



Historic England

Examination of the Westminster City Plan 2019-2040

Matter 8 – Design and Heritage

Historic England, Hearing Statement

25/06/2020

Historic England is the principal Government adviser on the historic environment, advising it on planning and listed building consent applications, appeals and other matters generally affecting the historic environment. Historic England is consulted on Local Development Plans under the provisions of the duty to co-operate and provides advice to ensure that legislation and national policy in the National Planning Policy Framework are thereby reflected in local planning policy and practice.

The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations on the Publication Draft Local Plan are made in the context of the requirements of the National Planning Policy Framework ("the Framework") in relation to the historic environment as a component of sustainable development.

Historic England Hearing Statement

Introduction

- 1.1 This statement addresses the Inspector's questions with regards to Matter 8, policies 39-46 of the City Plan.
- 1.2 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan.
- 1.3 The issues surrounding the Key Development Sites are also relevant to the Matters 3 and 9. Rather than repeating comments made elsewhere please consider these statements in association.

Inspector's Questions Matter 8

Issue: Whether the City Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in relation to design and heritage.

- 2) **Taking each individually, are Policies 39-46 justified, effective, consistent with national policy and in general conformity with the London Plan?**
 - 2.1 The policies in this chapter are not generally representative of the draft new London Plan's design-led approach to delivering good growth (specifically policies GG2; D1; D3I and HC1) in a way which provides a clear strategy for the conservation of the historic environment. The draft new London Plan (LP) focuses greater attention on place-making that is based on characterisation and an understanding of place so that new development can address a range of different spatial planning objectives. This does not come across in the plan, and in some instances the policies have an undue focus on architecture rather than place-making.
 - 2.2. We have been able to secure a number of important modifications to policy 40 in a Statement of Common Ground (SoCG). We consider that these modifications make this particular policy sound and we hope the Inspector will accept these modifications. However, concerns remain with the approach to taken heritage throughout the plan and this chapter, which makes the plan unsound.
- 4) **Is Policy 40 (*Westminster's Heritage* pg. 148) consistent with national policy and the statutory requirements associated with heritage assets? Is it clear? Are the proposed modifications necessary for soundness?**

Consistency with national policy and statutory requirements:

- 2.3 The approach taken in the draft City Plan is a marked departure from that taken in the adopted plan which contains a suite of detailed heritage policies. While the adopted policies¹ may not have been wholly effective in recent years, given their age and being pre-NPPF, this in our view makes the case for reinforcing heritage policy rather than relaxing it which is the direction taken in the plan. While the number of policies is not necessarily important, the level of detail is. Given the concentration of heritage assets within the borough it is extremely likely that heritage considerations will be a deciding factor in the majority of planning applications that come forward. This, in our view, would warrant a more considered policy response across this chapter. The combination of high heritage significance and a competitive commercial environment means that there is a very high risk attached to a poor policy response. In our view a basic provision for the conservation of heritage is an inadequate response for Westminster. Policies should be locally specific and the policy as written does not proportionately reflect the importance of, and risk to, heritage. Policy 40 covers the basic points, and technically aligns with statutory and national provisions of the 1990 Acts and the draft new LP, particularly with regards to the Westminster World Heritage Site (WWHS). The policy remains generic however. While policy 40 could be greatly improved we do not consider it to be unsound (as modified) when considered in isolation.

Are the modifications necessary for soundness?

- 2.4 We are pleased that the Council has been receptive to many of our suggestions which have resulted in modifications² and a SoCG which has been largely complied with. The proposed modifications are necessary to ensure the soundness of policy 40 but there remain concerns with the overall approach to heritage throughout the plan. A positive strategy for the conservation and enhancement of the historic environment, as required by NPPF paragraph 185 and advocated by PPG 003³, will offer a positive holistic approach throughout the whole plan whereby the historic environment is considered not just as a standalone topic but as an integral part of every aspect of the plan, being interwoven within the entire document. It is important to consider the relationship and impact of other policies on the delivery of the strategy for conservation. While this individual policy is now sound it is

¹ See UDP (saved policies 2007) Chapter 10 <https://www.westminster.gov.uk/unitary-development-plan-udp#>

² As set out in Examination Document CORE/025/Version 2 April 2020
https://www.westminster.gov.uk/sites/default/files/uploads/core_025_v2_revised_schedule_of_modifications_april_2020.pdf

³ Paragraph: 003 Reference ID: 18a-003-20190723, Revision date: 23 07 2019
<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#plan-making-historic-environment>

important to note that this does not address all of our concerns regarding the overall soundness of the plan.

M/DH/05 – Historic England strongly supports this modification as it is necessary to align with draft New London Plan policy D3. Similarly this is the case for modification **M/DH/17**. We reiterate that this approach should be used to determine the development capacity of Key Development Sites (see statements on Matter 3 and 9 for detail).

M/DH/12 – The proposed modifications ensure that the key issues associated with the WWHS silhouette are clearly set out. The reference to identified views makes it clear what views precisely need to be taken into account, otherwise there would be a question about what a “significant” view is, who determines this, and what does mean. The proposed modifications are needed therefore to provide clear direction for applicants and decision makers, in their absence there would be unnecessary ambiguity and consequently a risk to the conservation of historic environment.

M/DH/13 – This modification is again in direct response to the ICOMOS Monitoring report. The WWHS Management Plan is in need of updating. Including it in the planning policy draws attention to the emerging Management Plan work to both decision makers and applicants so that they can consider associated evidence documents and draft Management Plans as potential material considerations. It also ensures that a monitoring indicator is included, providing a compulsion for this important document to be produced.

M/DH/14 – HIAs are a requirement for development with the potential to affect the OUV of the WHSs. Their purpose is to *inform* the design process rather than retrospectively justifying a desired proposal. The proposed amendment makes the purpose of an HIA clearer to both applicants and decision makers. The modification referring to cumulative impact again draws attention to one of the most pertinent issue arising from tall building development within the setting of the WWHS. This modification again provides greater clarity to readers as to what is a specific risk to the WHHS and what needs to be considered in design and decision making. Modification **M/DH/19** also reflects this.

M/DH/20 – the inclusion of “setting” is required to ensure address longstanding issues regarding the negative impacts of tall buildings upon the WWHS from neighbouring boroughs, and emerging issues from within Westminster. Reference to the ceremonial route is required to emphasise the importance of the approaches to the Palace and Abbey given that these have also become vulnerable to incremental changes.

M/DH/21 – this modification is needed to demonstrate the Council’s commitment in the plan to develop a revised WHS Management Plan. The completion of a WHS Management Plan was a significant recommendation of the 2017 Reactive Monitoring Mission⁴. An active response to the Mission Report is necessary to ensure a positive strategy for the historic environment, and to avoid the WHS being listed as In Danger by the World Heritage Committee

M/DH/23 – this modification is required to comply with NPPF paragraph 198.

5) Is Policy 41 (Townscape and Architecture) justified and consistent with national policy, particularly with regard to storey limitations, upwards extensions and density? Is it clear when each of the criteria in Policy 41 would be applicable? Particularly, is predominantly residential area clearly defined? Are the proposed modifications necessary for soundness?

2.5 In response of the question being raised at this time and in the interest of helping the Inspector to come to a fully informed view on the soundness of the Plan, our view on the matter is that this policy is unsound. The issues could be overcome however through modifications to wording.

Policy 41 Part E (additional storeys):

- It is not clear from the policy where upwards extensions would or would not be acceptable.
- NPPF paragraph 118 e) advocates upwards extensions where they would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. Policy 41 does not reflect this.
- Part E (part 1) is not necessarily adding any more detail or content than that covered by part 3 and so could be omitted to avoid confusion.
- Part E (2) is of concern as it would be applicable to properties within Conservation Areas. This approach has the potential to significantly alter established townscape. This policy criterion may also encourage developers to buy up whole terraces resulting in much larger developments than anticipated.

⁴ Report of joint ICOMOS/ICCROM Reactive Monitoring mission to the World Heritage property “Palace of Westminster and Westminster Abbey including Saint Margaret’s Church” (United Kingdom of Great Britain and Northern Ireland) (C 426bis), 21-23 February 2017
<file:///C:/Users/K1Parsons/Downloads/Westminster%20React%20Mon%202017%20FINAL%2002.06.2017%20with%20cover%20page.pdf>

- Part E (additional storeys) would be best omitted altogether. Where upwards extensions would not conform to permitted development criteria (if and when they come into force) they ought to be considered within the bracket of “alterations and extensions” as set out in part D.
- Part G implies that a proposal for upwards extensions would not be assessed under part D. Part E does not make the necessary provision for the protection or enhancement of the historic environment in isolation. Clarity on this point is needed. This could be easily modified however to become sound.
- We do not consider that modification M/DH/30 is required to make the plan sound. It increases confusion within the policy.

6) Is Policy 42 (Tall Buildings) justified? Is it positively prepared? Are tall buildings and exceptionally tall buildings clearly defined? Are the proposed modifications necessary for soundness?

2.6 The evidence base for the policy is inadequate and so it is unjustified contrary to NPPF paragraph 35. There are ambiguities within the policy making it contrary to paragraph 16 of the NPPF. Nor does it set out a positive strategy for the conservation of the historic environment as required by NPPF paragraph 185. Many of the issues regarding tall buildings relate to the spatial approach and implementation of this policy, so to avoid duplication please see our Matter 3 and 9 statements. The policy does not conform to draft new London Plan policies GG2, D1, D3, D9, or HC1.

2.7 Historic England considers the approach to building heights to be confusing and unhelpful. The evidence to support the policy is likely to encourage unsustainable development, causing significant adverse impacts on the historic environment. In our view this raises serious questions of soundness for this part of the Plan. There is no link between this policy and policy 1, which relates to area based growth. A link between these policies would add clarity and help demonstrate a positive strategy for the conservation of the historic environment as thread throughout the plan.

2.8 There are a number of issues which make this policy unsound:

- Policy 42 has a number of positive elements (parts D: 2, 3, and 4). However there are concerns that these will be negated by other parts of the same policy and other parts of the plan
- It is unclear where tall buildings would or would be permissible. Policy 42 should explicitly set out that tall buildings will only be permissible in areas identified as appropriate in order to align with draft new LP policy D9, part B (3). Areas where tall buildings would be appropriate should

be clearly included on the policy map along with appropriate heights based on evidence (the use of publically accessible 3D modelling is recommended).

- Part A of the policy contains conflicting information. It firstly states that Westminster is generally not suitable for tall buildings (which is a helpful head line point for the policy to make and directly stems from the findings of the Building Heights Study). However, it also says that that they will be acceptable if it can be demonstrated that they are the only way to make the best use of land. The policy contains no information as to how this will be tested and implies that tall buildings could be acceptable anywhere in the borough. The policy does not clearly indicate how applicants or decisions makers should respond to proposals for tall buildings and as does not align with NPPF paragraph 16.
- Part E of policy 42 refers to specific design criteria within the Site Allocations DPD which has not yet been produced. Given the strategic nature of managing tall buildings we would expect specific parameters to be set out in the draft plan, especially when site capacities have been set.
- Some Key Development Sites located outside the five identified areas and have development capacities which suggest buildings of a substantial size and height. These have not been tested. This adds further confusion, and adversely impacts upon the ability of part 4 of policy 42 to be meaningfully implemented.
- There is confusion in the policy as to how tall buildings are defined which raises a conflict with draft New London Plan policy D9 part A. Policy 42 part B defines tall buildings as those over 30m, or those more than twice the height of the prevailing context height. Whereas Part E states that tall buildings two to three times the prevailing height would be permitted.
- Historic England has raised fundamental concerns with the Building Heights Study that underpins this policy. These points are set out in detail within our representation on the Regulation 19 draft and Matter 3 statement. We would direct the Inspector's attention to these comments.

Conclusion

- 3.1 In summary policy 40 is sound, and we have major concerns with policy 42 which we consider to be unsound. The chapter and plan as a whole are likely to lead to unsustainable development that will affect some of the country's most important heritage. Given other policies in the plan, and its generally limited consideration of heritage throughout, there is a risk that despite being sound policy 40 will not be able to be implemented effectively and will be undermined.