



City of Westminster

Cabinet Member Report

Decision Maker:	Cabinet Member for Built Environment
Date:	8 July 2015
Classification:	For General Release
Title:	Publication Drafts of the Basement Revision of Westminster's City Plan and Article 4 Direction for Basements
Wards Affected:	All
City for All Summary	The delivery of the basements revision is a City for All priority under Heritage
Key Decision:	No
Financial Summary:	There are resourcing implications associated with the Article 4 Direction for basement development covering the whole of Westminster.
Report of:	Lisa Fairmaner, Lead of Spatial and Environmental Advisor

1. EXECUTIVE SUMMARY

- 1.1 The City Council is undertaking a number of revisions to the adopted Westminster's City Plan: Strategic Policies (November 2013). As a City for All priority, the Publication Draft of the Basements Revision has been prepared for the statutory Regulation 19 consultation stage, together with supporting documentation.
- 1.2 Initial work on the City Management Plan started in October 2008 and the Core Strategy, providing the initial strategic policies, was adopted in January 2011. Basements were highlighted as an issue from this initial stage, and therefore has been subject to the full consultation process, as follows:

Notification of the intent to prepare the plan	Oct/Nov 2008
Consultation to identify policy options	Jun 2009 to Dec 2010
Consultation on policy options document	Jan/Feb 2011
Consultation on draft document	Nov 2011 to Mar 2012
Informal consultation on topic-based booklets	Oct 2013 to Mar 2015

The Basement Revision is accompanied by an Article 4 Direction covering the whole of the borough removing permitted development rights for basement developments beneath existing buildings.

- 1.3 Attached at Appendix 1 is the Publication Draft Basement Revision to Westminster's City Plan. Attached at Appendix 2 is the Integrated Impact Assessment. Attached at Appendix 3 is the Consultation Statement. Attached at Appendix 4 is supporting information for the Publication Draft Basement Revision. Attached at Appendix 5 is the consultation letter notifying the consultation under Regulation 19 and the Article 4 Direction, and the statement of the representations procedure for Regulation 19. Appendix 6 is the letter to be sent to the Mayor of London, seeking a view on the general conformity of the proposed submission documents in accordance with Regulation 21. Appendix 7 is an Article 4 Direction for basement development covering the whole of the borough and Appendix 8 is the model wording of the Article 4 notice.

2. RECOMMENDATIONS

- 2.1 That the Cabinet Member for Built Environment agrees the Proposed Submission Documents for publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 attached as Appendices 1-6 to this report.
- 2.2 That the Cabinet Member approves a borough-wide, non-immediate Article 4 direction to remove permitted development rights for basement extensions to dwelling houses, as attached in Appendices 7 and 8 to this report.

3. REASONS FOR DECISION

- 3.1 To enable progress on this key policy area in accordance with City for All and to ensure appropriate regulation of basement development within the dense urban form of the city.
- 3.2 With the introduction of the basement revision and its more restrictive requirements, there would be an incentive for some owners to construct basements using their permitted development rights rather than applying for planning permission under the new policy. Such development would not be subject to any of the requirements of the basements policy which has been carefully drafted to mitigate harmful construction and other impacts on residents

and on the residential character of the Borough. The risk of basements being built using permitted development rights is Borough-wide.

4. BACKGROUND, INCLUDING POLICY CONTEXT

4.1 The City Council is in the process of developing its Local Plan, setting out the policies for managing development of the City. Westminster's City Plan, containing the strategic policies, was adopted on 13th November 2013 updating and fully replacing the Core Strategy, which was revised in light of the publication of the NPPF.

4.2 In parallel to this, the city council has been developing its detailed development management policies. Originally, these were developed as a separate Development Plan Document (DPD) called the 'City Management Plan' (CMP), which has been through the following stages:

Notification of the intent to prepare the plan	Oct/Nov 2008
Consultation to identify policy options	Jun 2009 to Dec 2010
Consultation on policy options document	Jan/Feb 2011
Consultation on draft document	Nov 2011 to Mar 2012
Informal consultation on topic-based booklets	Oct 2013 to Mar 2015

4.3 Following the enactment of the Localism Act (2011), and the publication of the NPPF in March 2012 it was decided to merge the adopted Core Strategy with the emerging CMP to create a single Local Plan for Westminster – to be called 'Westminster's City Plan'. Therefore after this time the detailed development management policies have been progressed as a revision, referred to as the 'CMP Revision to the Core Strategy' and more latterly the 'City Plan Revision'. It will ultimately replace all remaining 'saved' policies in the Unitary Development Plan.

4.4 The publication of the NPPF, the adoption of the Mayor's London Plan (and subsequent modifications), along with key local policy issues and Government changes to the planning system have resulted in a fast changing policy environment. The opportunity is also being taken to revisit the strategic direction and policies for Westminster. This is important but is also delaying plan development overall as these areas were not subject to the original consultation in 2009 – 2012. This will help deliver key priorities for the City Council such as the work of the West End Partnership, and making the most of development opportunities including Crossrail 1 in the short term and Crossrail 2 in the medium to longer term.

4.5 In March, a new Local Development Scheme was agreed which separated the City Plan Review into a number of revisions. This report concerns the first revision, basements. This stage of plan development is the pre-submission formal consultation stage for these revisions, as prescribed in Regulations 19

and 20 of the Town and Country Planning (Local Planning)(England) Regulations 2012. It is also the stage that we consult with the Mayor regarding general conformity with the London Plan, as prescribed in Regulation 21 of those Regulations. The City Council believes that the attached Publication Draft revision is 'sound' (as defined in the National Planning Policy Framework (NPPF)) and intends to submit to the Secretary of State. It is:

Positively prepared – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective – deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy –it enables the delivery of sustainable development in accordance with the policies in the NPPF.

Publication Draft Basement Revision to Westminster's City Plan

- 4.6 This is a very important policy area for many of our residents and as such is a City for All priority. The City Council has recently published a Supplementary Planning Document to operate in the interim. However this cannot create policy, and can only advise how adopted policies are applied in determining applications for basements.
- 4.7 The Basement consultation booklet was published for informal consultation between October and December 2013, and this contained a draft policy. The key elements of the Regulation 19 Draft Basement Revision remain in line with this policy, although it has been further developed and refined following consultation responses, with changes including a clearer expression of what constitutes "exceptional circumstances" (where deeper basement excavation might still be considered), changes to the way we express the extent of garden development, that includes an express exception for smaller gardens (less than 8m between the building and the boundary) and a margin of undeveloped land around the site perimeter and other minor changes made following Member discussion to clarify which developments the policy applies to. The additional supporting text in the Regulation 19 draft, including policy application and the reasoned justification are also based on the annotations within the booklet, albeit drafted in a different style to be appropriate for the Local Plan.

4.8 The revision is supported by the following evidence base:

- Alan Baxter and Associates Residential Basements Report for Westminster City Council (2013)
- Basement Development, Neighbours' Survey, Westminster, Office of Karen Buck MP (2013)
- Supporting Information document including:
 - Key statistics relating to basement applications in Westminster
 - Neighbour responses relating to basement excavation
 - Records of noise complaints relating to basements excavation
 - Summary of relevant media articles
 - Aerial imaging of basement garden development
 - Proposed Code of Construction Practice fees and service level

Article 4 Direction for Basements

- 4.9 At present a basement extension to a dwelling house, beneath the footprint of the building, is by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 permitted development (PD). This means that planning permission is not required. A potential consequence of the restrictions on the size of basement extensions, and on the requirements for construction management is likely to be that more basements are constructed under PD.
- 4.10 An Article 4 Direction is a direction under Article 4 of the Legislation: The Town and Country Planning (General Permitted Development) (England) Order 2015 which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area. In this instance it would be the right to extend the dwelling house by means of an additional basement that would be removed.
- 4.11 In order to make a new article 4 direction the legal requirement is that the local planning authority is "satisfied that it is expedient that development should not be carried out unless permission is granted."
- 4.12 Article 4 directions can take immediate effect (an 'immediate article 4'), or can take effect after a period of one year (non-immediate). An immediate article 4 can in certain circumstances render the City Council liable to paying compensation. Those expenses that are compensable are the planning application fee, any professional fees (architects fees, drawing fees etc) and, in the event of a refusal, 'any loss or damage directly attributable to the removal of the permitted development rights', including any loss of value to the property. Taken together these costs would undoubtedly be significant. For this reason, and despite the delay in implementation, a non immediate article 4 is recommended.

- 4.13 In the case of a non-immediate article 4, the only financial implication is that there would be no planning application fee for a proposal which would otherwise have been PD. It is not anticipated that there would be many such applications. Given the cost of professional fees in preparing an application as complex as a basement extension, it is considered unlikely that applicants would seek to save themselves £170 by restricting the extent of their application to the footprint of the building.
- 4.14 In the one year before the Article 4 Direction is confirmed it is possible that there will be an increase in the numbers of basements built through permitted development. However, given the substantial compensation that could otherwise be payable, this is considered to be the best option available to the Council. The proposed draft Article 4 text is included at appendix 7 and the proposed notice text is included at appendix 8 .

Next Steps

- 4.15 The submission documentation will be published for consultation in accordance with Regulation 19 from 10th July to 4th September 2015. Any responses received in accordance with Regulation 20 will be considered, together with the Mayoral response in relation to general conformity with the London Plan in accordance with Regulation 21. Any necessary amendments will be made and the submission documentation will be agreed by the Cabinet Member for recommendation to Full Council to agree for submission to the Secretary of State.
- 4.16 Following this, the revision will be submitted to the Secretary of State in accordance with Regulation 22 for consideration by an independent inspector, most likely at a public examination. The Inspector will report in due course, and subject to the Inspector's recommendations and any necessary changes, the revisions will be adopted by Full Council.
- 4.17 The next steps in making the Article 4 direction are
- i. Serve notice locally (i.e. by local news paper advertisement and site notices) and notify the Secretary of State.
 - ii. The notice period must be at least six weeks. Within these six weeks the City Council must allow at least 21 days for comments.
 - iii. If the direction is materially changed as a result of the consultation, it will be necessary to reconsult.
 - iv. After the expiration of one year confirm the Article 4 (by Cabinet Member report).
 - v. Serve notice within the City that the Article 4 has been confirmed.

5. FINANCIAL IMPLICATIONS

- 5.1 The main financial implications relate to the Article 4 Direction which will involve dealing with planning applications for basement extensions without receiving a planning application fee. It is difficult to estimate how many such applications we would receive. On the basis of Certificated of Lawful Development received over the past three years this will involve at least thirty such applications in a year. It is not possible to estimate how many basement extensions were made without reference to the planning system. It is quite likely that the number of such applications will rise during the one year notice period. After the implementation of the Article 4 it is anticipated that fee free applications would drop to near zero.
- 5.2 There are limited financial implications as a result of the actual programme of plan delivery. Work on developing policies is met from existing budgets and public consultation will be undertaken electronically, thereby, minimising printing costs, etc. This will involve additional examinations by an independent inspector, however the cost savings from introducing revisions in a timely way is likely to balance those costs out (e.g. reduced staff queries, reduced appeal costs etc) The costs associated with public consultation and the examinations will be met from existing budgets.

6. LEGAL IMPLICATIONS

- 6.1 The proposed stages of plan development and Local Development Scheme follow legally prescribed procedures as set out in the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning)(England) Regulations 2012. Individual Regulations are referenced where relevant throughout this report.
- 6.2 Regulation 19 stipulates that before submitting a plan (or revision) to the Secretary of State the local authority must make the proposed submission documents available and a statement of representations procedure, and advertise the fact that the Publication Draft documents are available for inspection (including the places and times. The proposed submission documents are comprised of the Publication Draft Revision, the Integrated Impact Assessment, Consultation Statement and any supporting documentation considered necessary. Representations to this stage are made under Regulation 20, and these should predominantly be about the 'soundness' of the revisions as defined in paragraph 182 of the National Planning Policy Framework.
- 6.3 At this stage a view is also sought from the Mayor of London as to the general conformity of the proposed revision with the London Plan, under Regulation 21.

- 6.4 The rules for making an Article 4 direction are set out in the Town and Country Planning (General Permitted Development) (England) Order, 2015. This legislation defines the classes of permitted development, exceptions to PD and outlines the process for making an article The compensation arrangements are at sections 107-109 of the Town and Country Planning Act 1990.

7. BUSINESS PLAN IMPLICATIONS

- 7.1 Delivery of the key policy area of basements is a City for All priority.

8. IMPACT ON THE ENVIRONMENT

- 8.1 A formal scoping report was published and consulted on in June 2014. This will cover all of the revisions. An individual IIA report for the basement revision is attached at appendix 2 and includes a detailed assessment of impact on the environment of all relevant policies and reasonable alternatives.

9. HEALTH, WELLBEING IMPACT ASSESSMENT INCLUDING HEALTH AND SAFETY IMPLICATIONS

- 9.1 The health and well-being assessment is being undertaken as part of the Integrated Impact Assessment (see 8.1 above), also looking at equalities and sustainability. It is an iterative process and is published at this stage of plan preparation.

10. EQUALITIES IMPLICATIONS

- 10.1 The equalities assessment is being undertaken as part of the Integrated Impact Assessment (see 8.1 above), also looking at health and well-being, and sustainability. It is an iterative process and is published at this stage of plan preparation.

11. CONSULTATION

- 11.1 In accordance with the Statement of Community Involvement (June 2014), consultation of the following groups will be undertaken on the proposed submission documents and the Article 4 Direction from 10th July to 4th September 2015:

- All Members
- Statutory consultees, including those subject to the statutory duty to cooperate (Section 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012) and the 'specific consultation bodies' as defined in Section 2 of those Regulations
- The Mayor of London and the GLA family

- Consultees registered on the LDF database (comprehensively reviewed in March 2013, and updated on an on-going basis, the database currently comprises about 400 consultees including members of the public, businesses and residents' groups)
- Internal consultees within the city council, including EMT and senior managers.

11.2 In addition the submission documents and Article 4 Direction will be accessible to all on the Council's Planning Policy webpages:

www.westminster.gov.uk/planning-policy

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Lisa Fairmaner on 0207 641 4240 or email lodone11@westminster.gov.uk

BACKGROUND PAPERS

- Westminster's City Plan: Strategic Policies 2013
<https://www.westminster.gov.uk/westminsters-city-plan-strategic-policies>
- City Management Plan Minutes and Briefing Notes 2009
http://transact.westminster.gov.uk/docstores/publications_store/CMP%20Workshop%20minutes.pdf
- City Management Plan Policy Options January 2011
http://transact.westminster.gov.uk/docstores/publications_store/CMP_policy_options_Jan2011.pdf
- City Management Plan Consultation Draft November 2011
http://transact.westminster.gov.uk/docstores/publications_store/CMP_Final_Draft_Nov11_revised%20.pdf
- Westminster's City Plan Revision Consultation Booklets Oct 2013 – Mar 2015
<https://www.westminster.gov.uk/revision-westminsters-city-plan>

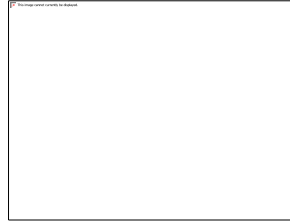
Appendix 1: Publication Draft Basement Revision to Westminster's City Plan

Appendix 2: Integrated Impact Assessment for the Basement Revision

Appendix 3: Consultation Statement for the Basement Revision

Appendix 4: Supporting Information for the Basement Revision

Appendix 5: Regulation 19 Consultation Letter and Statement of Representations Procedure



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: 10 July 2015

Dear Sir/Madam

Basement Revision to the 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 Friday 4th 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, the purpose of which 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 ldf@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 Friday 26th June 2015 until Friday 28th August 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

The documents can also be viewed and downloaded on our website:
www.westminster.gov.uk/revision-westminsters-city-plan

Appendix 6: Consultation Letter to the Mayor of London regarding General Conformity with the London Plan



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**

Mayor of London
GLA City Hall
The Queen's Walk
London SE1 2AA

Please reply to: Lisa Fairmaner
Telephone: 020 7641 4240
Email: lodone1@westminster.gov.uk

Date: 10th July 2015

Dear Sir

Basement Revision to Westminster's City Plan: Strategic Policies: Publication Draft (Regulation 19 and Regulation 21)

I am writing to you pursuant to Section 24(4)(a) of the Planning and Compulsory Purchase Act 2004, which requires the Council to seek an opinion as to the general conformity of the Basements revision to Westminster's City Plan: Strategic Policies, referred to as the "Basements Revision", with the Mayor's London Plan.

I attach a copy of the Publication Draft Basements Revision, together with the Sustainability Appraisal report (which has been included within a broader Integrated Impact Assessment also providing equalities and health impact assessments), and a Consultation Statement and Supporting Information. The revision is also accompanied by an Article 4 Direction, documentation for which is also attached.

The formal notification stage (Regulations 19-21) for the Basements Revision will run until **Friday 4th September 2015**. If you have any queries, please phone 020 7641 4240 email lodone1@westminster.gov.uk or ldf@westminster.gov.uk.

Yours sincerely

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

Appendix 7: Article 4 Direction

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (the "Order")

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH SCHEDULE 3 APPLIES

WHEREAS the Council of the City of Westminster, being the appropriate local planning authority within the meaning of Article 4(5) of The Town and Country Planning (General Permitted Development) (England) Order 2015, is satisfied that it is expedient that development of the description set out in the First Schedule below should not be carried out on the land described in the Second Schedule and shown edged black (for identification purposes only) on the Plan annexed hereto unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

NOW THEREFORE the said Council in pursuance of the power conferred on them by Article 4(1) of The Town and Country Planning (General Permitted Development) (England) Order 2015 hereby directs that the permission granted by Article 3 of the said Order shall not apply to the development specified in the First Schedule hereof in respect of the land described in the Second Schedule and shown edged black (for identification purposes only) on the Plan annexed hereto.

FIRST SCHEDULE

In respect of land described in the Second Schedule

Being development comprised within Schedule 2 Part 1 Class A of the said Order, namely:-

"the enlargement, improvement or other alteration of a dwellinghouse, by way of basement development, lightwells or any other development below the dwellinghouse or its curtilage,"

and not being development comprised within any other Class.

SECOND SCHEDULE

Land comprising the entire area of the City of Westminster

**THE COMMON SEAL of THE LORD)
MAYOR AND CITIZENS OF THE)
CITY OF WESTMINSTER was)
hereunto affixed by Order)**

Authorised Signatory

Appendix 8: Article 4 Notice

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

CITY OF WESTMINSTER

NOTICE OF MAKING OF A DIRECTION UNDER ARTICLE 4(1) RELATING TO THE ENTIRE AREA OF THE CITY OF WESTMINSTER

NOTICE IS GIVEN by the City of Westminster, being the appropriate Local Planning Authority, that it has made a Direction under Article 4(1) of The Town And Country Planning (General Permitted Development) (England) Order 2015 (GPDO) .

The Direction was made on XXXX and applies to the entire area of the City of Westminster.

The Direction applies to the development described in the following Class of the GPDO :-

Schedule 2 Part 1 Class A, in so far as it relates to the enlargement, improvement or other alteration of a dwellinghouse by way of basement development, lightwells or any other development below the dwellinghouse or its curtilage.

The effect of the Direction is that the permission granted by Article 3 of the GPDO shall not apply to such development and such development shall not be carried out within that area unless planning permission is granted by the City of Westminster (the "Council").

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.

Representations may be made concerning the aforementioned Article 4 Direction between xxxx and xxxx. If you wish to make representations, the Council would prefer to receive your representations by email sent to planningpolicy@westminster.gov.uk. Alternatively, you may wish to send representations by post addressed to the Policy and Strategy, 19th Floor, City Hall, 64 Victoria Street, London SW1E 6QP. Whether using email or post please put the following reference on your representation namely: '**Representation for the Non- immediate Article 4- Basement Direction**'. Any representation must be received by the Council **by xxxx** and should include your name, postal address and, if desired, an e-mail address.

It is proposed that the Direction will come into force on xxxx, subject to the consideration of any representations received during the consultation period and the Direction being confirmed by the Council.

Dated

Signed

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____

NAME: _____

State nature of interest if any

.....

(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled Publication Drafts of the Basement Revision of Westminster’s City Plan and Article 4 Direction for Basements and reject any alternative options which are referred to but not recommended.

Signed

Cabinet Member for the Built Environment

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

.....

.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Head of Legal and Democratic Services, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.