

WESTMINSTER CITY PLAN 2019-2040 – EXAMINATION IN PUBLIC - RESPONSE TO INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

MATTER 8 (DESIGN AND HERITAGE)

Policy 41 (Townscape and architecture)

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?

1. British Land considers that the policy is not fully justified or consistent with national policy, particularly with regard to upward extensions and density. In the context of the limited opportunities for large scale redevelopment in Westminster, extensions and alterations to existing buildings will be an important source of contributions to achieving the growth in homes and jobs sought by the Plan. It is therefore important that the potential for this is optimised.
2. This is particularly true for Oxford Street, where there is significant potential for upward extensions to existing commercial buildings. The City Plan sets out at paragraph 2.8 that *“the built form of Oxford Street offers scope for increased height to deliver a range of commercial floorspace that complements the retail offer and provides modern workspace - reinforcing its role as a key commercial centre”*.
3. There is a clear emphasis in the draft new London Plan (Policy D3) and NPPF (Paragraph 122) on the optimisation of site capacity and the efficient use of land through a design-led approach. This should be embedded in Part F of the policy, to be fully consistent with regional and national policy.

Policy 42 (Building Height)

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?

4. Whilst we are supportive of part E of the policy, which states that development of tall buildings may be acceptable within the Paddington Opportunity Area, we have concerns regarding Westminster City Council's (WCC's) proposed approach to prevailing building heights and how this has been arrived at.
5. As stated in our 'Regulation 19' representations, the Paddington Opportunity Area accommodates a number of substantial buildings – many of which are taller than the surrounding context – as a result of the area's regeneration potential, investment in infrastructure, capacity for growth, and high level of public transport accessibility. As such, current building heights and typologies within the Opportunity Area differ greatly from the hinterland.
6. We would agree with the statement, as set out in Section 4.1 of the Westminster Building Height Study. That 'tall buildings must be considered in relation to their context'. We maintain our approach however that for this reason – and particularly given the clear spatial focus of this part of the policy (which is entitled 'Paddington Opportunity Area') – we do not consider it appropriate for part E of Policy 42 to rely so heavily on the prevailing height of the hinterland.
7. We also maintain our approach that if a prevailing building height for the Paddington area was identified, it would not be justified by the relevant available evidence to set this at six residential storeys (or 20m) as stated in the Building Height Study and in Policy 42.

8. The below extract from the Westminster Building Height Study (2019), also included within our Regulation 19 representations, illustrates the various building heights in the area (both existing and approved but not yet constructed). It is entirely appropriate to also have regard to those buildings yet to be constructed given the draft London Plan states the assessment of local heights should have regard to the evolving and not just the existing context.



Figure 6.4: Paddington - significant planning applications (indicated within existing context)



9. Buildings of six residential storeys (or 20m in height) are indicated in green. It is evident that there is not a dominant prevailing building height in Paddington, and if there was, our interpretation is that it might be somewhere between 39-63m (purple/pink), and certainly not the 20m (green) suggested by Policy 42 and the Building Height Study.

10. We note that further to the submission of the 'Regulation 19' representations, Westminster City Council published a Building Height Topic Paper in November 2019. The purpose of this topic paper is to demonstrate how the policies relating to Building Height in the City Plan have been developed and evidenced. We note this does not however provide any clarification on how the prevailing heights for the Paddington Opportunity as identified in draft City Plan were arrived at.
11. Our 'Regulation 19' representations noted that the Commercial Growth Evidence Topic Paper (June 2019), which has been prepared to test the capacity for new commercial development in the context of the Draft City Plan's job targets, has based its scenario testing on building heights of up to 20 and 30 storeys in Paddington (or 80-120m assuming typical commercial floor heights). Those representations furthermore noted that if this evidence base paper was to test the 40-60m height approach currently set out in Policy 42, then it seems likely the resulting commercial floorspace growth assumptions would be considerably lower than those currently tested.
12. We note Westminster Council subsequently published an Economy and Employment Topic Paper in November 2019. The purpose of this topic paper is to demonstrate how key growth policies within the Economy and Employment section of the City Plan have been developed and evidenced. This does not however address the apparent disconnect between heights and growth assumptions as identified above.
13. In the context of the borough-wide trend of significant losses of office space, Paddington has experienced a substantial net gain of office floorspace in recent years. This point was raised in our 'Regulation 19' representations to the City Plan. The subsequent (March 2020) 'Authority Monitoring Report' published by WCC, which covers the period April 2018 to March 2019, identifies that these trends have continued.
14. This level of delivery has been facilitated by the flexible approach to mixed use policy, and the ability to develop larger scale buildings – including taller buildings in the Opportunity Areas. We are concerned that the approach put forward under Policy 42 will constrain development (including the delivery of new offices) in Paddington, which is one of few locations within the borough with the capacity to continue to make a significant contribution to strategic office provision and jobs.
15. Overall, we maintain our opinion that the proposed approach to assessing appropriate tall building heights in Paddington as set out in the draft City Plan is not justified as an appropriate strategy based on proportionate evidence. We also maintain our view that this will not be effective in achieving identified job targets for Westminster.