



# GROSVENOR

**Westminster City Plan 2019-2040 – Examination in Public  
Response to Inspector’s Matters, Issues and Questions  
Respondent Number: 120**

**Matter 8 – Design and Heritage (Relevant Policies – 39-46)**

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

We have concerns relating to Draft Policies 40,41 and 42 as set out below.

*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?*

We support the comments made by the WPA in respect of Draft Policy 40.

In addition, we maintain our original comment that the Glossary does not contain a specific definition of “conservation areas” and “listed buildings”. Given the large number of designated heritage assets within the City Plan area, we consider that it should adopt the statutory definitions of each for the avoidance of any doubt.

*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?*

We acknowledge that the Council has proposed modifications to draft Policy 41 (M/DH/5-27), but maintains our objection in respect of what was Part F of the Policy, and which is now referred to as Part G.

This part of the policy provides support for upwards extensions of one or more storeys which create additional commercial space within the Opportunity Areas, in the International Centres of the West End and Knightsbridge and the Major Centres, and in other commercial locations on the Transport for London and Strategic Road networks, subject to certain provisos. Outside these defined areas, proposals for upward extensions will be assessed against the criteria set out in Part E (following Proposed Modifications). They will be permitted where they fulfil the criteria in Part E.

Our original representations pointed out that this approach would eliminate large parts of the core commercial areas within the Central Activities Zone (CAZ) from the defined areas where commercial upward extensions are acceptable in principle. In the CAZ, upwards extensions would go some way to support the projected growth in respect of commercial floorspace and housing within the Plan period. Therefore, this omission is of great concern.

Further to the Proposed Modifications, there are minor changes proposed in what is now Part G of the policy. However, the geographical definitions of the areas where upward extensions will be permitted, subject to provisos, has not been amended. We can see no reason why a selective approach is being taken to which parts of the CAZ are included in the area where upward extensions are in principle permissible. There is no detailed explanation of this in the supporting text.

It is noted at paragraph 41.12:



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*“Extensions which will deliver commercial floorspace that helps meet growth targets are most likely to be appropriate within the identified growth areas of the Opportunity Areas, in designated town centres or on major routes which are characterised by a larger scale of townscape. In these locations more than one storey will be supported where it is demonstrated it can be designed to minimise harm to townscape, amenity and heritage assets and will help fulfil growth targets. This will depend on townscape context. Not all of the buildings within areas identified will be suitable for roof extensions and there may be other commercial locations across the city where larger roof extensions can be accommodated.” (our emphasis)*

Draft Policy 1B on Westminster’s Spatial Strategy (following Proposed Modifications shown in red) states that:

*“Growth will primarily be delivered through the:*

- a. intensification of the CAZ, West End, and our town centre hierarchy;*
- b. continued redevelopment within the Opportunity Areas of Paddington, Victoria and Tottenham Court Road;.....”*

Draft Policy 41G appears inconsistent with Draft Policy 1B. There is no distinction made in the later Policy between the CAZ, the West End, major town centres and the Opportunity Areas as areas which will deliver growth. Furthermore, there is clear policy support for an intensification of development within the CAZ. Upward extensions are an important way of achieving intensification and delivering growth. As such, it is not clear why the whole CAZ is not included in Draft Policy 41G. We consider that the whole CAZ should be included within Draft Policy 41G because the whole of the CAZ is identified elsewhere in the Draft City Plan as a growth area where intensification is supported.

Draft Policy 41G already contains criteria which upward extensions in the defined areas must meet, and as such it does not create a blanket acceptability across the whole of the defined areas. Furthermore, it is stated in paragraph 41.12 that extensions of more than one storey will “*depend on townscape context*” and not all buildings in the defined areas will be suitable for upward extensions. These caveats would also apply to the CAZ, if it was included within the policy, providing a safeguard against inappropriate upward extensions.

Within the Intend to Publish Draft London Plan (December 2019), Objective GG2: Making The Best Use of Land, states that those involved in planning and development must:

*“c) proactively explore the potential to 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, walking and cycling.”*

With the Intend to Publish Draft London Plan (December 2019), Policy SD4: The Central Activities Zone, states:

*b) The nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.”*

These policies indicate that the intensification of the CAZ should be proactively explored and supported. It is considered that Draft Policy 41G, by excluding the CAZ from the defined areas



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where upward extensions for commercial floorspace will be permitted (subject to caveats), is inconsistent with Objective GG2 and Policy SD4 of the Intend to Publish Draft London Plan.

Within the NPPF section of making Effective Use of Land, paragraph 118E states that planning policies and decisions should:

*“support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”*

Given that the CAZ is clearly identified in both the London Plan and other parts of the Draft City Plan as a growth area where intensification is supported, we consider that Draft Policy 41G is inconsistent with the NPPF.

We maintain our objection and consider that the Part G should be modified to include the CAZ in the list of defined area in which upwards extensions which create additional commercial floorspace will be permitted. We support the amendments to Policy 41 put forward by the WPA.

*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?*

Following our original representations, we welcome modification M/DH/34 in respect of Draft Policy 42 B which has removed the reference to “buildings of more than 30 metres” from the definition of tall buildings. However, in the Glossary to the Draft Plan the definition of a Tall Building has not been amended and this still refers to “A building of more than 30 meters, or more than twice the prevailing context height (whichever is lower).” This should be amended to remove the reference to a building of more than 30 m.

The amendments proposed to draft Policy 42 C by modification M/DH/35 are also welcomed.

In the submission version of the Draft Plan, part E of Draft Policy 42 defines specific geographic areas where tall buildings may be acceptable. These are the Opportunity Areas, Marylebone flyover / Edgware Road junction and the Housing Renewal Areas. Part F of the policy states that proposals for tall buildings outside these areas will not generally be acceptable.

In respect of Part E of the policy, we support the comments made by the WPA in reference to the prevailing context heights for the Victoria Opportunity Areas, which is defined as 6 residential storeys (20m). The Draft Policy states that tall buildings of two to three times this context height may be appropriate.

We consider that the defined “context height” does not accurately reflect the current height and scale of buildings (and forthcoming developments) in the Victoria Opportunity Area, where there are a wide range of existing buildings in excess of this height. This is evidenced in the Westminster City Council Tall Buildings Study (June 2019) (Ref: EV DH 004). Page 60 of this documents sets out a number of schemes that have been granted permission in Victoria at heights of around 13 to 20 storeys. Page 73 of the document refers to Victoria:

*“Building heights within the wider area, including Pimlico to the south, are 4 to 6 residential storeys although height increases along Victoria Street and around the station with many buildings in the range 11-15 residential storeys (33-48m) and several of significantly greater height, notably Portland House, the tallest building in the area at 101m.*



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*There have been several recent approvals for taller buildings within the area with these concentrated along Victoria Street.”*

On page 75 of this document, where the Terminus Place site is discussed, it states that:

*“The prevailing context height in Victoria is considered to be 6 residential storeys (20m) with a varied context. As a local landmark a tall building in this area could be 2 to 3 times the context height.”*

We do not agree that this is an accurate description of prevailing heights across the Victoria Opportunity Area.

We agree with the WPA that the draft policy (i.e. indicating that tall buildings of up to two to three times context may be appropriate) would lead to the capacity of some sites within the Victoria Opportunity Areas being under-optimised. To improve site capacity optimisation the reference to 6 residential storeys (20m) should be removed. We support the comments made by the WPA in respect of this policy. The policy should be amended to read:

**~~“The prevailing context height in Victoria is 6 residential storeys (20m) with a varied context. Tall buildings in this area will of 2 to 3 times the context height may be appropriate, subject to meeting the general principles under Clause D.”~~**