

Basement Revision

Submission Draft (Regulation 22) Revision to Westminster's City Plan: Strategic Policies



Revision to Westminster's City Plan

November 2015



City of Westminster

BASEMENT REVISION TO WESTMINSTER'S CITY PLAN – SUBMISSION DRAFT

This document sets out minor modifications following consultation on Westminster's Basements Revision Publication Draft in July 2015. There are other proposed revisions to this plan which can be found at [www.westminster.gov.uk/policy/City Plan revisions](http://www.westminster.gov.uk/policy/City%20Plan%20revisions).

Text changes

The Submission Draft includes minor modifications which do not substantially alter the policy from the Regulation 19 'Publication Draft'. Further detail on these changes is set out in the schedule of minor modifications. Where these require the insertion of new text, this is shown in **red underline** to distinguish from previous additions and amendments to the text. Text to be deleted is shown as red **strikethrough** text. Changes to the Glossary and References section at the end of Westminster's City Plan are included as two lists of a) text to be added and b) text to be deleted. All unchanged parts of the Glossary and References sections have not been included.

Changes to Figures (tables, charts and diagrams)

All Figures shown replace the adopted figure in Westminster's City Plan. Figures that have not been changed have not been included. Changes to tables only include those rows that are subject to change (Figure 56).

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Westminster's City Plan

[Note deletion of text: ": Strategic Policies"]



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PART I: INTRODUCTION

WESTMINSTER'S CITY PLAN

1.8 Westminster's City Plan is the local plan for Westminster. It sets out the vision for the City of Westminster up to and beyond 2026/27, and puts in place a policy framework to deliver that vision. Taken as a whole, it is the local expression of sustainable development. It balances competing requirements and demands to deliver against economic, social and environmental objectives. Looking to the future, it will deliver sustainable economic development including homes, business premises and infrastructure in a way that enhances those key attributes that make Westminster a great place to live, work and invest and creates thriving sustainable communities. **This plan only includes the strategic policies for the borough and is subject to a number of revisions which add more detailed policies.** **However it** is not, in itself, a comprehensive policy framework for Westminster. It needs to be revised further to include ~~the~~ **further** detailed City Management policies, previously developed as a separate Development Plan Document. ~~A Further revisions~~ **to this document is are** underway. ~~to integrate these policies and any necessary supporting text into this document to create the local plan for Westminster.~~ References have been made within this document highlighting ~~examples~~ where further City Management policy is necessary to provide detail. ~~Once this further~~ **the programme of revisions is are** adopted, ~~this~~ **they** will replace all of the remaining saved policies in Westminster's Unitary Development Plan not referred to in Appendix 5.

PART II: A UNIQUE CITY

WESTMINSTER'S ISSUES AND CHALLENGES

LACK OF AVAILABLE LAND, HOUSING, AND COMPETING LAND USES

2.26 Many other parts of London have a ready supply of surplus industrial land with a relatively low existing use value that can be redeveloped for housing and mixed use with a significantly higher value. Such sites make a significant contribution to meeting borough housing targets. This is not typically the case within Westminster where many sites already contain offices, shops and housing with high existing values. Development in Westminster is often about refurbishment and renewal of building stock rather than significant land use change. **This includes an increasing trend towards basement excavation and extensions, with numbers of applications increasing from 86 applications in 2007/8 to 140 in 2013/14. This tends to increase the size of existing dwellings rather than increasing overall units.**

ADAPTATION TO AND MITIGATING CLIMATE CHANGE

2.35 However, because of its central location Westminster suffers disproportionately from the effects of London's urban heat island and, in central areas, this is exacerbated by the 24 hour nature of this part of the city. Noise and poor air quality are also relevant to this issue as they increase reliance on air conditioning, which further contributes to localised heating effects, noise and energy consumption. **Certain types of development can also result in increased demand for energy from air handling. 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.**

PART V: CREATING PLACES

SUSTAINABLE AND INCLUSIVE DESIGN

5.16 Sustainable design in Westminster needs careful consideration and tailored solutions. There are fewer opportunities for large-scale redevelopment in Westminster than there are in other parts of London because of its significant heritage assets, including listed buildings and conservation areas. In this respect, retrofitting existing building is of crucial importance, as the existing building stock will always represent a far bigger proportion of the buildings in Westminster than new buildings.

Westminster's high land values and limited opportunities for larger scale redevelopment in turn leads to greater pressure for extensions to existing buildings. It is important that these extensions also adopt exemplary standards of sustainable design.

Insert the following new text after Policy S28 Design:

POLICY CM28.1 BASEMENT DEVELOPMENT

A Basement development to existing residential buildings or buildings originally built for residential purposes will:

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

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 (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.

2. provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement;
3. not involve the excavation of more than one storey below the lowest original floor level, unless the following exceptional circumstances have been demonstrated;
 - a) that the proposal relates to a large site with high levels of accessibility such that it can be constructed and used without adverse impact on neighbouring uses or the amenity of neighbouring occupiers; and
 - b) that no heritage assets will be adversely affected;
4. provide a satisfactory landscaping scheme, incorporating soft landscaping, planting and permeable surfacing as appropriate;
5. not result in the loss of trees of townscape, ecological or amenity value and, where trees are affected, provide an arboricultural report setting out in particular the steps to be taken to protect existing trees;
6. use the most energy efficient means of ventilation, **and lighting**, involving the lowest carbon emissions. Wherever practicable natural ventilation **and lighting** should be used where habitable accommodation is being provided;
7. incorporate sustainable urban drainage measures **to reduce peak rate of run-off** or any other mitigation measures recommended in the structural statement or flood risk assessment;
8. protect the character and appearance of the existing building, garden setting or the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located; and
9. protect heritage assets, ~~safeguarding significant archaeological deposits~~ and in the case of listed buildings, not unbalance the buildings' original hierarchy of spaces, where this contributes to significance;
10. **safeguard significant archaeological deposits;**
11. where constructing new basement development under the adjacent **(nonTLRN)** 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.

12. where extending or strengthening/improvement works to existing basements horizontally under the highway;

- a) maintain the existing depth below the footway or carriageway to ensure no loss of existing cover level above a vault; and
- b) not be permitted where the existing basement already extends 1.8m or more under the highway.

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

B. 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;
2. not increase or otherwise exacerbate flood risk on the site or beyond; and
3. be designed and constructed so as to minimise the impact at design and occupation stages on neighbouring uses; the amenity of those living or working in the area; and on users of the highway.
4. ~~All applications will~~ be accompanied by
 - a) a detailed structural methodology statement and appropriate self-certification by a suitably qualified engineer with separate flood risk assessment where required. In cases where the council considers there is a high potential risk that the development will have significant impacts on the matters covered by this policy or where work will affect a particularly significant and/or sensitive heritage asset, the council will have reports independently assessed at the applicant's expense.
 - b) A construction management plan ~~will be provided to~~ which demonstrates adherence to the relevant parts of the council's Code of Construction Practice and awareness of the need to comply with other public and private law requirements governing development of this kind.

C. Non-residential development adjoining residential properties and new build residential incorporating basements will also be subject to the criteria set out above where there is potential for similar impact on those adjoining properties.

Policy Application

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

The most appropriate form of basement extension will be no more than one storey (approximately 2.7m floor to ceiling height) below the lowest part of the original floor level, An additional allowance may be permitted where exceptional circumstances have been demonstrated, as set out in the policy.

Garden land for the purpose of policy A1a) is the site minus the original building, (and excluding later extensions). Undeveloped garden land is land which has not been built upon or under, nor had any impermeable surfacing installed. As a guide for larger sites, the margin of undeveloped land around the site boundary expected is a minimum of 0.5 – 2 metres depending on the site. This may be reduced on smaller sites, provided that flood risk, in particular surface water flood risk, can be adequately dealt with on site. ~~The curtilage is land adjoining a building which is used together with that building.~~

To support sustainable planting, soil depth required over basements will be a minimum 1.0m soil plus a drainage layer of no less than 200mm depth with an overall volume of soil sufficient to support spread of roots. In some circumstances, for example where the basement area proposed is extensive; where trees will be planted in confined locations; where the root growth will be impeded; or where particularly large new trees are proposed soil depths of up to 1.5m (plus drainage layer) will be needed to support tree growth. Details of the proposed soil profile and composition should also be provided. Exceptions may be considered in small courtyard gardens, where SUDs or other mitigation measures have been provided.

For the purposes of part A3, the definition of large sites will depend on the circumstances, but should be able to accommodate plant and machinery and should include appropriate access (e.g. rear or side access) to enable construction without an adverse impact on neighbouring uses or occupiers.

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

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

The structural methodology statement should be prepared and certified by a Chartered Civil Engineer (MICE) or Structural Engineer (MI Struct.E), and geo-hydrologist where appropriate. In the case of listed buildings, the engineer should be CARE accredited. This statement will not be approved by the Council, but will be required to demonstrate that a basement level can be provided without undue risk. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations with private law rights protected through the Party Wall Act.

In rare cases of higher potential risk the council may require applicants to fund an independent assessment of structural reports. This is particularly likely where proposals will affect listed buildings of high significance or with particularly sensitive historic fabric, or those in high risk locations where basements are located above historic rivers/watercourses or extend into or are adjacent to properties which are close to the level of the Upper Aquifer.

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

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

Applications adjacent to or affecting the Transport for London Road Network (TLRN) or public transport infrastructure should seek advice from Transport for London.

Development on land within the land identified for Crossrail 2 Safeguarding shall be subject to consultation with Transport for London as defined in the Safeguarding Directions (2015).

If you are not the freeholder, then landlord permission is likely to be required. In Westminster many of the Great Estates have produced their own guidelines relating to basement development, which may be more restrictive than planning policy. Applicants are advised to consult their freeholder prior to making any planning application, and ensure that their proposals comply with freeholder requirements.

Applicants for basement excavation works are strongly encouraged to consult with neighbouring occupiers prior to submitting an application. Evidence of engagement with

neighbouring occupiers, including a schedule and timetable of works may be requested as supporting information with planning applications.

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

Reasoned Justification

Basement extensions have become an increasingly common form of development in Westminster in recent years. Although often hidden from public view, such basement excavation can have significant impacts on the amenity of neighbouring occupiers and may affect ground conditions, biodiversity, heritage assets, local character and garden settings.

Excavation in a dense urban environment is more complex than many standard residential extensionsⁱ and if it is poorly constructed, or has not properly considered geology and hydrology, has the potential to damage existing and neighbouring structures and infrastructure and irreversibly alter ground conditions.

Cellars and basements can also be vulnerable to flooding from a number of different sources, including the overflowing of drains and nearby watercourses, groundwater flooding and surface water floodingⁱⁱ. Although unlikely to change the groundwater regime, where basements are located close together their cumulative effect could alter groundwater levelsⁱⁱⁱ. **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.**

While the Building Regulations and building control system determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the NPPF^{iv} states planning should ensure development is suitable for its site, taking into account issues such as ground conditions and land instability, and ensuring adequate site investigation information, prepared by a competent person has been presented to demonstrate the impacts of the proposed development have been understood. We therefore require information to be prepared and certified by a suitably qualified engineer and include site-specific analysis taking into account any cumulative impacts.

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

Private gardens also make a significant contribution to Westminster's character^{vi}, the character of conservation areas, and the setting of heritage assets; they are important visually, and help support biodiversity, trees, green corridors and networks. The London Plan recognises the important role of private gardens for these functions and as a much cherished part of London's townscape. London Plan Policy 5.3 also seeks to increase the amount of surface area greened in the Central Activities Zone by 5% by 2030.

Basement development may result in the loss of trees, other soft landscaping and green corridors, which may also reduce the infiltration capacity of the ground to act as a store for rain water thereby increasing flood risks^{vii}. This policy therefore seeks to ensure new basement development does not occupy the entire garden area and appropriate landscaping is provided to maintain and enhance garden settings and that adequate soil depth is provided to allow established mature and larger scale planting to continue to grow naturally^{viii} and ensure surface water drainage is maintained without increasing surface water flows onto adjoining properties.

Limiting the extent and depth of basement development can help reduce both the risks associated with basement development and mitigate any negative environmental and amenity impacts. The policy also provides for better accommodation with natural ventilation, and for reduction in the amount of excavation and waste material generated and in the impact on drainage, biodiversity and local amenity. Standards for extent of the garden are intended to strike a balance between allowing development, while ensuring a substantial area remains undeveloped to ensure adequate drainage. In smaller gardens (less than 8m) an exception will allow up to 4m of the largest garden area to be developed. In larger gardens, allowing an extension to extend under half the length of a garden will ensure a substantial area of garden remains undeveloped and the soil depth required above the basement itself will allow for a landscaped garden setting across the garden as a whole.

The construction works associated with basement excavation can often have a serious impact on quality of life and often last longer than other residential extensions with the potential to cause significant disruption to neighbours during the course of works. This has led to significant concern and complaints from local residents in Westminster in recent years. Planning has limited powers to control the construction process and its impacts and must take account of overlap with other regulatory regimes, but it does have an important role in protecting amenity. Applicants for basement development must therefore demonstrate reasonable consideration has been given to potential impact of construction on amenity and this is linked to the council's emerging Code of Construction practice which seeks to create a clear link between planning and other relevant legislation and processes, ensuring these work together and issues are followed through and enforced where necessary.

Work to basement vaults can restrict the space available for services in the highway and may make it difficult to access cables, pipes, sewers, etc. for maintenance and to provide essential items of street furniture. In order to ensure that services and essential street furniture can be provided, adequate space must be available between the highway and any excavation proposed under the highway.

Cross reference to Policies S25 Heritage, S28 Design, S29 Health Safety and Well-being, S30 Flooding and S38 Biodiversity and Green Infrastructure

HEALTH, SAFETY AND WELL-BEING

5.21 Much of Westminster is a mixed use environment in a densely developed world city, where different uses are located close to each other and impact upon each other.

Residential and commercial growth in Westminster will entail building to higher densities, including extensions to existing buildings and infill developments. In the many areas within the Central Activities Zone and North Westminster Economic Development Area, new commercial uses are encouraged alongside new and existing homes and it is important that there are good levels of residential amenity for both new and existing residents. **Some types of development such as basement extensions involve significant excavation and removal of soil, necessitating an extended construction phase, greatly increased vehicle movements, increased noise and vibration which are likely to impact on residential amenity during the construction period.**

POLICY S29 HEALTH, SAFETY AND WELL-BEING

Development should ensure that the need to secure a healthy and safe environment is addressed, including minimising opportunities for crime, including the risk of terrorism, and addressing any specific risks to health or safety from the local environment or conditions. Developments should also maximise opportunities to contribute to health and well-being, including supporting opportunities for improved life chances and healthier lifestyle choices.

The council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.

All new housing, and where possible refurbishment of existing housing, will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood.

The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation.

Reasoned Justification

Local solutions also need to be sought to address the wider determinants of health, such as ensuring access to employment, good quality housing, a range of local services and facilities, and open spaces; and the ability to make healthy lifestyle choices such as being active.

Growth in the Westminster context means mixed use areas and sites, infill development and high density living. It is therefore vital that exceptional attention is paid to protecting existing residential amenity, and providing good quality residential accommodation for future residents. During the construction phase the impact on residential amenity will be managed through the Code of Construction Practice, which will be phased in for those that cause greatest impacts. Poor quality residential amenity can make homes less attractive to permanent residents and threaten the sustainability of residential neighbourhoods. High standards of residential amenity will benefit Westminster's residents in terms of quality of life, health and well-being.

Cross reference to Policy CM28.1 Basement Development

ⁱ WCC Residential Basements Report (2013), Alan Baxter Associates for Westminster City Council

ⁱⁱ See Basement Development in Westminster SPD, Section 6.3 for further detail on sources of flood risk in Westminster

ⁱⁱⁱ WCC Residential Basements Report (2013), Alan Baxter Associates for Westminster City Council

^{iv} National Planning Policy Framework, paragraph 120

^v Basement Development in Westminster SPD, (2014), Westminster City Council

^{vi} WCC Conservation Area Audits provide detail of contribution of gardens trees and landscaping to local character.

^{vii} Mayor's Sustainable Design and Construction SPG (2014), Mayor of London

^{viii} Basement Revision Supporting Information (2015), Westminster City Council

PART VI:

IMPLEMENTATION

RISK AND REVIEW

FIGURE 56 MONITORING FRAMEWORK

HEADLINE OBJECTIVES	KEY INDICATORS' TOPICS	POLICY REF
<p>Objective 2: To sensitively upgrade Westminster's building stock to secure sustainable and inclusive exemplary design which minimises energy and resource consumption and the production of waste, reduces the impacts of local environmental pollution and meets both today's needs and those of the future, including the effects of a changing climate; creating attractive places that function well whilst ensuring that the historic character and integrity of Westminster's built fabric and places is enhanced.</p>	<p>Design quality (qualitative assessment) Sustainable and inclusive design measures as part of applications and, including where relevant, Code for Sustainable Homes level Protection and creation of heating networks Creation of new heat and cooling networks Extension of existing heat and cooling network Achievement of 20% renewable energy generation New waste and recycling facilities Number of developments permitted against Environment Agency advice on flood risk grounds, Installation of SUDS measures</p>	<p>25, 26, 28, 28.1 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 44, 45</p>
<p>Objective 3: To maintain and enhance the quality of life, health and well-being of Westminster's residential communities; Ensuring that Westminster's residents can benefit from growth and change, providing more employment and housing opportunities, safety and security, and better public transport and local services; to work with our partners to foster economic vitality and diversity, improved learning and skills, and improved life chances in areas of deprivation.</p>	<p>Business space development by area (Economic Development Area, Central Activities Zone and Opportunity Areas) Number of vacant units in District Shopping Centres in the Economic Development Area (Church Street/Edgware Road and Harrow Road) Social and community infrastructure improvements and development New entertainment uses in the Economic Development Area, No of Code of Construction Practice compliant schemes</p>	<p>1, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 19, 28, 28.1 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45</p>

SUPPORTING INFORMATION

GLOSSARY

Add the following Glossary Definitions:

Basement Development	Basement development includes any excavation to form new or additional floorspace under the ground level of an existing property or within its curtilage and under its garden. It may also include basements which are part of new build development
Garden Land	The site area excluding the footprint of the original building
Original building	In relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built.

REFERENCES

Basement Revision: Add the following References:

Basements Development Neighbours' Survey – Westminster (2013) Office of Karen Buck MP
Sustainable Design and Construction Supplementary Planning Guidance (2014) Mayor of London.
Westminster City Council Residential Basement Report (July 2013) Alan Baxter and Associates for Westminster City Council



City of Westminster

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