
Further Written Representations to Westminster City Plan (Reg19 draft as modified)

Transport for London Commercial Development

Respondent ID: 50

June 2020



**TfL CD: Written Representations to Modified Reg 19 Westminster
City Plan
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1. Introduction

- 1.1 Transport for London Commercial Development (TfL CD) made written representations in to the Regulation 18 consultation objecting to the draft City Plan in December 2018, and in July 2019, to the Regulation 19 version of the Westminster City Plan.
- 1.2 Following the Government's Inspectors comments on the submitted Reg 19 draft City Plan, TfL CD have subsequently corresponded with Westminster City Council (WCC) in respect to our landholdings that were identified as Key Development Sites in the Reg 19 City Plan. These are now are identified as forming part of 'Westminster's Housing Trajectory', which are listed in Appendix 1 of the modified Reg 19 City Plan.
- 1.3 We consider it necessary to make these further representations in respect to the change in reference to previously identified Key Development Sites, under which there was acknowledgement that they could come forward as part of a series of mixed use developments and therefore contributing to other objectives of the Plan, and not solely towards Westminster's housing trajectory. We also expand on previous comments in respect to the boundary of the Paddington Opportunity Area (POA); draft Policy 10 and its requirement for 35% affordable housing from some commercial developments in the Central Activities Zone; and draft Policy 42 in respect to building heights. TfL CD reserve the right to make additional further representations at the Examination in Public in respect to matters raised in our Reg 19 representations dated 30th July 2019.
- 1.4 This document therefore expands on our previous representations insofar as they have significant implications on the development potential of TfL's development sites in Westminster and Royal Oak in particular. We focus on the following policies / parts of the draft City Plan
 - a. The changes to the previously identified Key Development Sites insofar as they are relevant to TfL CD sites in Westminster;
 - b. The Council's mixed use policy in seeking affordable contributions from commercial developments in the CAZ (Policy10);
 - c. The boundary of the Paddington Opportunity Area and its current omission of Royal Oak; and
 - d. The Building Heights Policy 42, and in particular its implications to the development potential at Royal Oak

2. TfL sites in Westminster City

- 2.1. Our previous representations, dated 20th July 2019, listed TfL CDs sites in Westminster that, at the time, were identified as Key Development Sites (KDS) in the draft City Plan. Following the EIP Inspectors comments

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regarding the submitted Reg19 City Plan and, in particular its evidence base, Westminster City Council has now removed Key Development Sites from the draft Plan. Some are now included in their list of Housing Trajectory Sites. TfL CD's sites include:

a. Royal Oak

- i. Previously KDS 13 for residential, transport infrastructure, office, mixed commercial delivering 150 dwellings.
- ii. Now identified as Housing Trajectory Site in Appendix 1 for 200 residential dwellings.

b. Terminus Place

- i. Previously KDS 16 for residential, transport infrastructure, mixed commercial and public space delivering 100 dwellings.
- ii. Now identified as a Housing Trajectory Site in Appendix 1 for 100 residential dwellings.

c. Westbourne Park Bus Garage

- i. Previously KDS 14 for residential and commercial uses for 70 dwellings.
- ii. Now identified as a Housing Trajectory Site in Appendix 1 for 50 dwellings.

d. Victoria Coach Station Departures

- i. Previously KDS 17 for residential, commercial, social and public spaces delivering 350 residential dwellings).
- ii. Now identified as Housing Trajectory Site for 230 residential dwellings.

e. Land at and adjoining Edgware Station

- i. Previously KDS 4 for development to provide residential, transport infrastructure, mixed commercial, public space for 260 dwellings.
- ii. Now identified as Housing Trajectory Site for Edgware Road Station / Capital House / Griffith House for 280 dwellings.

f. Land at and adjacent to Victoria Station and Environs

- i. Previously KDS 20 for development to provide transport infrastructure; mixed commercial

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development.

- ii. Not included as a Development Site or Housing Trajectory Site.

g. Paddington Station and Environs

- i. Previously KDS 2 for development to provide transport infrastructure; public space and mixed commercial development.
- ii. Now not referenced as a Development Site or Housing Trajectory Site.

h. Ebury Gate and Belgrave House

- i. Previously KDS 19 for residential, transport infrastructure; mixed commercial delivering up to 200 dwellings.
- ii. Not included as a Housing Trajectory Site.

2.2. The Reg 19 version of the City Plan, included Policy 1 – Westminster’s Spatial Strategy. Part B of the Policy set out that growth will be delivered through inter alia (5) *realisation of the potential for our identified key development sites*.

2.3. This wording has been modified to “...*realisation of the development potential of the identified sites listed in Appendix 1.*” Our concern with this change, is twofold. Firstly, that by allocating the housing sites in the way now proposed, the link between the Plan’s housing target and the capacity to achieve that link is diminished. This has a bearing on the deliverability and soundness of the Plan. Secondly, that Appendix 1 in Plan solely identifies such sites as contributing towards the Housing Trajectory. This means that there is no longer a recognition in the City Plan that they could also contribute towards the Council’s job growth targets by coming forward for commercial and other uses, which was previously present in the draft Plan. Achieving the Plan’s targets for additional jobs should also be underpinned, and delivered by policies.

2.4. We therefore consider it important that recognition be given in the plan that the sites listed in Appendix 1 are ‘Development Sites’ and that these are imbedded in the Plan’s policies given their importance in contributing towards the delivery of housing as well as economic growth. Indeed these form the first two stated objectives as set out in the beginning of the Plan. We therefore request that a new supporting paragraph 1.3 be added that states:

2.5. “The sites in Appendix 1 form the basis of the Plan’s response to its housing delivery targets. In addition, it is recognised that these sites will also contribute towards Westminster’s wider growth targets beyond housing supply, including job creation. Proposals that come forwards for mixed use

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development will be supported subject to their compliance with other policy provisions in the City Plan”

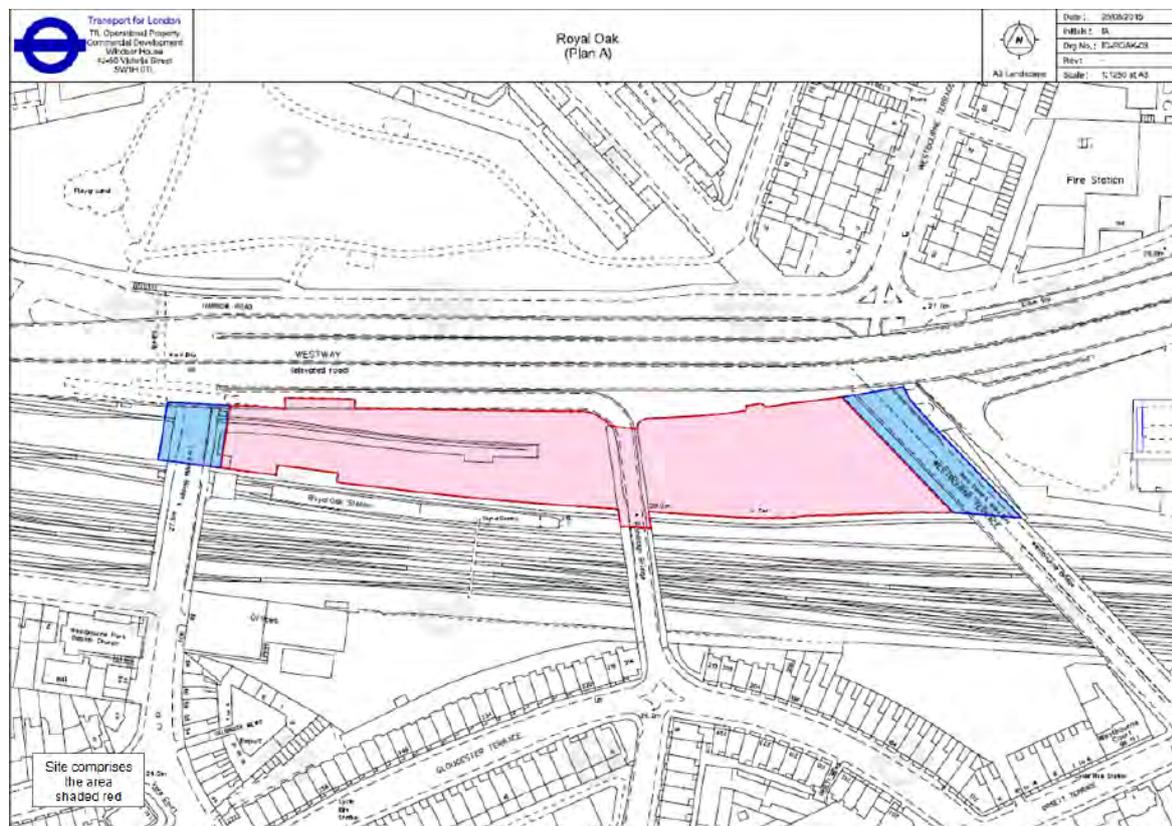
- 2.6. Moreover, we note that the Policies Map no longer identifies the previous Key Development Sites, now included as sites that contribute towards the Housing Trajectory. We consider it important that these locations are identified on the proposals map in the plan, and also suggest that Appendix 1 includes a map showing the location of these sites.
- 2.7. In addition, in respect to the above listed sites, we make the following observations, which we consider need clarification from WCC:
- a. Removal of Ebury House and Belgrave House as contributing towards the Housing Trajectory;
 - b. The rationale for reducing the housing trajectory at Westbourne Bus Garage from 70 dwellings to 50 dwellings;
 - c. How Victoria Station and Environs (previously KDS 17) and Paddington Station and Environs (previously KDS 2) can be recognised as Development Sites in the Plan.

3. Further Comments to Policy 10

- 3.1 TfL CD reiterate its concerns about the implications that this policy will have on the delivery of office floorspace in the Central Activities Zone (CAZ), which are even more pertinent now given the impact that COVID-19 and the clear possibility that a following economic recession could have on the health of commercial sector. Attached at Appendix 1 is a letter from Deloitte that elaborates on this.
- 3.2 TfL CDs July 2019 representations set out the implications this policy would have on a development at Royal Oak, which is within the CAZ but located on its fringe and so experiences lower rental levels compared with other parts of Westminster, particularly the Core West End. In addition, as the Royal Oak site (site plan below) is in the NWEDA we have similar reservations concerning the impacts of Policy 10 on the objectives of Policy 5 relating to economic growth and environmental improvements, which have been a long held ambition of the City Council and are in the statutory local plan.

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- 3.3 We note that BNB Paribas have produced a Viability Addendum 2 (Commercial mixed use) report (EV GEN 003), however this does not assess the implications of different land values across the CAZ. We therefore consider the evidence base, which has a blanket approach across the entire CAZ towards affordable contributions from commercial developments to fall short of what is required as evidence for the application of this policy. We note the WPA interim letter to the Planning Inspectorate on this matter, which we support, and this reflects the concerns TfL CD has about the viability evidence presented by the Council.
- 3.4 Further consideration on the viability of development the implications of this policy specifically on Royal Oak have been undertaken by Deloitte, who have been advising TfL. They confirm that Royal Oak is located in the 'Paddington Fringe' sub market, where office rental levels are £60 / sqft compared with £75/sqft within Core Paddington, £115 / sqft in Mayfair and St James's, and between £85 / sqft and £95 / sqft in most other West End submarkets.
- 3.5 Deloitte have considered the implications of applying Policy 10 given these factors on a mixed use development at Royal Oak. It clearly shows that a development complying with the City Council's assumption of 200 homes is unviable on its own. In the current market a scheme of this size will require cross-subsidy from a significant element of commercial floorspace. However, the requirements for the commercial element to also

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directly subsidise affordable housing as required by Policy 10 puts an additional burden on any development scheme, and increases the need to build at a higher density and for taller buildings to be provided. Furthermore, because of the site sitting in the NWEDA, there is a need to meet the provisions of Policy 5, which, appropriately in our view, requires the development to contribute to a number of important environmental improvements (such as improving connectivity) as well providing accommodation for SME's. All of these policy requirements have to be put alongside abnormal costs associated with the physical constraints of Royal Oak as a site, a transport facility requiring improvement (currently without step-free access) and the need to provide the residential component at a high level, well above the noise and pollution generated by the adjacent railway and the Westway.

- 3.6 The viability exercise undertaken by Deloitte, therefore unsurprisingly given the factors above, shows a negative residual land value from a development of some 200 residential units even with 27,300 sqm of commercial floorspace that achieves the policy compliant provision of 35% affordable housing both from the residential and commercial components.
- 3.7 Overall, Deloitte conclude that a scheme with some 200 residential units needs to be supported by a sizable commercial element for viability reasons. For a mixed use development to be viable, an additional quantum of accommodation to that set out above is required, and further, the commercial element should not be burdened by the provisions currently sought by Policy 10 for an additional 35% affordable housing requirement.
- 3.8 Furthermore, it should be stressed that this exercise has been carried out using assumptions, based on current market conditions, before an assessment can be made regarding the effects of the Covid 19. At this juncture, it is impossible to tell what these effects might be but it is suggested by Deloitte that they pose real concerns particularly to the delivery of commercial schemes across this part of the City.
- 3.9 What is patently clear is that; a) the assumption that Royal Oak only contributes 200 homes is not feasible; b) there will need to be a sizeable element of commercial floorspace; c) the provisions of Policy 10 have a significant detrimental effect on viability.
- 3.10 The inescapable conclusion is that a more flexible approach by the City Plan policies is required to allow a viable mixed use scheme to be built at Royal Oak which will provide the benefits described above. This means providing latitude on the scope of development and range of uses but also releasing the burden imposed by Policy 10. If the Inspector considers the policy to still be required, then we consider it important that Policy 10 be amended so that this part of the CAZ be excluded from the requirement to provide affordable housing from commercial developments. Otherwise we consider the financial implications on developments in lower value parts of the CAZ and the NWEDA will hinder schemes coming forward, to the detriment of key objectives of the City Plan and priorities identified in the Policy 5.

4. Inclusion of Royal Oak within the Paddington Opportunity Area Boundary and Policy 42

- 4.1. The Royal Oak site, according to the current draft of the City Plan, sits adjacent to the Paddington Opportunity Area (POA). TfL CD maintains its position that the boundary of the POA should be extended to include Royal Oak. This would be consistent with the extent of the Opportunity Area Boundary within figure 2.11 of the Intend to Publish London Plan. However, despite setting this out in TfL CD's Reg 19 representations, Westminster have chosen not to include Royal Oak within the OA boundary as part of their modifications to the City Plan.
- 4.2. The comprehensive development of Royal Oak could deliver Westminster a significant quantum of housing, possibly in excess of 200 dwelling together with a significant commercial component. In addition, the site could deliver a significant amount of new jobs. Furthermore, it is TfL CD's firm intention (underlined by TfL CD's approved strategies and Policy 5) that any development would also include improvements to Royal Oak Station (such as step-free access), benefit the area's public realm, provide environmental improvements as well as improving connectivity to the wider Opportunity Area. This would meet the aims of policy GG2 of the Intend to Publish London Plan, which seeks to create successful sustainable mixed-use places that make the best use of land through *inter alia* enabling the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land; prioritise sites which are well connected by existing or planned public transport; and intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport.
- 4.3. In addition, the Site is an important component of WCC's 'Scoping the North Paddington Vision' document of December 2019, which addresses issues of permeability, air quality and placemaking in the area.
- 4.4. Its inclusion with POA would assist in the development's ability to meet its existing requirements of Policy 5, given that the Royal Oak site is a large, derelict brownfield site. It would help realise the Council's scoping vision document for North Paddington. Moreover it would help the site meet the aims of the Intend to Publish London Plan Policy GG2. A development of scale site will deliver significant benefits which would directly meet the objectives of POA, as well as the objectives of the NWEDA.
- 4.5. By including the site within the Paddington Opportunity Area, it would benefit from the positive policy provisions for growth delivery Under Draft Policy 1(b)(3), and also contribute to the priorities listed under Draft Policy 3 (Spatial Development Priorities: Paddington Opportunity Area) – it would help achieve the growth targets for the area (part a); provide a range of new workspace (part b); enhance the surrounding public realm (part c); improve Royal Oak station and access to it (part d); reduce the current physical severance to the surrounding townscape (part e); and provide for enhanced job opportunities and facilities in neighbouring areas (part f).

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- 4.6. In addition, given the location of the site and its environmental constraints, including being adjacent to a railway and the raised Westway (both generators of air and noise pollution) TfL CD's feasibility studies (which have been shared with the City Council) demonstrate that any residential component would have to be provided at an elevated position. This requirement, along with the viability considerations set out above, justifies that tall buildings on this site are fundamental to any scheme. The site's inclusion within the Paddington OA boundary would provide for in principle locational support for tall buildings as set out under Draft Policy 42(e).
- 4.7. Paddington has, in successive development plans produced by the City Council, been seen as one of two locations in the City where both commercial activity and tall buildings can be accommodated. The construction of the Elizabeth Line, which is expected to have a fundamental impact on accessibility in the City will markedly improve Paddington's connectivity to the West End, the City of London and Canary Wharf which together with Heathrow, form the four largest concentrations of economic activity in the UK. There will inevitably be greater pressure to accommodate more commercial activity in the Opportunity Area and it seems entirely appropriate that every encouragement should be given for Royal Oak to maximise its contribution in accordance with the London Plan policies of "Good Growth." This will inevitably manifest itself in proposals for tall buildings and bring any scheme into conflict with Policy 42.
- 4.8. TfL CD has commissioned an independent review by townscape and urban design specialists Peter Stewart Consultancy, to consider the spatial planning potential for the site to be included in the POA, and the implications of draft Policy 42. Their report is included at Appendix 2 and has regard to the site and setting, historical context, townscape views and relevant policy. It sets out that the site is historically, spatially and functionally part of the railway and canal infrastructure lands already included in the POA, which have delivered and continue to deliver major development at this significant and well-connected transport hub.
- 4.9. The site also has a major part to play in delivering the North Paddington Vision, which would bring about significant and tangible, practical benefits to the liveability of the wider area. Peter Stewart Consultancy consider the site clearly has the potential to deliver the 'more positive approach to the Paddington cluster when approaching from the west on the Westway' which is envisaged in WCC's Building Height Study (WCC BHS). For spatial reasons, they conclude that it should therefore be included within the POA.
- 4.10. Having regard to the potential height at the site, regard is had to the limitations set out in the WCC BHS. Peter Stewart Consultancy conclude that there is no reason why Royal Oak cannot accommodate buildings at a height much taller than the 54m, which is the maximum height discussed in the BHS, and the site should not be subject to a height limit at this level. We refer the Inspectors to the Secretary of State's 'Planning for the future' proposals issued 12 March 2020, which encourages Council's to take a more innovative approach to home building – by inter alia '*building upwards and above and around stations*'. As mentioned earlier, the area around Paddington is recognised as one of only two areas in Westminster suitable for tall buildings. Existing and consented tall buildings have been accommodated at heights of up to 140m. With existing and consented tall buildings at West End Green and Merchant Square, tall buildings are suitable to the west of the

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station, and in particular on the Site, which is one of the most significant development sites in the area.

4.11. It is therefore considered that there is spatial justification for the site's inclusion in the POA. In addition, Peter Stewart considers there to be overly prescriptive limitations on the tall building heights deemed appropriate in the POA under Policy 42(E), currently identified as 2-3 times higher than the prevailing context.. Such limitations, we consider, should be relaxed in favour of a site-specific approach that has due regard to proper visual analysis appropriate to any particular development proposal in accordance with the NPPF and the London Plan

4.12. In summary we therefore consider that the following changes are required to the Draft City Plan:

- a. Change to the Policies Map to extent the Paddington OA boundary to include Royal Oak
- b. Amendment to Policy 42 to make it less onerous on the height suitable within the Paddington Opportunity Area.

5. Meeting NPPF tests and Conclusion

- 5.1 TfL CD has notable land holdings in Westminster that it intends to bring forward for development over the Plan period, which would not only contribute towards the City's housing and jobs supply, but result in improvements to the transport infrastructure and public realm, and people's enjoyment of the urban environment all of which are part of the Plan's objectives
- 5.2 We set out in this statement our further comments to some parts of the City Plan that we consider require amendments to meet not only the City Plan objectives referred to above but also the NPPF requirements that the City Plan be sound, well evidence based, and can be delivered. As it stands some of the policy provisions are not adequately justified or evidenced based.
- 5.3 We recommend that to achieve these tests, the following changes be made to the City Plan
- 5.3.1 Text be added to the policies in the Plan to clarify that the sites listed in Appendix 1 are development sites and that they can contribute to the City's commercial growth as well as housing growth objectives;
 - 5.3.2 Inclusion of Ebury Gare / Belgrave House in Appendix 1 as a Housing Trajectory Site;
 - 5.3.3 Reference the contribution that Victoria Station and Paddington Station can make as development sites;
 - 5.3.4 Policy 10 should be reconsidered. If the Inspector concludes that Policy 10 should remain, it should be amended to exclude that part of the CAZ around Royal Oak and the NWEDA from the provision for commercial floorspace to cross- subsidise affordable housing.;
 - 5.3.5 Change to the Policies Map to include Royal Oak within the POA boundary
 - 5.3.6 Amendments to Policy 42 to remove the prescriptive limitations on building heights in the Paddington Opportunity Area or include the following text "***proposals that are more than 2 to 3 times higher than the prevailing context will need to satisfy the General Principles set out under part D of this policy.***"

Appendix 1: Deloitte Royal Oak Viability Letter

File note

Client: TFL Commercial Development

Date/Time: 26 June 2020

Subject: Royal Oak TFL Site – Viability Testing - Findings

Participants: Mathew Evans-Pollard; Tom Hoar; Tom Calder

As instructed by TfL Commercial Development (TfL CD), Deloitte have undertaken some viability analysis of the TfL site at Royal Oak, basing our sensitivity testing on a scenario comprising 27,300 sqm GIA of commercial space and up to 200 homes. The housing figures correlate with the Housing Trajectory figure included in the Draft City Plan, and the quantum of commercial floorspace is based upon correspondence that TfL CD have had with Policy Officers at Westminster. We have also assumed that there will be a requirement to provide 35% affordable housing for both private sale residential and offices as currently included within the draft Westminster City Plan (“WCP”).

This is a challenging site from a financial viability perspective with the surrounding transport infrastructure restricting the use of the lowest floors of any development, and therefore a developer’s ability to generate a reasonable return from space developed on these levels. Similarly the challenges of the site require a much greater quantity of developed space to be given over to the various lift and service cores than is typical, creating floor plates with a lower efficiency than normal, and reducing the revenues that can be generated from built space relative to its’ construction costs. Further, abnormal costs including those related to the site’s environmental constraints, infrastructure improvements that would result, and those needed to address the policy expectations associated with the site’s location in the North West Development Area further impact viability. These factors all pose challenges that need considering when drafting the policy provisions applicable to the future development of the site.

Prime headline office rents in Core Paddington are currently at £75 per sq ft compared to £115 per sq ft in Mayfair, £115 per sq ft in St James’s and between £85 per sq ft and £95 per sq ft in most of the other West End submarkets. Indeed at £75 per sq ft prime headline office rents in Paddington are the lowest within the West End. However, the Royal Oak site is located away from Paddington’s office core and consequently achievable office rents within any development would be lower at approximately £60 per sq ft. Despite this, the delivery of office space at the site as part of a mixed use scheme would support the delivery of homes at the site and so support the delivery of affordable homes as part of the residential component under the existing planning requirements due to the delivery of office space in the area being more profitable than residential in the current market. Sales values for high quality new flats in the area are currently at approximately £1,200 per sq ft and both office rents and residential sales values reflect a slight reduction on those we adopted in Q3 2019 due to changes in the market.

Based upon the scenario provided, the end values set out above and the build costs appropriate to this site our appraisal returned a negative land value. Even if build costs were not abnormal, with 35% affordable housing having to be provided from both the office and private sale residential elements of any development of the site, the scheme detailed above would be unviable (our residual appraisal of the site resulting in a negative land value) due to the comparatively low office rents and sales values in the area relative to other areas of Westminster. This remains the case even allowing for an increase in office and residential values (although it should be noted that we currently

anticipate these falling in the short to medium term in this locality). Consequently, in order to support development of this site over the plan period and taking into account the potential for factors such as construction costs and residential/commercial values in the area to change over the coming years, we consider that WCC will need to be flexible as to the quantum and mix of uses delivered on this site and to remove the proposed affordable housing obligation relating to offices as currently proposed.

Prepared by: Tom Hoar Approved by: Mathew Evans-Pollard

Appendix 2: Peter Stewart Consultancy Report

Introduction

- 1 This note sets out a consideration of the Royal Oak site ('the Site') and its suitability for tall buildings as part of future redevelopment proposals, considered from the point of view of townscape, visual impact and the historic environment. It considers:
 - The policy context
 - The physical context of the Site and its setting, including relevant heritage assets
 - Consideration of the appropriate form of development and building heights in the light of the policy and physical context.

Policy context: the draft City Plan

- 2 The provisions of Westminster City Council's draft City Plan ('CP') most relevant to the Site and to consideration of the appropriate scale of development on the Site are as follows.
- 3 The Site was previously identified in the publication version of the City Plan as a Key Development Site (KDS13), which has now changed to one of the Council's identified Housing Trajectory Sites.
- 4 The Site adjoins, but does not lie within, the Paddington Opportunity Area ('POA') (CP Fig. 9).
- 5 The Site is an important component of WCC's 'Scoping the North Paddington Vision' document of December 2019, which addresses issues of permeability, air quality and placemaking in the area.
- 6 Draft design and heritage policies are set out in section 39-46 of the CP. Policies that promote high standards of design, appropriate response to context and the protection of heritage assets are set out in sections 39-41 and are broadly consistent with the NPPF. Section 41 and Figure 36 define important views and vistas in Westminster, none of which are relevant to consideration of development on the Site or in the Paddington area generally.
- 7 Section 42 sets out draft policies on building heights. In section 42E, tall buildings 'may be acceptable' in 3 designated areas: the POA; the Marylebone Flyover / Edgware Road junction; and the Victoria OA. In the POA, the draft policy is that tall buildings of 2 to 3 times the stated context height of 20m (i.e. up to 60m high) 'may be appropriate'.
- 8 Outside the areas identified (Section 42F), tall buildings are 'not generally... acceptable' and will need to demonstrate that they are at a location of civic or visual significance and will not undermine the prominence or integrity of existing landmarks and tall building clusters.

- 9 The CP building height policies have been informed by a 'Building Height Study' ('BHS') dated June 2019. The BHS considers the Paddington area as one of three 'focus areas' where major redevelopment is expected. The Site is within the Focus Area and the BHS contains a discussion of its suitability for tall buildings 'to create a more positive approach to the Paddington cluster when approaching from the west on the Westway'.
- 10 The Appendix to the BHS provides digital modelling studies which show notional built forms on the Site illustrated at 36m, 45m and 54m high from a number of viewpoints, determined from a 'viewshed' analysis. The BHS notes (p68) that 'This modelling reveals significant impacts on the townscape of the surrounding conservation areas with buildings of 45m or 54m height and some impact with buildings of 36m in height (2 times the context height). Given the constrained nature of the site in terms of access, noise and air pollution delivering buildings at this more modest height may not prove viable.'

The Site and its setting

- 11 The townscape and urban grain in the area around the Site today demonstrates considerable variety, from large scale development, much of it recent, around Paddington Station, to older established areas of relatively coherent development only a few minutes' walk away. The Site's setting is made up of a mix of buildings that vary considerably in type, form and scale. The area around the Site is described below by dividing it into character areas; the locations of these areas are shown in Figure 1 in the Appendix.
- 12 Lying within an area of land centred on the railway lines leading into Paddington Station, the Site lies in an area of land immediately to the north of the railway lines, and south of the Westway. The area sits in a land-cut, with a clear sense of separation from the surrounding townscape. The Site includes the northern sections of three road bridges over the railway lines. Royal Oak London Underground Station abuts the Site to the south-west. The area's character is strongly influenced by railway infrastructure and the movement of trains into and out of Paddington Station.
- 13 The Paddington area, immediately to the east of the Site, is centred on land historically associated with the canal and Paddington Station. This includes development around Paddington Basin and Paddington Station, Paddington Central, and medical and commercial development between Praed Street and South Wharf Road. While the age and style of buildings varies across this area, it is given a distinct overarching character by the large scale of most of the buildings and their setting within a relatively tight urban grain. Most of the area is covered by the POA which is identified as an appropriate location for high density development.
- 14 The Bourne Terrace / Harrow Road area, north of the Site, comprises the Warwick estate and Brindley extension and Westbourne Green Open Space. The character of

this post-war townscape is influenced by the proximity of the Westway and the Harrow Road, the latter bisecting it to the west.

- 15 The Westbourne Green area retains much of its late 19th century street pattern, but its townscape is mixed. The part closest to the Site, lying between the canal / Westway and Harrow Road is largely occupied by late 20th century development.
- 16 The Maida Vale area retains significant numbers of historic buildings and much of its historic street pattern and character. The majority of the area lies within the Maida Vale Conservation Area and number of its terraces are listed grade II. The area includes Little Venice centred on a picturesque canal basin, lying a short distance to the north-east of the Site. Tall post-war and more modern buildings are seen in many of the longer range and more open views out of this area.
- 17 The Edgware Road area includes Paddington Green. Its historic form is still recognisable and there are a number of 19th century buildings and Edwardian mansion blocks in its vicinity. However, the area has a varied urban grain overall, and post war and modern development including the Hall Place Estate, the Paddington Green Police Station and the City of Westminster College are prominent. The buildings around Paddington Basin form a backdrop in views towards the south.
- 18 In the Bayswater area, the regularity of the grid of streets, the height of the buildings and the continuity of built form create a coherent and relatively enclosed townscape. There is little or no awareness of larger scale post-war and modern development to the north of this area from many points within it, but at the intersection of certain streets, where longer range views open up, development can be seen on the Alfred Road Estate to the north of the Site, and Paddington Basin and around the junction of Edgware Road and the Westway to the east of the Site.
- 19 The Hallfield Estate area is focussed on a post-war housing estate, a self-contained piece of townscape that is a designated conservation area.
- 20 The Queensway area includes the Queensway Conservation Area and the Bayswater Conservation Area (western section). The area covered by the Queensway Conservation Area has a mixed character, due to the variety of building types, styles and uses. The western section of the Bayswater Conservation Area is a densely developed area and a less coherent townscape than the rest of that conservation area. The area contains a number of grade II listed buildings and a small number of buildings listed at a higher grade.
- 21 The Pembridge Square / Westbourne Park area includes several conservation areas, including Pembridge Conservation Area and Colville Conservation Area (RBKC); Westbourne Conservation Area; and Aldridge Road Villas and Leamington Road Villas Conservation Area. It is residential in character, the conservation areas containing mid-19th century terraced houses, semi-detached houses, mews houses, and some blocks of flats dating to the post-war period. A number of terraces are listed grade II and there is a noticeable coherence to some parts of this area. Views

along the main roads, such as Pembridge Villas, take in tall post-war development, including Campden Hill Towers on Notting Hill Gate. The area also includes post-war estates closer to the Site.

Historic environment

- 22 The locations of conservation areas and listed buildings in the area round the Site are shown in Figure 2 in the Appendix.
- 23 As noted above, the conservation areas which are located near the Site are set within a wider context that features a diverse range of buildings and urban grains. Large scale post-war or more recent development and infrastructure forms part of the immediate or wider setting of each of the conservation areas in places. The most coherent areas of historic townscape within the conservation areas tend to be relatively self-contained with a significant degree of enclosure.
- 24 A number of listed buildings are located within 500m of the Site. All of those lying to the south of the railway lines lie within conservation areas, and the vast majority of those are listed grade II. Paddington Station, to the south-east, is listed grade I. Hallfield School, to the south, is listed grade II*. The immediate setting of these highly graded listed buildings includes post-war and modern development, some large scale.
- 25 North of the Westway, the majority of listed buildings also lie within conservation areas and are listed grade II, with the exception of Paddington British Rail Maintenance Depot, East and West Blocks, Harrow Road (grade II*), and St Mary Magdalene Church, Rowington Close (grade I). The post-war towers of the Warwick estate form a backdrop to the church in many views. The immediate townscape setting of the Paddington British Rail Maintenance Depot, East and West Blocks includes the large elevated structure of the Westway Flyover and the large volume of traffic associated with it.
- 26 In terms of other listed buildings in the wider area around the Site, these are generally best appreciated at close range due to their small scale or the tightness of the urban grain in which they are set. Their wider townscape setting generally includes large scale post-war or modern development.

Townscape views

- 27 As noted above, none of the views identified in the draft CP (which include relevant London View Management Framework views) would be affected by development on the Site.

28 The most sensitive views that would be likely to be affected by large scale development on the Site, principally because of effects on the settings of listed buildings and conservation areas, are as follows:

- Views from Maida Vale / Little Venice, because of proximity to the Site, the alignment of street and the canal, and openness of the canal basin.
- Views from Gloucester Terrace, because of the alignment of the street.
- View from the Serpentine Bridge in Hyde Park – this is set in open parkland, albeit with much tree planting, and recent large-scale development at Paddington is visible from here.

Consideration and conclusion

29 There is a strong case for the inclusion of Royal Oak in the POA; and there is a strong case for reconsidering the indicative limits on the potential height of development at Royal Oak.

30 With regard to urban structure, the Site, which is former railway land, clearly has much in common with the rest of the present and former railway lands to its east, and little in common with the different areas of townscape to its north / northwest and south / southwest. There is a strong urban and spatial planning logic to the existing and continuing intensification of development around the well-connected Paddington Station, and that underpins the POA strategy. All of that logic applies to the Site, the character and location of which are such that in terms of spatial planning, it belongs within the POA.

31 As far as the potential impact of large and tall buildings on the Site is concerned, the same considerations as within the POA apply. New development would be visible from points within local conservation areas and within the setting of listed buildings, as is the case with existing and proposed buildings to the Site's east; but for the most part, the historic areas are tight-grained and self-contained, and in most places one is not aware of large modern development nearby.

32 Considering Royal Oak as a potential site for tall buildings, visual impacts in many relevant parts of the setting would likely be comparable with those of existing and consented scheme within the POA and to its east around the Marylebone Flyover / Edgware Road junction: for example, this is true in respect of views from Hyde Park / Kensington Gardens, and from Regents Park. With regard to residential streets aligned on the Site, tall buildings would be visible, and to an extent comparable with the visibility of tall buildings further east, from comparable residential streets further east. Those impacts have been found acceptable by decision makers on the basis of factors including the importance of Paddington as a very well-connected location, and the high quality of the proposed developments (a matter which is considered at the detailed design stage, taking into account plan policies on architecture and urban design).

- 33 Consideration of the figures in the BHS supports the above line of thinking. On p65, Fig. 7.2, the Site is included within focus area 1, an area of existing and emerging large-scale development within which the Site clearly belongs, centred on the Grade I listed Paddington Station. Fig 7.5 on p67 of the BHS demonstrates that the Site's relation to nearby conservation areas and listed buildings is comparable with that of the POA to its east, with regard to the likely scale of effects on the settings of these heritage assets.
- 34 The BHS and its Appendix show indicatively the potential impact of buildings of up to 54m tall on local views identified in the viewshed study. It notes that there would be 'significant impacts' on surrounding conservation area but does not comment on the acceptability or otherwise of the impacts. Comparing those view studies with existing townscape views in the Paddington area where tall buildings can be seen, and with proposed views shown in the planning application for the consented Merchant Square tower, it is apparent that the visibility of considerably taller buildings on the Site in those views would be comparable with the visibility of those other projects.
- 35 Existing development, development under construction and consented development at Paddington, at a substantial scale, are an established and also a still growing aspect of the area to the east of the Site. The tall buildings of the 1960s and 1970s are of middling quality at best but recent development is setting a higher standard, and design and heritage planning policies allow the decision maker to ensure that this higher standard is achieved. The visual and townscape impacts of these developments have been assessed and considered acceptable by WCC, and this includes noticeable impacts on the settings of heritage assets, not least on the Grade I listed Paddington Station. These impacts have changed the settings of listed buildings and conservation areas but have not for the most part harmed those settings.
- 36 The presence of large-scale development around Paddington to the east of the Site, including the new residential tower at West End Green to the east of Paddington (around 100m tall) , and the townscape assessment for the consented tall building scheme at 1 Merchant Square (around 140m tall), show that tall buildings at these heights are appropriate for this area of London. The height limit of 60m indicated in Section 42 of the CP for the POA is unnecessarily restrictive, and unjustified.

The historic environment

- 37 Any scheme coming forward for Royal Oak that included tall buildings would affect the setting of a number of designated heritage assets (there would be no direct effects). Generally speaking, these heritage assets would be conservation areas and Grade II listed buildings. The settings of more highly graded buildings in the area such as the Grade I listed Paddington Station and St Mary Magdalene Church would be unlikely to be affected to any significant degree.

- 38 Effects on the settings of heritage assets do not necessarily harm the significance of those assets, as the relevant Historic England guidance makes clear¹. It is not possible to assess in principle whether tall buildings on the site would harm the heritage significance of heritage assets nearby but if a decision maker was of the view that there was an such harm, this could not be ‘substantial harm’ in NPPF terms (NPPF para. 195) – it would at worst be ‘less than substantial harm’ as set out in NPPF para. 196. This harm would in accordance with para. 196 have to be weighed against the public benefits of any scheme. A scheme for the Site clearly has the potential to deliver significant public realm benefits, as sought by WCC’s North Paddington Vision, as well as other benefits.

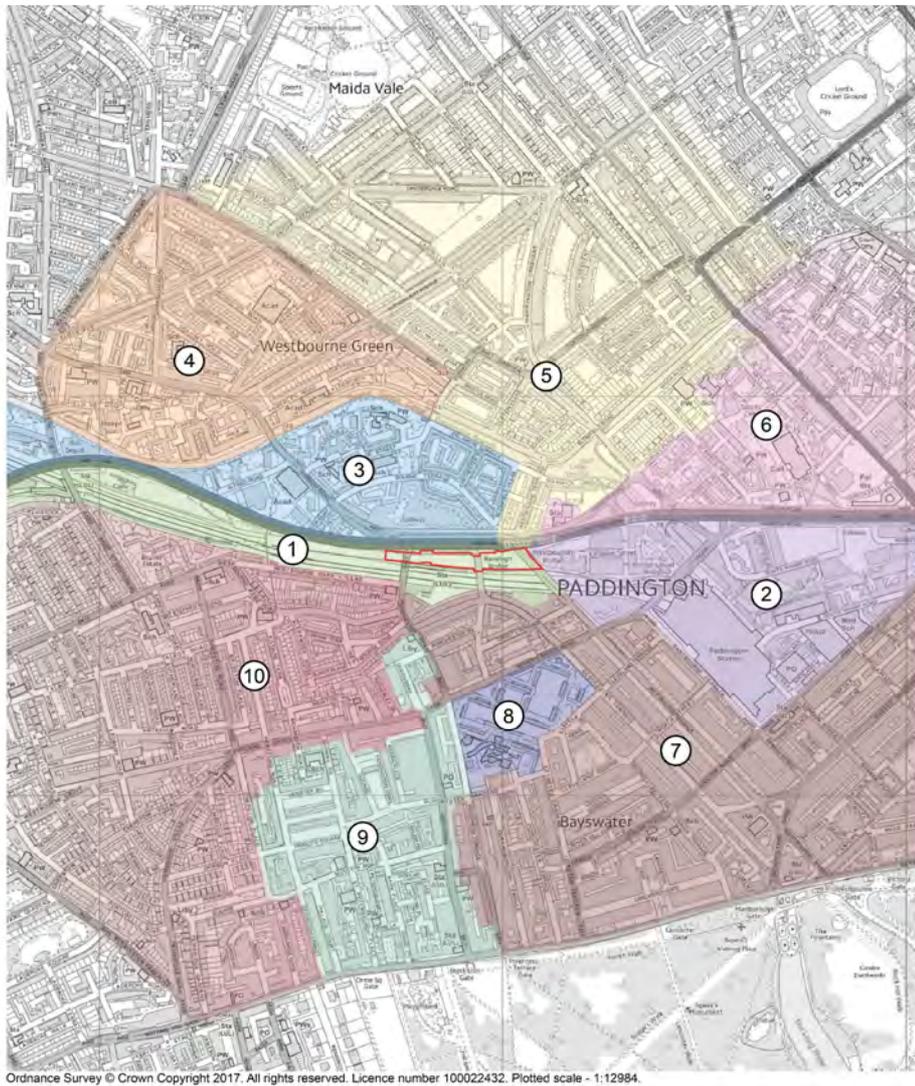
Conclusion

- 39 The Site is historically, spatially and functionally part of the railway and canal infrastructure lands already included in the POA, which have delivered and continue to deliver major development at this significant and well-connected transport hub. The site also has a major part to play in delivering the North Paddington Vision, which would bring about significant and tangible, practical benefits to the liveability of the wider area. The Site clearly has the potential to deliver the ‘more positive approach to the Paddington cluster when approaching from the west on the Westway’ which is envisaged in WCC’s BHS. It should therefore be included within the POA.
- 40 There is no reason to think that the Site cannot accommodate buildings at a height much taller than the 54m which is the maximum height discussed in the BHS, and the Site should not be subject to a height limit at this level. The area around Paddington is recognised as one of the areas in Westminster suitable for tall buildings. Existing and consented tall buildings have been accommodated at heights of up to 140m. With existing and consented tall buildings at West End Green and Merchant Square, there is clearly a case for further tall buildings to the west of the station, and in particular on the Site, which is one of the most significant development sites in the area. Given the existing presence of tall buildings in the area, which is an established aspect of the Site’s context, there is no good reason to restrict the height of such tall buildings to 2-3 times the height of the prevailing context as currently set out in CP Policy 42 (part E).

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¹ The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (Historic England, 2017)

Appendix: Figures 1 and 2



Notes:

Site boundary is outlined in red for indicative purposes only.

Townscape character areas:

- ① Great Western Railway corridor and environs
- ② Paddington
- ③ Bourne Terrace / Harrow Road
- ④ Westbourne Green
- ⑤ Maida Vale
- ⑥ Edgware Road
- ⑦ Bayswater
- ⑧ Hallfield Estate
- ⑨ Queensway
- ⑩ Pembridge Square / Westbourne Park

Fig. 1. Townscape areas

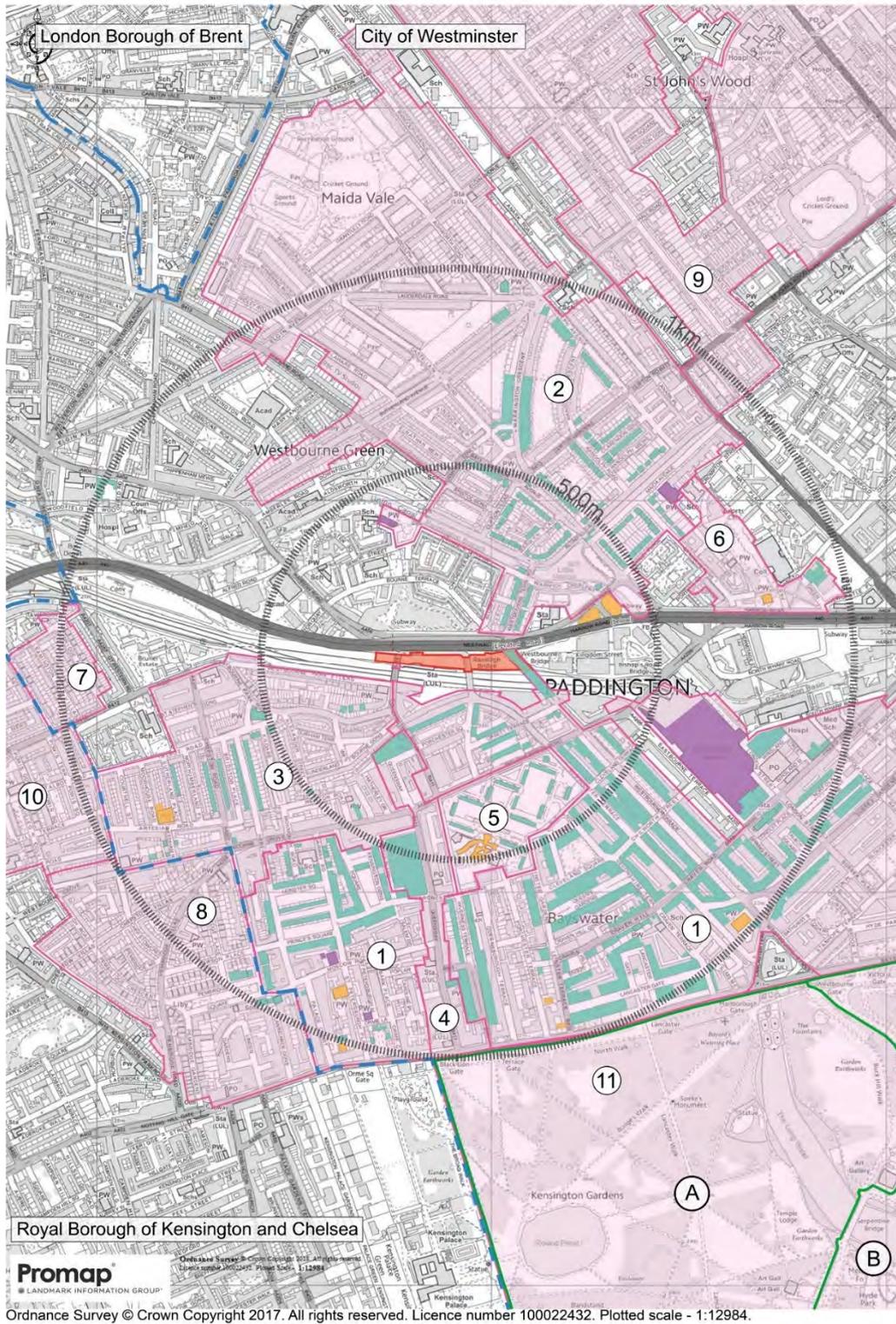


Fig. 2a. Heritage assets (see over for key)

Notes:

Site boundary has been marked in red for indicative purposes only.

Approximate 500m and 1km radii have been marked on the map. Heritage assets within these radii have been identified.

Conservation areas are highlighted in pink and listed below. Borough boundaries are shown by a blue line.

Listed buildings:

-  Grade I listed building
-  Grade II* listed building
-  Grade II listed building

Conservation areas:

- ① Bayswater Conservation Area (CoW)
- ② Maida Vale Conservation Area (CoW)
- ③ Westbourne Conservation Area (CoW)
- ④ Queensway Conservation Area (CoW)
- ⑤ Hallfield Estate Conservation Area (CoW)
- ⑥ Paddington Green Conservation Area (CoW)
- ⑦ Aldridge Road Villas and Leamington Road Villas Conservation Area (CoW)
- ⑧ Pembridge Conservation Area (RBKC)
- ⑨ St. John's Wood Conservation Area (CoW)
- ⑩ Colville Conservation Area (RBKC)
- ⑪ Royal Parks Conservation Area (CoW)

Registered Parks and Gardens of Special Historic Interest:

- Ⓐ Kensington Gardens (grade I)
- Ⓑ Hyde Park (grade I)

Fig. 2b. Heritage assets (key)