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City Hall
64 Victoria Street
London
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Our ref: PL00016709
Date: 18/01/2021

By email: planningpolicy@westminster.gov.uk

Dear Planning Policy Team

Re: City Plan 2019-2040, post-EiP Schedule of Main Modifications for Consultation

Thanks you for consulting Historic England on the City Plan's Main Modifications. As the Government's adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the planning process.

These comments have been written in response to the most recent issue of modifications, ref. CORE_0 28 V2 Main Modifications - Nov 2020.

MM01 – Introduction

- We support this modification and consider it necessary to make the plan sound. The Key Development Sites are not supported by evidence and their inclusion, as even semi-allocations or their interpretation as allocations, will make the plan unsound.

MM03 – Contents Page

- We support this modification and consider it necessary to provide consistency with the rest of the modifications regarding Key Development Sites.

MM04 – Policy 1, Spatial Strategy

- Part 1.A.1: As modified the policy still displays a presumption in favour of modern architecture. It is appreciated that this may not be the intention, we consider replacing “modern architecture” with “contemporary architecture” would be more appropriate. Contemporary is distinct from modern – contemporary is not limited to a single stylistic thread and simply means “of its time” – all new development is in effect “contemporary”. Whereas modern embodies a specific set of ideals - an absence of ornament, structures of steel or concrete, large expanses of glass, minimal exterior expression, and open floor plans. When used in same discussion of density it often equates to a tall building. The emerging London Plan (ELP) and NPPF require new development to be character and design-led, and both require buildings to respond to the location in which they are located rather than prescribe a specific architectural





style. In many instances modern architecture will be an appropriate response character - however new design should be based on an understanding of existing character and be design-led - this in no way precludes a modern building, but positively promoting them may cause harm.

- ELP GG2 and D3 deals with intensification and how sites can be optimised by focussing on a *design-led approach* and focusing intensification in the *right location*. Neither the policy nor corresponding supporting text refers to a design-led approach or to character or location. The policy does not reflect the important nuance of the ELP.

GG2 1.2.7 ELP that cultural and historic elements should be used positively to guide and stimulate growth.

D3 3.1.2 ELP understanding character and context is *essential*.

D3 3.3.1 ELP optimising site capacity means ensuring development takes the most appropriate form for the site; optimum capacity does not mean maximum capacity and that it may be lower density.

- Part 1.A.7 – We support this modification. It is necessary to conform with primary legislation.
- Part 1.B.5 – We strongly support the deletion of this part of the policy. It is crucial that it be removed from the plan if it is to be found sound as it provides overarching policy support for the development of key development sites which are not supported by evidence.
- Figure 7 – we support this modification and consider it necessary to make the plan effective.

MM05 – Policy 2, Spatial Development Priorities: West End Retail and Leisure SPA and TCR OA

- Paragraph 2.5 - we support removal of wording relating to the key development sites.
- Figure 8 – we support this modification and consider this necessary to make the plan effective.

MM06 – Policy 3, Spatial Development Priorities: Paddington Opportunity Area

- Paragraph 3.4 – We support the proposed modification to this sentence which removes support for the key development sites.
- Paragraph 3.8 - Amend wording, even as modified it implies that the sites have been evidenced and assessed. If the sites in this area are intended to deliver policy priorities





is suggests a reliance on them which reinforces any interpretation of them as allocations. As above it is crucial that there is no policy support for untested, unevidenced sites. This will make the plan unsound. Suggested wording:

A number of ~~identified~~ development sites within the area. ~~have the potential to contribute significantly to the delivery of the policy priorities.~~ St. Mary's Hospital is one of the largest hospitals in Central London. The site presents an opportunity to re-provide improved health facilities, ~~alongside meeting the other priorities in the Paddington Opportunity Area and wider City Plan objectives.~~

- Figure 9 – We support the removal of the key development sites from this diagram and consider this necessary to make the plan effective.

MM07 – Policy 4, Spatial Development Priorities: Victoria OA

- Paragraph 4.3 – We support the modification to remove reference to key development sites and consider this necessary to make the plan effective.
- Paragraph 4.10 – As above, this wording should be amended to remove the word “*identified*” as this implies that the sites have been evidenced and assessed.

The presence of other ~~identified~~ development sites within the station's environs, provides scope to

- Figure 10 - We support the removal of the key development sites from this diagram and consider this necessary to make the plan effective.

MM08 – Policy 5, Spatial Development Priorities: NWEDA

- Figure 11 - We support the removal of the key development sites from this diagram and consider this necessary to make the plan effective.

MM09 - Policy 6, Spatial Development Priorities: HRAs

- Paragraph 6.4 – we support this modification that removes refence to key development sites.
- Figures 12 and 13 - We support the removal of the key development sites from these diagrams and consider this necessary to make the plan effective.

MM10 – Policy 8, Housing Delivery

- Part A.1 – we support this modification that removes refence to key development sites.
- Paragraph 8.7 - The modification draws an equivalence between the Housing Trajectory in Appendix 1, and the forthcoming Site Allocations DPD (SADPD). The





Appendix 1 sites are not allocations and the main modifications do much to remove policy support that may allow them to be interpreted as allocations. For consistency the sentence below needs to be amended further to ensure that there is no confusion regarding the status of the sites. The sites in appendix 1 will be assigned capacities via the SADPD, the two should not be presented as equivalent considerations in the assessment of applications. Suggested wording:

Through ~~our key development sites housing trajectory and~~ the future production of a Site Allocations Development Plan Document we are taking

- Paragraph 8.8 - we support this modification that removes reference to key development sites.

MM15 – Policy 13, Housing Quality

- Paragraph 13.5 – We support the replacement of “*listed buildings*” with “*heritage assets*”.

MM16 – Policy 14, Supporting Economic Growth

- Paragraph 14.15 – We support the deletion of this paragraph to provide consistency with the changes made else where regarding the key development sites. We consider this necessary to make the plan sound.

MM17 – Policy 15, Town Centres, High Streets and CAZ

- Part 15.A – We support the added reference to impact upon townscape and heritage.

MM18 – Policy 16, Visitor Economy

- Part 16.B – We support the modification to provide protection for uses of cultural significance.
- Part 16.H and Paragraph 16.13 – We support the modifications to make reference to the historic significance of hotels located within heritage assets.

MM19 – Policy 17, Food, Drink, and Entertainment

- Paragraph 17.6 – We support the modification that makes it clear that the loss of pubs should be strongly resisted. This improves conformity with the emerging London Plan.

MM22 – Policy 22, Mayfair and St James’s SPA

- Part 22.A – We support the added reference to that requires development to enhance the character and function of the SPA. Many of the uses are historic in themselves and contribute positively to the character of the area.





MM23 – Policy 23, Harley Street SPA

- Part 23.B – We support the modification that adds reference to townscape and heritage.

MM23 – Policy 24, Saville Row SPA

- Part 24.A – We support the modification that adds reference to townscape and heritage value. Many of the uses are historic in themselves and contribute positively to the character of the area.

MM36 – Policy 37, Energy

- Paragraph 37.2 – we support the modification that requires applicants to consult the Council’s guidance on retrofitting. Concern remains however that the policy does not fully reflect the recommendations made in the evidence - Heritage Evidence Topic Paper EV-DH-001 Para 5.25 and Para 5.31.

MM39 – Policy 40, Westminster’s Heritage:

- Part 40.B – character vs sustainability. It is not clear why the word “*character*” has been removed from this policy. As a standalone heritage policy, it is entirely appropriate, and indeed necessary, for a reference to character to be made. The conservation of the historic environment is in itself part of sustainable development as set out in the NPPF (8-part c). Specifying the word “*sustainability*” in this context implies that the conservation is something separate from, and potentially opposed to sustainability, when this is not the case as the NPPF tells us. We object to the removal of the word “*character*” from this policy.
- Part 40.B.2 – If this is to be included further text will be required so that the policy reflects the evidence used to support the plan: see 5.28 HTP EV/DH/001 – “*Less intrusive measures should therefore always be considered first, for instance roof insulation, draught proofing, secondary glazing, more efficient boilers and lighting systems and use of green energy sources*” – this recommendation is missing from policy 40 and is especially important when considering listed buildings. If included the supporting text should make a link to the Council’s guidance on this.
- Part 40.D – we support these modifications and consider them necessary to make the plan effective.
- Part 40.E – we support this modification and consider it necessary for the plan to be effective
- Part 40.F– we support these modifications and consider them necessary to make the plan effective.





- Part 40.G– we support these modifications and consider them necessary to make the plan effective and compliant with legislation.
- Part 40.K– we support these modifications and consider them necessary to make the plan effective.
- Part 40.Q– we support these modifications and consider them necessary to make the plan effective and compliant with national legislation.
- Paragraph 40.16 - we support these modifications and consider them necessary to make the plan effective.
- Paragraph 40.27 - we support these modifications and consider them necessary to make the plan effective.

MM40 – Policy 41, Townscape and Architecture

- Part 40.E - It is still unclear why a separate policy criterion is included for roof extensions. There is no evidence to support the promotion of roof extensions over all other types of extension. Notwithstanding this, the changes do improve the policy in heritage terms. Unfortunately, the policy does not read properly and so it is not clear what exactly is being said – are these a set of a criteria or a set of circumstances? We maintain that Part E is not adding any value and that upwards extensions could be considered under 40.D (alterations and extensions). The modifications are going in the right direction, but we cannot support this it fully until a finalised version of the text is provided, at present it does not quite make sense.
- Parts 40.F and G – We support the deletion of these
- Paragraph 41.11 - We support the added reference to legal agreements and the provision of extensions behind parapets.
- Paragraph 41.12 – There is some concern that this will result in the uncontrolled development of tall buildings. The plan tells us that tall buildings can be delivered via upwards extensions (see 42.4 of supporting text). This policy promotes the delivery of additional height across the borough, not just in areas identified as appropriate for tall buildings. For example, the Buildings Heights Study (BHS) explicitly finds that the TCR area cannot accommodate any more height and is not appropriate for tall buildings. Yet this policy, which allows unlimited additional storeys in commercial locations, could result in the development of tall buildings in areas that are not appropriate, e.g. TCR. This part of the plan remains contrary to the emerging London Plan which is clear that tall buildings should only be approved in areas identified as appropriate in development plans.





MM41 – Policy 42, Building Height

- Part 42.A – we object to the removal of the wording “*Westminster is generally not suitable for tall buildings*”. This was the primary finding of the evidence (see BHS pg. 77– “*Westminster is particularly sensitive to tall buildings*”; “*the majority of Westminster is not suitable for tall buildings*”). Its removal is not justified and is contrary to the overall conclusion of the evidence. The modification does not make the plan sound.
- Part 42.A – this policy will only work if “*prevailing context height*” is defined, otherwise it is not clear when the policy ought to be used. It is acknowledged that prevailing heights are identified for the areas outlined in part E, but the policy would not work generally given that the plan does clearly identify where tall buildings can be located. This modification will not make this policy effective.
- Part 42. B and C – We support the deletion of these parts of the policy.
- Part 42.E – the locational principles remain unclear and still do not state where tall buildings will be appropriate. In the first instance the locations identified have not been properly tested and go far beyond what the evidence supports. For instance, in the Victoria OA, arguably the most sensitive due to the proximity of the WHS, only 1 site was tested which we maintain is insufficient to justify the policy. Therefore, the plan cannot say that all parts of OAs and Housing Renewal Areas are appropriate for tall buildings. Notwithstanding this, part E says that tall buildings “*may be appropriate*”, this provides no steer for decision makers or applicants. This modification is insufficient in scope and detail to make the policy effective, not is it supported by evidence and so is unjustified.
- Part 42.E, Paddington OA – we object to the removal of the wording “*Building Heights in Paddington should step down from the central location/high point at One Manchester Square*”. The evidence (BHS pg. 68) finds that Merchant Square is the highest point of the cluster and given that the majority of sites around the basin have already been developed there is still the potential to extend the cluster to the hospital sites south of the basin using mid-rise buildings. The BHS finds that these must respect and respond to the conservation area and listed buildings to the immediate south. The evidence tells us that the southern sites need to be mid-rise due to heritage sensitivities, it does not find that they are appropriate for tall buildings. The policy goes beyond what the evidence supports, is unjustified, and the modifications fail to make it sound, indeed they worsen the plan from the previous draft.
- Part 42.E, Victoria OA – as mentioned above, only 1 site was tested. This is inadequate to support the inclusion of the entire OA in this policy.





- Part 42.F – This criterion is not necessary and ought to be deleted. It undermines the emerging London Plan which is very clear that tall buildings should only be developed in areas identified as appropriate in development plans. It is our view that the policy (as proposed with amendments) does not align with the emerging London Plan (particularly D9.B.2; D9.B.3; 3.9.2) which is clear as to where tall buildings should and should not be planned.

The proposed policy could easily be misinterpreted and so poses a risk to heritage, and therefore it is not something we can support. The emerging London Plan tells us that tall buildings can make a positive contribution to London's cityscape *if* they are in the right place, equally they can have detrimental impacts in inappropriate locations. It is therefore reasonable to expect the Council to set a clear direction in this respect and not to leave such a strategic issue, of importance to the character of London as a whole not just Westminster, to planning application stage. This part F provides a degree of policy support for tall buildings outside the areas identified as appropriate. The absence of part F in the plan does not preclude speculative applications coming forward, and if such applications have material considerations that justify a departure from the development plan then those applications can still be approved. Having part F however is an unnecessary risk and adds confusion contrary to NPPF 16.D which tells us that policies should be clearly written and unambiguous. The policy as amended would not be effective, nor would it align with the emerging London Plan and is therefore unsound.

Since the EiP the Secretary of State has issued a new direction regarding emerging London Plan policy D9, stating *"In my view we should go further and I am issuing a further direction to strengthen the policy to ensure such developments are only brought forward in appropriate and clearly defined areas, as determined by the boroughs whilst still enabling gentle density across London. I am sure that you share my concern about such proposals and will make the required change which will ensure tall buildings do not come forward in inappropriate areas of the capital,"* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/943243/201210_Letter_to_Mayor_London_Plan.pdf Part F is contrary to this view.

Notwithstanding the above, it is appropriate for tall buildings in areas identified to demonstrate that they can be delivered in line with the criteria set out in 1 and 2.

- Paragraph 42.2 – given the above point we object to the addition of *"Outside the areas identified as having potential to accommodate tall buildings ..."*. This does not make the plan sound and worsens the situation from the previous draft plan.
- Paragraph 42.2 – We are concerned about the inclusion of the wording *"growth targets"*. It is not clear what is meant by growth targets, clarity is required because this





could be interrupted (reasonably) as including the Appendix 1 sites and corresponding figures.

MM48 - Key Performance Indicators

- KPI 24 – It is unclear why a monitoring indicator on Key Views is being removed. Given that the Joint ICOMOS Monitoring Mission identified impacts upon views affecting the WHS were a key concern it is logical to expect these to be monitored. We request that this KPI is retained.
- KPI 35 – We support this modification. This is required to reflect the evidence and to make the plan effective.

MM49- Appendix 1:

- Appendix 1 - The wording to Appendix 1 needs to be strengthened to make it clear that the figures are indicative. The sites and figures in Appendix 1 are unsupported by evidence. The inclusion of these figures, in any capacity other than as a broad-brush trajectory tool, will make the plan unsound. Therefore, the plan needs to make it clear to readers that the figures have not been tested and are indicative only. Suggested wording:
 - *The following table sets out Westminster's housing supply for years 2020-35. Deliverable sites are named where over 50 net new homes will be provided. Indicative Developable sites and locations for growth in years 6-10 and 11-15 are grouped by area. Individual developable sites will be assigned capacities through the forthcoming Site Allocations DPD.*
 - *Total Indicative Developable Housing Supply*
 - *Total Indicative Housing Supply*
- We support reference to the forthcoming Site Allocations DPD.

We hope that these comments are helpful.

Regards

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