especially where cobbled. We think that the policy should say explicitly that full reinstatement is the responsibility of the applicant and add that the Construction Management Plan should include a condition survey, before and after, by a qualified person, at the applicant's expense.

Page 5, paragraph beginning 'a construction management plan'.

The Code of Construction Practice is about to be revised, possibly (we do not yet know) imposing charges. Insert the date of its issue or the word 'revised'?

Page 6

What are SUDs? Spell this out?

Pages 8-9, construction.

See comments above requesting a new policy including condition surveys of road surfaces, before and after.

John Walton

President, SEBRA

9 September 2015

Dear Sir/ Madam

the St Marylebone Society strongly supports the proposed revisions to Westminster City Council's basement Policy.

kind regards

C.Poole

for the St Marylebone Society
(Planning subcommittee)

Publication Draft Basement Revision to Westminster's City Plan: Strategic Policies Basement Revision
Integrated Impact Assessment Basement Revision Consultation Statement Basement Revision
Supporting Information

Dear Ms Fairmaner,

Thank you for your correspondence in respect of the Habitats Regulations Assessment (HRA) Screening for the Publication Draft Mixed Use Revision and Basement Revision to Westminster's City Plan, this is much appreciated.

Having taken a look at the Habitats Regulations Screening as submitted for this revision to the Westminster City Plan the only comments Natural England would wish to make would be as follows. Given the search area for the HRA was 10km it would have made sense to also include and consider the Lee Valley SPA and Ramsar site which does fall well within 10km of the borough boundary. Additionally the "Essex Thames Estuaries SPA" is an incorrect naming of the site(s). The Thames Estuary & Marshes SPA and Essex Estuaries SAC appear to have been combined when these are two different Natura 2000 sites.

Other than the above points the conclusion that no further assessment is required doesn't cause an issue for Natural England.

I trust that this is sufficient for your purposes, and thank you again for keeping Natural England advised as to the progress of the Mixed Use Revision and Basement Revision to Westminster's City Plan.

Regards,

Piotr Behnke
Adviser
Sustainable Development and Regulation
Thames Valley Team



Thames Water Property Services

Sent by email to:
ldf@westminster.gov.uk

Name Chris Colloff
Phone
E-Mail

08 September 2015

WESTMINSTER CITY COUNCIL - PUBLICATION DRAFT (REGULATION 19) REVISION TO WESTMINSTER'S CITY PLAN: STRATEGIC POLICIES. BASEMENT REVISION TO WESTMINSTER'S CITY PLAN

Thank you for consulting Thames Water Utilities Limited (Thames Water) regarding the above mentioned document. Thames Water is the statutory sewerage undertaker and statutory water undertaker for Westminster City and we strongly welcome the proposed basement policy.

Thames Water's main concerns with regard to subterranean development are:

- 1) The scale of urbanisation throughout London is impacting on the ability of rainwater to soak into the ground resulting in more rainfall in Thames Water's sewerage network in periods of heavy rain. New development needs to be controlled to prevent an increase in surface water discharges into the sewerage network.
- 2) By virtue of their low lying nature, basements are vulnerable to many types of flooding and in particular sewer flooding. This can be from surcharging of larger trunk sewers, but it can also be a result from operational issues with smaller sewers, such as sewer blockages.

Specific Comments

Additional text is proposed in section 2.35 stating that *'Care is also needed to ensure that the cumulative impact of development (particularly basements) does not lead to increased incidence of surface water or other flooding.'*

Thames Water support the aim to prevent increased flooding, however, it is also important to ensure that new basement developments are protected from potential sources of flooding. As such it is considered that the following text should be added to the end of section 2.35:

'and to ensure that the developments are protected from flooding risks such as sewer flooding.'

It is noted that no changes are proposed to Policy CM28.1 over the wording previously consulted on. In previous responses to consultations regarding a proposed basement policy reference has been made to the use of pumped sewage systems to protect basements from sewer flooding.

In order to ensure that new basement development is protected against sewer flooding it is considered that Policy CM28.1 should be revised to include a requirement for a positive pumped device to be fitted. A similar approach has recently been adopted in the basement policy within the Royal Borough of Kensington and Chelsea Local Plan (Policy CL7). It is proposed that the following additional requirement should be added to Policy CM28.1:

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

The following supporting text could also be added:

"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."

We trust the above is satisfactory, but please do not hesitate to contact Thames Water if you have any queries.

Yours faithfully,

Mark Mathews
Town Planning Manager
Thames Water Property Services

B Smith Esq
Policy and Strategy
19th Floor Westminster City Hall
64 Victoria Street
London SW1E 6QP

X September 2015

Dear Barry

Westminster Core Strategy Regulation 19 Consultation – Basements Revision

I write on behalf of the Westminster Property Association to submit our response to the Basements City Plan revision, on which the City Council is currently formally consulting. I enclose a copy of our current membership list for your information.

WPA recognises the growing concern within Westminster regarding the proliferation of large basement extensions below existing residential properties and their gardens. WPA does not object to the principle of introducing additional controls and guidance on basement excavation for existing residential properties.

It is, however, important to ensure that policy on basement development does not preclude the creation of basements on larger commercial / residential developments, especially within the CAZ and in areas that are predominantly commercial/mixed use in character. Basement accommodation can be extremely useful in accommodating plant, cycle parking and car parking (for residential proposals); ensuring that more efficient use is made of space above ground; avoiding dead frontage and reducing the amount of roof-top plant.

WPA therefore suggests that the final paragraph of Policy CM28.1 is replaced as follows:

“Basements within new-build commercial and major residential developments within the CAZ will not usually be restricted.

Where new commercial or major residential developments are adjacent to residential properties, applicants may be required to demonstrate how the potential adverse amenity effects listed at 1-3, above, will be mitigated.”

WPA also suggests that the reference, at Policy CM28.1(1)(a) to “site curtilage” is amended to “site boundary” as this is a term that is more widely understood.

If it would be helpful to discuss the content of this letter further, please do contact me.

Yours sincerely

Charles Begley
WPA Executive Director



City of Westminster

Westminster City Hall, 64 Victoria Street, London SW1E 6QP
Planning policy helpline: 020 7641 2503
www.westminster.gov.uk/revision-westminsters-city-plan