

Matter 8 – Design and Heritage

**Westminster City Plan 2019-2040 – Examination in Public
Response to Inspector’s Matters, Issues and Questions**

Question 1 – Taking each individually, are Policies 39-46 justified, effective, consistent with national policy and in general conformity with the London Plan?

1. The Crown Estate welcomes Amendment M/DH/33 which clarifies WCC’s position on tall buildings. However concerns remain regarding the effectiveness and consistency and conformity of Policies 41, 42 and 46. These are set out in detail below in response to the questions for each policy.

Question 4 – Is Policy 40 consistent with national policy and the statutory requirements associated with heritage assets? Is it clear? Are the proposed modifications necessary for soundness?

2. The Crown Estate agrees with WCC’s intention to conserve and enhance its unique historic environment through new development. However the wording of Policy 40 should more clearly engage with the issues of harm & benefit and balanced judgement as set out in paragraphs 195 and 196 of the NPPF.
3. To achieve this consistency with national policy, the ‘Listed Buildings’ part of Policy 40 should be amended to include a direct reference to satisfying, “**relevant tests in national policy**”. The Crown Estate notes that a similar reference is already included later in Policy 40(L), in relation to unlisted buildings in conservation areas, so this proposed addition would achieve both parity and clarity with regards to listed buildings.
4. The Crown Estate considers there is the opportunity in Policy 40 for heritage policy to support Good Growth by recognising that where development makes a significant contribution to achieving the Plan’s objectives, particularly around affordable housing and employment, this in itself can be considered a public benefit and should be treated as such in applying the balanced judgement of benefit and harm as set out in the NPPF.
5. The Crown Estate supports the Westminster Property Association in their proposed addition to the supporting text for Policy 40:

“HERITAGE AND GOOD GROWTH

Where a proposed development contributes to achieving this Plan’s objectives, including affordable housing and employment generation, this will be considered as a public benefit of significant weight in assessing the effects of development upon heritage assets.”

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Question 5 – Is Policy 41 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?

6. The Crown Estate has concerns that Policy 41 is not fully justified and consistent with national policy, particularly with regard to upward extensions. There are limited opportunities for large scale redevelopment in Westminster and extensions and alterations to existing buildings provide an important contribution to increasing the number of homes and amount of commercial floorspace within Westminster. This is true now and will continue to be the case in the future in order to meet the Draft Plan's targets.
7. In the context of the importance of extensions and alterations, it is important to allow flexibility and the design principles for alterations and extensions (in Part D) should not set unnecessary constraints on upward extensions. In particular, the requirement that extensions will not “disrupt any uniformity, patterns, rhythms or groupings of buildings that contribute positively to Westminster's distinctive townscape” appears to be overly restrictive. Even within The Crown Estate's Regent Street, widely recognised as a ‘uniform’ piece of townscape, there are design variations and it is this, and variations in uniformity elsewhere within the City, that create the unique places and feel of Westminster. The Crown Estate considers that some change in uniformity should be acceptable, where high quality design would provide additional homes and/or commercial floorspace to meet the objectives of the Plan.
8. The Crown Estate suggests that this could be achieved by re-wording Part D of Policy 41 to seek that alterations and extensions do not: “unacceptably disrupt any uniformity...”, in order to enable a degree of judgement and flexibility to be exercised.
9. It is not clear to The Crown Estate how the specific planning areas set out in Parts F and G of the Policy (as amended by Modifications M/DH/26 and M/DH/27) respond to evidence or are justified. In particular, Part G of the Policy appears to unnecessarily restrict support for upward extensions to commercial buildings by excluding large areas of the CAZ (those which are not within International Centres, CAZ Clusters, and on the Strategic Road Network). If proposed extensions and alterations meet the design criteria set out, it is unclear to The Crown Estate why additional scale and mass would not be acceptable in large parts of the CAZ. In order for the Policy to be more effective in delivering the growth ambitions of the Plan, the support for upward commercial extensions should apply throughout the Central Activities Zone, as envisaged within the Regulation 18 version of the plan.

Question 6 – Is Policy 42 justified? Is it positively prepared? Are tall buildings and exceptionally tall buildings clearly defined? Are the proposed modifications necessary for soundness?

10. The Crown Estate welcomes the clarification in Modification M/DH/33 around the definition of ‘tall buildings’. It is correct that this should be with regard to the surrounding context, which varies greatly across the City, rather the 30m previously included.

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11. The Glossary definition of a “tall building” continues to refer to 30m and does not reflect M/DH/33. This should be amended for consistency.

Question 8 – Is the one storey limit in Policy 46 justified? Does Policy 46 take full account of flood risk?

12. The Crown Estate considers that the one-storey limit in Policy 46 would not be effective and is therefore not sound, particularly in relation to large-scale commercial development. The policy seems to have been prepared to control residential basement extensions (referring to garden extent and soil depth etc). In the context of basement extensions to residential property, the one-storey limit is likely to be appropriate, however it is unclear if Part B(3) of the Policy enables construction of multiple levels below ground for large-scale commercial sites.
13. The Crown Estate has considerable experience of developing street blocks with multiple basement levels, such as its office developments, both permitted and completed, at St James's Market. These are used positively, in order to take servicing off-street and into sites, provide for considerably increased commercial cycle parking and accompanying facilities required by the Draft New London Plan and to accommodate appropriate plant, thereby minimising the amount of plant that is needed on rooftops. Part B3 of the Policy should be amended to make clear that the exception applies to commercial sites as a matter of principle (provided the criteria in Part A can be satisfied), rather than at discretion of WCC.