

# CITY PLAN 2019 - 2040

## Regulation 19 Full Representations

November 2024

## Regulation 19 Full Representations (2024)

This document comprises all the representations that were submitted to the council when it consulted on the Regulation 19 Publication Draft City Plan (2024) between March and May 2024.

In order to comply with Data Protection policies, personal details have been redacted.

The table below sets out the names of the respondents that submitted representations to the council. The responses highlighted in red were submitted after the deadline (9 May 2024)

ID	Name
001	Matthew Bennett
002	Wendy Shillam
003	Achim von Malotki
004	Westbourne Forum and Maida Hill Forum
005	Pimlico Neighbourhood Forum
006	Fitzrovia West Neighbourhood Forum
007	Thames Water
008	National Gas
009	National Grid
010	The Howard de Walden Estate
011	NHS Property Services (NHSPS)
012	Shaftesbury Capital
013	Heart of London Business Alliance (HOLBA)
014	Sport England
015	PRACT
016	Westbourne Park Road East Residents Association
017	Buro Happold
018	Yoo and Ascendal Group
019	Berkeley Homes
020	Places for London
021	Jones Lang LaSalle Limited (JLL)
022	Johanna Hicks
023	London Heritage Quarter (The Northbank BID)
024	Church Commissioners for England
025	Network Rail
026	Maida Hill Neighbourhood Forum
027	DPS Ltd
028	Landsec
029	Valouran Ltd
030	Elliottwood
031	Savile Road 1 Ltd
032	Berkeley Estate Asset Management
033	Hydrock
034	TfL Spatial Planning

035	COHORT Ltd
036	Grosvenor Property UK
037	Network Rail
038	Aldersgate Investments Ltd.
039	Great Portland Estates PLC
040	Knight Frank
041	Nicky Hessenberg
042	Environment Agency
043	Defence Infrastructure Organisation
044	Hilson Moran
045	Whitbread
046	Imperial College NHS Trust
047	Innova Partnership
048	GLA
049	TT Group
050	WPA
051	SAVE Britain's Heritage
052	Argent Services LLP / UK Net Zero Carbon Buildings Standard
053	UK Green Building Council
054	Max Fordham
055	Oxford Properties Group
056	The Pollen Estate
057	Benthal Green Oak (BGO)
058	TATE (The Planning Lab)
059	Soho Estates
060	Historic England
061	Heike Schuerings-Bauschke
062	Michael Rose
063	Westbourne Park Residents Association
064	Margaret Mountford
065	Belgravia Neighbourhood Forum
066	The Crown Estate
067	Konrad Kotowski
068	Susanne Walton
069	Martin Walton
070	Harry Rokeby-Johnson.
071	CC Land Ltd
072	Margot Pioro
073	Marisa Bell
074	Stephen Willis
075	Houses of Parliament Restoration and Renewal Programme (R&R) and UK Parliament Strategic Estates
076	Clean Air Bayswater
077	New West End Company
078	Marks and Spencer PLC
079	British Land
080	Knightsbridge Neighbourhood Forum
081	Hilson Moran / ARUP / 3XN/ GXN / Atelier Ten
082	Michael Millership

083	Abby Foster
084	Annegret Seebass
085	Barbie Campbell Cole
086	The Institution of Structural Engineers
087	Julija Sungailaite
088	Harry Dodd Noble
089	Elizabeth Carey
090	Woodland Trust
091	Theatres Trust
092	Talya Davies
093	Jane Hill
094	EMR Group
095	Brent and Westminster Swifts Group
096	Hyde Park Estate Association
097	Max Fordham
098	Simon Smith
099	Nicole Magoon
100	Sebastian Conran
101	Tatiana von der Pahlen
102	Vahid Farzad

<b>ID/ Our reference</b>	001/ EXT001
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>MATTEW BENNETT</b>
<b>Type of respondent</b>	Individual

[REDACTED]

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**From:** Matthew Bennett [REDACTED]  
**Sent:** 20 March 2024 14:32  
**To:** Planning Policy: WCC  
**Subject:** City Plan Partial Review draft

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Thank you for sending the draft plan. In general I support the proposed changes especially those on retrofitting which are vital if the Council is to achieve its net zero targets.

My reason for writing is that I think one of the proposed revisions would create inconsistency and possible confusion. On page 14 the revised Westminster population is stated to be 211365. Yet on page 20 you are proposing to delete the word 'daytime' from the statement that the population is 1 million. This would be misleading it is not 1 million but the lower figure.

The 1 million should be qualified either by reinserting 'daytime' or using other words such as 'of residents, visitors and employees' inserted after 'population'.

I hope this is helpful.

Matthew Bennett  
Sent from my iPad

<b>ID/ Our reference</b>	002/ EXT002
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>WENDY SHILLAM</b>
<b>Type of respondent</b>	Individual

**From:** Wendy Shillam [REDACTED]  
**Sent:** 23 March 2024 10:06  
**To:** Quamie, Naimah: WCC  
**Cc:** Lilley, Patrick (Cllr): WCC  
**Subject:** Re: Notice of Regulation 19 - Partial Review of Westminster's City Plan Development Plan

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Dear Naimah,

Thank you for your email regarding the new planning documents and SITE ALLOCATIONS.

I thought I'd take a look at the St Mary's Site Allocation policy as it sets the tone for health services for the entire area and is as relevant to someone living in Fitzrovia as it is to someone living in Paddington. My fear is that St Mary's is trying to find plots to sell in order to fund a new hospital. And while this might be possible, I think we should use the experience of the Middlesex redevelopment to make better policies for the Paddington site.

I hope these observations might be useful.

1. There is no outside space for patients or visitors in the UCLH scheme - even though there is a flat roof on the lower block that might have accommodated a very nice roof garden. Green, quiet contemplate space is important and should be planned into a new hospital, especially with the adjacent canal. However the canal is completely overshadowed - so is never going to be nice unless the new hospital is built much further south.
2. Space for disabled access, pick up and drop off is extremely limited at St Mary's and UCLH. As I found when I had to go into St Mary's, there is not even any short term parking that might have allowed my husband to pick me up after major surgery. And when I had to take my mum there - there was nowhere to park a disabled badge car while I helped her to her appointments. There are car parks under the new developments further East - but they are private. (The car park under the old Middlesex Hospital site is very underused - because all the residents have access to residents street parking as well)
3. May I also make a plea for EV parking places and recharging points. People visiting hospitals should be able to take an EV or private car to their appointment, as well as taxis or public transport. Please remember that when we get older we can't always 'do' public transport and the waiting time for an ambulance pickup for an appointment is hours - in both directions ( as well as a complete waste of NHS money)
4. There are some important historical buildings on the St Mary's site as well as a little museum. I don't think the policies are strong enough to maintain them. At Middlesex the chapel was maintained at great expense - but little thought was given to a sustainable management system and running costs.
5. There is some comment about maintaining appropriate scale, but nothing about aspect or wind tunnels - absolutely crucial if tall buildings are to be considered. Just go and stand outside UCLH on a mildly windy day!



6. No comment is made about potential improvements to the neighbourhood South of the site, and Praed Street which are a bit run-down, not to say, dodgy in some places! Surely a big development should contribute to a wider regeneration of the Paddington area and improvements in its attractiveness to hospital users, staff and tourists alike (coming into Paddington Station). It may well be better to attempt to 'green' up Praed Street, which would be to the south of the development, than green up the canal, especially if it were to continue to be overshadowed by new high rise buildings.

7. At present there are three roads running parallel to each other. South Wharf Road, Pread Street and Sussex Gardens. Surely through traffic could easily be diverted towards Sussex Gardens, improving the other two for hospital access and amenity services. It is in my view the traffic on Praed Street that limits its attractiveness to cafes and other local services. It ought to be a local high street, not a rat-run.

Best wishes Wendy Shillam

Resident

[REDACTED]

Copy Patrick Lilley, FitzWest FOI

On Mar 21, 2024, at 1:49 PM, "Quamie, Naimah: WCC"

[REDACTED] wrote:

Good afternoon,

I hope you are well.

This is just to remind you that Westminster City Council launched Regulation 19 consultation for the partial review of the City Plan on Thursday 14<sup>th</sup> March and the consultation will close on Thursday 25<sup>th</sup> April. The invitation to partake in the consultation is below.

Please can you share the invite to the consultation with your networks and anyone else you think would like to take part.

If you have any questions concerning the consultation, feel free to email [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk). Thank you for your participation.

Kind regards,

**Naimah Quamie**  
Policy Officer (Planning)

Corporate Services

Westminster City Council

17<sup>th</sup> Floor

64 Victoria Street

London SW1E 6QP



[www.westminster.gov.uk](http://www.westminster.gov.uk)

<image001.png>

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**From:** Westminster City Council <[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)>  
**Sent:** Friday, March 15, 2024 7:15 PM  
**To:** Planning Policy: WCC <[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)>  
**Subject:** Notice of Regulation 19 - Partial Review of Westminster's City Plan Development Plan

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**City of Westminster**

# Notice of Regulation 19 - Partial Review of Westminster's City Plan Development Plan Document

*Planning and Compulsory Purchase Act 2004 / Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 / Town and Country Planning (Local Planning) (England) Regulations 2012. This notice is being made in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.*

Westminster City Council is conducting a partial review of the City Plan 2019-2040 (adopted in April 2021), which has now reached Regulation 19 consultation. This review preserves most of the existing City Plan content. Changes will focus on three policy areas that we think most urgently need attention, either through a revision of existing policy or the introduction of new policies to drive growth, build more genuinely affordable homes and tackle the climate crisis.

The proposed changes to policy are:

- **Replacement of the former Policy 9 with a new Affordable Housing – (Policy 13)**

We want to make sure that more genuinely affordable homes are developed to address the significant waiting list for social housing and provide suitable accommodation for those who need it most.

- **Introducing a new Retrofit First Policy (Policy 43)**

While we recognise there will always be cases where demolition will be necessary, we want to encourage developers to prioritise retrofit and refurbishment of existing buildings over demolition so that we

can have economic growth that maximises environmental sustainability.

- **Introducing four new Site Allocations**

We're looking to unlock the development potential of four underutilised and complex sites to deliver a mixture of new infrastructure, genuinely affordable housing and high-quality commercial uses. Four new Site Allocation Policies are proposed for the following sites: Policy 8: [St Mary's Hospital](#), Policy 9: [Westbourne Park Bus Garage](#), Policy 10: [Land adjacent to Royal Oak](#), Policy 11: [Grosvenor Sidings](#).

During Regulation 19, the proposed changes listed above are publicised, alongside [supporting evidence](#) documents which form an integral part of the final submission. The full draft of the revised City Plan can be accessed, [here](#) and we have also produced an interactive, [Plain English explainer of the partial review and the revised/new policies](#). For more information on the changes being proposed under the Partial City Plan review, please visit [our website](#).

You are invited to inspect the changes to the City Plan and supporting materials and let us know if you believe the changes proposed are legally compliant, sound and have been prepared in accordance with the Duty to Cooperate.

This consultation is running from **14 March to 25 April 2024**.

Representations can be made using our consultation webpage on Commonplace - [City Plan Partial Review 2024](#), by email to [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk) or in writing to: City Planning Policy, Innovation and Change, Westminster City Council, 17th Floor, 64 Victoria Street, London, SW1E 6QP. If being sent by email or in writing,

representations should be clearly labelled 'City Plan Partial Review – response to Regulation 19 consultation'.

The council will also be hosting in-person drop-in events and online webinars as part of the consultation, please visit [Commonplace page](#) to find out more.

Kind regards,



**Debbie Jackson**

Executive Director – Regeneration, Economy and Planning



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<b>ID/ Our reference</b>	003/ EXT003
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>ACHIM VON MALOTKI</b>
<b>Type of respondent</b>	Individual

## **Comments on the Revised Affordable Housing Policy, the Retrofit First and Embodied Carbon Policy and New Site Allocations Policy**

Achim von Malotki

Resident [REDACTED]

Member of the Church Street Ward Neighbourhood Forum  
[REDACTED]

### **Revised Affordable Housing Policy**

Revising the affordable housing policy is enormously welcome and overdue. For decades Westminster City Council had contributed to aggravating the affordable homes crisis, instead of challenging it. It simply built too few affordable homes.

I welcome the proposed affordable housing tenure split. There is another reason why social housing must be prioritised which the consultation paper does not mention: the statutory Right to Buy, by which the social housing stock is constantly depleted and which seriously curbs the council's ability to secure its investment for future generations. Only once the Right to Buy is ended (or at least the discount stopped) will the policy show its true impact.

The argument used in the text: "Viability Assessment indicates increasing the proportion of social up to 70% should have a negligible impact on development viability" is one the Conservative Council disputed for decades – and which Conservatives will continue to dispute. That's why the underlying evidence for continued viability should also be assessed in future by the abolition of the Right to Buy which will make investment in social homes more viable.

### **Support securing affordable housing within Small-scale residential development**

I trust the argument made in the proposal that "Viability Assessment indicates seeking payments at the levels set out in the Planning Obligations and Affordable Housing SPD should not prevent small developments coming forward" is based on sound evidence.

### **Retrofit First and Embodied Carbon Policy**

It is welcome to focus on embodied carbon (greenhouse gas emissions arising from the manufacturing, transportation, installation, maintenance, and disposal of building materials). However, the paper makes no mention of assessing the operational carbon footprint of much of the Council's own, often poorly built and insulated, stock.

Especially for housing estates built in the 1960s and 70s an environmental sustainability assessment should be undertaken. You will probably find that in many cases it may be preferable to build anew as the operational impact of that stock (the impact of heating, cooling, lighting and ventilating it and the repairs necessary) may outweigh the embodied impact of environmentally first-rate new build in its place.



While new housing has energy embodied in its materials and construction process, this can be quite rapidly offset by increased energy savings in a new house arising from lower requirements for space and water heating. "In energy, and hence carbon, terms, the payback time for investing in new energy-efficient housing is relatively short. Building a new home to a high standard of energy efficiency is assumed to involve 90,000 kWh of embodied energy, while reducing annual energy consumption for space heating to 8,200 kWh per annum. This provides an energy payback period of about 13 years" (Rydin: The Purpose of Planning 2011).

So, to counterbalance the proposed tests for demolition, for at least the stock it owns, the council should carry out systematic operational carbon footprint tests for its existing stock. Thermal performance, emissions, frequency and extent of repairs (which include transport, energy, replacement materials) must also be assessed.

Where the operational impact is high and health hazards like asbestos exist, demolition should be prioritised over retrofit. Where I live, [REDACTED] the operational carbon footprint of the asbestos-riddled existing stock is likely to be comparatively high.

The revisions need to be only reasonable with regards to supporting evidence, not so much with regards to the NPPF and the London Plan as these will be subject to much-needed change once the current Conservative government leaves office.

### **The new Site Allocations Policy**

It is profoundly worrying that the Council introduces so many sites as future residential development where offices would be much more suitable. Apart from St. Mary's the other sites all lie extremely close to or wedged in between major traffic arteries.

While I understand that the housing crisis must be tackled and thus the delivery of homes be prioritised, you must ask yourself: would it be healthy to live there? Would people want to raise children there?

Even once petrol cars are phased out particle and noise pollution (especially from emergency services sirens) will remain high near major roads with heavy traffic all night and day. Offices would be much more suitable for such locations and instead of building solely residential, offices currently located within quiet residential areas should be incentivised to relocate to sites where the impact of traffic cannot be substantially reduced. Legislation should be passed by Parliament to facilitate such relocation incentives for offices via taxation.

Regarding Grosvenor Sidings it is very worrying that the document makes no mention of when highly polluting and noisy diesel locomotives will be phased out. While this may not fall within the Council's remit, it must be factored in when assessing the quality of life in such a development right next to enormously busy railway tracks. Please never forget about human health when trying to create a more sustainable future!

<b>ID/ Our reference</b>	004/ EXT004
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>WESTBOURNE FORUM AND MAIDA HILL FORUM</b>
<b>Type of respondent</b>	Neighbourhood Forum, Amenity Society or Resident's Association

[REDACTED]

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**From:** diana hare [REDACTED]  
**Sent:** 23 April 2024 12:52  
**To:** Planning Policy: WCC; Rubcic, Marko: WCC; Geoff Biggs  
**Cc:** Hug, Adam (Clr): WCC; Biggs, Geoff; Hales, Stella: WCC; David Bootroyd; Cookson, Keith: WCC; Jason; Julie Allen; Piddock, Angela (Clr): WCC; Lina Alchami; Maria Isabel E.; The Leader of the Council: WCC; Jack Gordon; [REDACTED]; Sheuly; [REDACTED];  
**Subject:** Re: Westbourne Forum - Westbourne Park Bus Garage - Response to City Plan Partial Review site allocation

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Hi Marko,

There seem to be a few typos in the email intro so just to confirm that the response is on behalf of both the Westbourne Forum and the Maida Hill Forum and the comments are in response to the City Plan partial review: Westbourne Park Bus Garage site allocation. We are aware the deadline for comments is 24th April so as Geoff notes below, please confirm your receipt of this email and advise on the process,

Best regards,

Diana Hare (member of Westbourne Forum)

On Tuesday, 23 April 2024 at 11:37:31 BST, Geoff Biggs [REDACTED] wrote:

Dear Marko

Please find below the Westbourne N. Forums' reponse to the Proposal to develop the Westbourne Park Bust Garage site.

Please can you confirm you have recieved this email and advise what the process will be in responding to our comments.

Many thanks

Geoff Biggs

Chair Westbourne Forum

#### VISION GENERAL COMMENTS

- The restrictions of the site should be adequately described. The site is extremely complex with the Westway running through the middle and train infrastructure immediately to the south which will constrain optimum development. There is very restricted vehicular access that regularly causes traffic back up on Great Western Road with heavy use of the access to the Crossrail and Tarmac plant as well as bus station and Elkstone Road junction. The new scheme needs to improve this congestion and prioritise pedestrians and non motorised users. Pedestrian and NMU connectivity should include routes to Great Western Studios through the site.

- To ensure the best opportunity and best living quality for the site as well as addressing the inadequate access, an option analysis and appraisal to relocate the concrete plant and bus station should be carried out at from the outset. The community should be kept informed of progress and consulted as part of the optioneering process.

- Building heights and massing must not detrimentally impact views, daylight and cause shadows on neighbouring buildings and public spaces including the canal. Building heights across the whole site should be restricted with setbacks to reduce visual and other impacts.
- Consultation and the opportunity to influence the scheme at all design stages including the earliest stages must be given to local residents including the Brunel Estate to the South and residents along Woodfield Road and Elmfield Way to the north as well as canal users.
- Reputable architect, urban and landscape design and engineering teams with a proven track record of delivering complex schemes in constrained locations needs to be procured through open and fair competition with a clear and transparent set of assessment criteria to establish the best team. Clarity of the design vision needs to be part of the submission process. Design Review should be carried out at key stages along with opportunity for the community to respond as part of the recommendations. The design team should be required to demonstrate that they have responded to comments from the Design Review team.
- This is an opportunity to upgrade the carbon footprint of the bus fleet and more sustainable options for the bus fleet should be considered as well as measures to mitigate impact of tyre dust and emissions, noise and disruption from the fleet itself. Given the proximity of the concrete factory, measures to reduce dust and noise should be introduced to the plant including elements such as noise barriers, sound and dust absorbers to reduce the impact on the new and existing community around the plant.
- The vision for sustainability is high and should be increased to state that a carbon neutral or carbon positive (ie going beyond carbon neutral to deliver a positive environmental impact eg through generation of more energy than needed and feeding back to the grid) development that meets BREAM outstanding should be achieved. Sustainable energy and building systems and power generation should be studied as part of the design process. Water run off should be contained on site for reuse with no run off into the sewer system.
- The design should prioritise people and inclusion as well as sustainability and must embrace inclusive design principals. The scheme should prioritise active travel and be designed as a 'car-free' scheme with essential parking only and should include weather protection of pedestrian routes. New accommodation should include usable outdoor terraces and balconies with shared public spaces and amenity built into the scheme.
- Opportunity for public art and sculpture must be included as a holistic, funded part of the scheme which should include an open competition and engagement with the local community on the design brief for the competition. Opportunity for inspirational, well considered artwork during the construction process should also be considered with construction hoardings offering a potential platform for local artists as well as an opportunity to provide details of site progress and images of the proposals
- During construction active measures should be put in place such as noise and dust barriers, no site access during rush hour, restrictions on working hours and use of heavy machinery and light pollution at night.
- The lighting scheme should enhance safety at night but also ensure that light pollution is not caused and that levels of light at night are not increased from existing levels. Permanent measures to mitigate the impact of the Westway and bus station should be designed into the scheme.
- The project phasing should ensure that adequate amenity to support earlier phases is provided including greening and meanwhile uses until later stages are completed. The scheme should consider future scenarios and how to ensure that these are holistically integrated into the scheme eg removal of bus station / concrete plant.
- Local amenity to service the new and existing community should be provided including provision of amenity within the proposed building programme.
- Wind tunnels must not be created, analysis to be undertaken to ensure the new development is as pedestrian friendly as possible.

#### **VISION SPECIFIC COMMENTS**

D. (Final Sentence) What does access to new buildings should be secured at all times mean? The site should not be a gated community and should be designed to include public rights of way and public spaces so this point is not clear. Please advise.

E. Proposals WILL not SHOULD secure high quality living...

H4. Public access must be provided (ie this should not be a gated community). Security is essential and should be provided as much as possible by passive measures, by activation the ground level property, providing views to allow for natural surveillance in place of prison-like security fencing and barbed wire, the need for which should be designed out.

9.15 Cycle parking should be provided. Pedestrian route to Great Western Studios should be provided through the site.

<b>ID/ Our reference</b>	005/ EXT005
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>PIMLICO NEIGHBOURHOOD FORUM</b>
<b>Type of respondent</b>	Neighbourhood Forum, Amenity Society or Resident's Association



23 April 2024

## **Reg 19 City Plan consultation: Grosvenor Sidings Site Allocation**

1. This is the response of Pimlico Neighbourhood Forum to the Reg 19 Consultation on Westminster's Draft City Plan.
2. The Grosvenor Sidings site lies:
  - within the Central Activities Zone (CAZ) but outside the Victoria Opportunity Area (VOA);
  - within the Pimlico Neighbourhood Area;
  - adjacent to the Peabody Avenue Conservation area and in close proximity to Pimlico Conservation Area (and Churchill Gardens Conservation Area).
3. The W part of the site (GSW) slightly overlaps with the Ebury Bridge Renewal Area, but the E part (GSE) is separate from the Renewal Area.
4. There are policies in the Pimlico Neighbourhood Plan (PNP) that apply to proposals within the Pimlico Neighbourhood Area and are set out below. These policies have been developed following consideration of the evidence around protected views, the significance and character of the Pimlico and Peabody Conservation Areas and the role of Pimlico in relation to other commercial centres outside the Neighbourhood Area.
5. **As it stands the Draft City Plan will not deliver sustainable development and therefore is neither positively prepared, nor consistent with national policy. However, we propose some changes to Policy 11 and the supporting material which should bring the City Plan in line.**

### Protected views and settings

6. PNP Policy PIM 2 protects historic views from the PCA along Clarendon, Sussex, Gloucester and Lupus Streets westwards into the Grosvenor Sidings Site. These views terminate in low level buildings, with the exception of the Water Pumping Tower and enhance and complement the low level of the Pimlico Grid and the open skies that characterise the PCA and is described in the PNP. These streets need to be explicitly referenced in Policy 11 and the supporting text in 11.11 and 11.12, along with appropriate signposting to Policy PIM 2.
7. It is not clear why 11.11 does not mention the Pimlico Conservation Area. Protecting the views mentioned above from the PCA is crucial as the impact assessment makes

clear. The positive assessment of the preferred option is completely reliant on protection of these views and is extremely sensitive to the detail of what is proposed. For example, Appendix IX gives a positive assessment for heritage and townscape with the commentary “Proposals will be required to respect strategic views of local heritage assets and the policy advises buildings to be of varying heights to accomplish this”. However the assessment for Option D notes that “Intensifying commercial uses will not be sympathetic to local (residential) character and may pose a risk to the setting of local conservation areas and heritage assets. Mitigation measures will be required to ensure there is no harm to local residential amenity, the onsite heritage assets, or nearby conservation areas.” Since the design for many commercial uses could be very similar to that for residential uses and regarding D as a sensitivity analysis around the preferred option suggests that the assessment of the preferred option depends critically on meeting the design policy and that without great care there might well be damage to heritage (similar arguments apply to placemaking). In order to adequately reflect the evidence informing the allocation, the supporting text to the policy must reference the need for appropriate mitigation.

8. PIM 5 protects the setting of Peabody Avenue Conservation Area and PIM 8 protects the 2011 extension as it is an unlisted building of merit. This needs to be made explicit in Policy 11 in the City Plan and in 11.11 and 11.12.

#### Maximum heights

9. PIM 10 specifies a reference height (essentially the maximum height of the principal part of a building) of 11m for development in the area between Peabody Avenue CA and Grosvenor Road and 20m elsewhere in the Grosvenor Sidings Site. The City Plan policy on building heights (Policy 46) makes clear that the area outside the VOA and the Ebury Bridge Renewal Area is unsuitable for tall buildings. However, “The Built Heritage Assessment” of site allocations produced by ICENI discusses in section 4.55 for example an 18 storey building. This would be wholly unacceptable and not within the policies of the draft City Plan outside the Ebury Bridge Renewal Area. To prevent a possible misunderstanding, we would like to see explicit reference to the PIM 10 policies in Policy 11 and appropriate supporting text which acknowledges the importance of development needing to be informed by the local context including the reference height.
10. It is regrettable that the ICENI report does not take account of the analysis, evidence and policy conclusions of the PNP, which have been tested in Examination and we think that some statements in the report are bland (e.g. 4.54 and 4.55 on building heights) and are potentially misleading. It also does not cover the Peabody Avenue 2011 extension, which is locally listed in the PNP. **We strongly disagree with the summary assessment on page 36 of the ICENI report which says that the PCA is of low sensitivity to development of Grosvenor Sidings. This is simply untrue, given the importance of the protected views and the consistent low level of the Pimlico Grid.** A policy based on a single piece of evidence which fails to have due regard to other existing, up-to-date evidence is not justified because it is not based on proportionate evidence.



11. We consider that it is necessary for Policy 11 D to be amended and propose this to be worded as follows:

~~“Proposals should be designed in such a way that~~ respects and responds to the local context, sustaining and/or enhancing views to adjacent heritage assets and Conservation Areas, along with strategic and local views. **In particular they should protect and enhance the views out of the Pimlico Grid (Clarendon Street, Sussex Street, Gloucester Street and Lupus Street) towards the Grosvenor Sidings site as well as the open skies that characterise the Pimlico Conservation Area. Proposals should respect and enhance the setting of Peabody Avenue and the unlisted buildings of merit and should also sensitively repurpose the on-site listed 123A Grosvenor Road building and adjacent workshop building; Development within the Pimlico Neighbourhood Area should respect policy PIM 10 on building heights in the Pimlico Neighbourhood Plan.”**

12. We propose amending wording in supporting paragraphs 11.11 and 11.12

[11.11] Proposals should also seek to sustain the local views identified in the Peabody Conservation Audit, the Pimlico Conservation Area Audit and the Pimlico Neighbourhood Plan as well as other views ~~across the site~~ to the Grade II Listed Western Pumping Station chimney, Battersea Power Station and reduce any impacts upon the Grade I Listed Royal Hospital Chelsea and Hospital Gardens.

[11.12] To achieve this, it is anticipated that new buildings should be of varying height so as not to impact on local views intersecting Peabody Avenue and the Pimlico Conservation Areas (particularly the views from the junction of Clarendon Street with St George’s Drive looking W towards the site; The junction of Sussex Street and Alderney Street looking W towards the site and the junction of Gloucester Street and St George’s Drive looking W towards the site; and the view W from Lupus Street) . Designs should also seek to limit overshadowing of the public realm and existing residential buildings within the Conservation Areas and respect the reference heights identified in the Pimlico Neighbourhood Plan.

Public realm/buffer zone

13. GSE is in very close proximity to Peabody Avenue and is a narrow site: the width of GSE is about 50m immediately adjacent to buildings of Peabody Avenue (including the 2011 extension), extending to perhaps 80 m at the Southern end.

14. The DRP has suggested a buffer zone between PA and development in this part. We support this idea to ensure the protection of the amenity of residents of Peabody Avenue, but wonder if it is wide enough (as shown on figure 22) to achieve this. This of course will depend on the height of buildings proposed.

15. We also support the provision of public realm and green space, because Pimlico is so short of both.

Uses/Neighbourliness/role in relation to neighbouring areas

16. We expect the uses proposed to be neighbourly to Pimlico which is a predominantly residential area. That is why we favour a primarily residential use and specifically do not expect significant retail uses that would compete with Lupus Street. Chapter 2 of the Pimlico Neighbourhood Plan identifies a hierarchy of commercial areas and their policies and there is a danger that certain commercial development might undermine this.
17. It is important that policy 11 recognises this. Policy 11 at the moment says “The efficient use of land for housing-led development alongside supporting commercial and community uses that meet the needs of the wider Victoria area” without mentioning Pimlico and without appreciating the balance of the existing commercial areas in Victoria Street, Lupus Street and around Warwick Way..
18. There is no definition of the “wider Victoria area” and the fact that Grosvenor Sidings site is outside the VOA makes this especially unclear. We would expect the VOA to substantially meet its own “needs” as the VOA is an area for greater intensification than other areas, with a proposed c1200 homes. Policy for Grosvenor Sidings need to reflect that it sits outside the VOA and that realistically this site will not serve routinely serve residents of the blocks in Victoria Street for their retail needs – it will not be of the scale to replace Cardinal Place or the NOVA development and nor should it be.
19. Secondly, it should not seek to compete for retail and hospitality with the Lupus Street “local centre” defined in the City Plan and even more not be in major competition with the Wilton Road/Tachbrook Street CAZ (also defined in the City Plan), but we do expect the site to respond to the needs of adjacent residential areas outside the VOA, in particular Policy 11 should reference the specific needs of needs of Pimlico, as it is the nearest large residential area and GSE is very near the Lupus Street “local centre”. There is a shortage of community facilities in Pimlico and their provision would be welcome.
20. We propose revising Policy 11 A to
- “The efficient use of land for housing-led development alongside supporting commercial and community uses that ~~meet the needs of the wider Victoria area~~ **serves the needs of Pimlico, Churchill Gardens and the Ebury Bridge renewal area, and complements the existing (and planned) commercial centres there as well as in the wider surrounding area.**”
21. We also propose revising the Vision:
- Our vision for Grosvenor Sidings is the delivery of a high quality sustainable residential-led mixed-use development alongside complementary uses. Development will respect and respond to the site’s context, history and character, and integrate sensitively with the surrounding townscape, enhancing the civic environment, whilst also creating a distinctive identity and sense of place that connects with **and complements-Pimlico, Churchill Gardens and the Ebury Bridge renewal area, as well as the wider surrounding area**~~the wider Victoria area.~~

**22. Figure 22 needs to be revised to show the views from the PCA and marked Pimlico Conservation Area protected views.** We propose views from:

- The junction of Clarendon Street with St George's Drive looking W into the site;
- The junction of Sussex Street and Alderney Street looking W into the site;
- The junction of Gloucester Street and St George's Drive looking W; and
- A view W from the junction of St George's Square and Lupus Street.

Peter Ruback  
For Pimlico Neighbourhood Forum

<b>ID/ Our reference</b>	006/ EXT006
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>FITZROVIA WEST NEIGHBOURHOOD FORUM</b>
<b>Type of respondent</b>	Neighbourhood Forum, Amenity Society or Resident's Association

**From:** Nicholas Bailey [REDACTED]  
**Sent:** 24 April 2024 09:36  
**To:** Planning Policy: WCC  
**Subject:** City Plan Partial Review – response to Regulation 19 consultation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Caution:** This email originated from outside of the organisation. Do not click links, open attachments or reply, unless you recognise the sender's email address and know the content is safe.

A response from the Fitzrovia West Neighbourhood Forum:

### **New Policy 13, Affordable Housing**

We strongly support the Council's commitment to contributing to the London Plan strategic target for 50% affordable housing delivery in London.

We also support the wording of paragraph C of the new policy which confirms that the affordable housing requirement should be provided on site. This conforms with the equivalent policy (PR1.iv) in our Neighbourhood Plan. In the past, developers have been able to evade this requirement by offering payments in lieu, for example in the development of 37 flats at 204A Great Portland Street now under construction - (an offer easily accepted in the officer's report to committee).

We suggest the Council provides design guidance on best practice on how to provide different housing tenures on the same site using 'tenure blind' principles. There are many good examples elsewhere in London and the UK.

Para C 1. The word 'vicinity' is very vague and should be more clearly defined. We suggest the affordable housing should be provided in exceptional cases either in the same ward or neighbourhood plan area as the development to which it is attached.

Para D. It's not clear how the payment in lieu is calculated in developments providing fewer than 10 units and whether it is conformity with the London Plan. Is there a minimum number of units where this policy applies? This paragraph should be clarified and fully explained.

We fully support the provision of 70% of affordable homes for social renting and 30% as intermediate and the size and number of bedrooms as set out in para E.

### **New Policy 43 Retrofit First**

We fully support this policy 'where options for retrofitting and retention of existing buildings are considered before demolition'.

This is also a principle in our Neighbourhood Plan policy PR1.iii which states 'The demolition and replacement of a building will only be supported where the sustainable refurbishment and reuse of the building to be demolished has been fully considered'.

Para 43.4. We strongly object to the statement that in certain designated areas such as the West End Retail and Leisure Special Policy Area (WERLSPA), 'employment, jobs and investment opportunities may be considered a public benefit justifying the replacement of a building'. In almost all cases the redevelopment of a building provides these benefits, but not necessarily more than arising from a retrofit. Much depends on how the building is used and the types and numbers of jobs created. Moreover, many of the buildings in Oxford Street and adjoining streets are listed or unlisted buildings of merit so that a retrofit is much more likely for other policy reasons.

The proposal is also illogical: The policy of favouring retrofit is primarily designed to reduce CO2 emissions and thus contribute towards the achievement of the City being carbon neutral by 2030, and is not related to any possible employment or investment benefits.

In many cases applications to retrofit buildings often include space rationalisations (for example of basements or circulation space) or additional floors which in practice increase the provision of employment, jobs and investment. Thus these benefits may well arise as well as helping to meet the net-zero target.

We therefore consider that this policy should apply equally across the City for local and global environmental reasons and the above exceptions should be deleted.

All other parts of the policy are supported.

Please acknowledge receipt.

Nick Bailey  
Secretary  
Fitzrovia West Neighbourhood Forum  
[www.fitzwest.org](http://www.fitzwest.org)



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<b>ID/ Our reference</b>	007/ EXT007
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>THAMES WATER</b>
<b>Type of respondent</b>	Statutory consultee



City Planning Policy  
Westminster City Council

By email:  
planningpolicy@westminster.gov.uk

 Chris Colloff  
[Redacted]  
[Redacted]

 [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

 [thameswater.co.uk](https://www.thameswater.co.uk)

Our Ref:

23 April 2024

## City Plan Partial Review – response to Regulation 19 Consultation

Dear Sir/Madam,

Thank you for consulting Thames Water on the City Plan Reg 19 Consultation. Thames Water are the water and sewerage undertaker for the City of Westminster and in this capacity we have the following comments to make.

### Site Allocations

The changes to the City Plan include four new policies for sites allocations. However, no indication is provided regarding the anticipated capacity of development or net increase in dwellings arising from the proposed allocations. As such it is not possible to determine the potential impacts of development of the sites on the water or sewerage infrastructure networks.

In line with Policy 39 conditions can be used to ensure that development would not be occupied until any necessary infrastructure upgrades are in place. However, if further details of the likely scale of development of the sites can be provided it would be possible to undertake initial high level assessments to ascertain whether the allocations would be likely to require network infrastructure upgrades. In any event developers of the proposed allocations are encouraged to engage with Thames Water at an early stage to discuss proposals and delivery programmes to help align development within any infrastructure upgrades.

### Policy 39 Flood Risk

Minor changes are proposed to Policy 39. As changes are being proposed to the policy it is considered the opportunity should be taken to strengthen part J of the policy in relation to sustainable drainage.

The requirement to reduce surface water run-off rates and to aim for greenfield run-off rates following the drainage hierarchy in the London Plan is supported. Paragraph 39.10 goes on to state *"Where it is not possible to deliver greenfield run-off rates, applicants should demonstrate how all opportunities to minimise site run-off have been taken to get it as close to greenfield standard as possible."*



It is considered that this requirement should be incorporated into the wording of the policy and that the policy should require that the discharge rate does not exceed 2l/s/ha as set out in DEFRA guidance (see: [https://assets.publishing.service.gov.uk/media/602e7158d3bf7f7220fe109d/Rainfall\\_Runoff\\_Management\\_for\\_Developments\\_-\\_Revision\\_E.pdf](https://assets.publishing.service.gov.uk/media/602e7158d3bf7f7220fe109d/Rainfall_Runoff_Management_for_Developments_-_Revision_E.pdf) ). This would assist with minimising flows of rainwater into the combined sewer network.

I trust the above comments will be given due consideration. Should you have any queries regarding the comments please do not hesitate to contact me.

Kind regards,

Chris Colloff MRTPI  
Planner

<b>ID/ Our reference</b>	008/ EXT008
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>NATIONAL GAS</b>
<b>Type of respondent</b>	Statutory consultee

Our Ref: MV/ 15B901605

23 April 2024



City of Westminster Council  
[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**via email only**

Dear Sir / Madam  
**Regulation 19 City Plan Partial Review Consultation  
March - April 2024  
Representations on behalf of National Gas Transmission**

National Gas Transmission has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

**About National Gas Transmission**

National Gas Transmission owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

**Utilities Design Guidance**

The increasing pressure for development is leading to more development sites being brought forward through the planning process on land that is crossed by National Gas Transmission infrastructure.

National Gas Transmission advocates the high standards of design and sustainable development forms promoted through national planning policy and understands that contemporary planning and urban design agenda require a creative approach to new development around underground gas transmission pipelines and other National Gas Transmission assets.

Therefore, to ensure that Design Policy.42 Design Principles is consistent with national policy we would request the inclusion of a policy strand such as:

*"x. taking a comprehensive and co-ordinated approach to development including respecting existing site constraints including utilities situated within sites."*

**Further Advice**

National Gas Transmission is happy to provide advice and guidance to the Council concerning their networks.

Please see attached information outlining further guidance on development close to National Gas Transmission assets.

If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Gas Transmission wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult National Gas Transmission on any Development Plan Document (DPD) or site-specific proposals that could affect National Gas Transmission's assets.

We would be grateful if you could add our details shown below to your consultation database, if they are not already included:

**Matt Verlander, Director**

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

**Kam Liddar, Asset Protection Lead**

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

[Redacted]

**Matt Verlander MRTPI  
Director**

[Redacted]

[Redacted]  
**For and on behalf of Avison Young**

National Gas Transmission is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

#### Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Gas Transmission's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Gas Transmission have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Gas Transmission's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Gas Transmission's '*Guidelines when working near National Gas Transmission assets*' can be downloaded here: <https://www.nationalgas.com/document/82951/download>

#### How to contact National Gas Transmission

If you require any further information in relation to the above and/or if you would like to check if National Gas Transmission's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

For local planning policy queries, please contact: [REDACTED]

<b>ID/ Our reference</b>	009/ EXT009
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>NATIONAL GRID</b>
<b>Type of respondent</b>	Statutory consultee

Our Ref: MV/ 15B901605

23 April 2024

City of Westminster Council  
[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

**via email only**

Dear Sir / Madam  
**Regulation 19 City Plan Partial Review Consultation  
March - April 2024  
Representations on behalf of National Grid**

National Grid Electricity Transmission has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

**About National Grid Electricity Transmission**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses.

National Grid no longer owns or operates the high-pressure gas transmission system across the UK. This is the responsibility of National Gas Transmission, which is a separate entity and must be consulted independently.

National Grid Ventures (NGV) develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States. NGV is separate from National Grid's core regulated businesses. Please also consult with NGV separately from NGET.

**Proposed development sites crossed or in close proximity to NGET assets:**

Following a review of the above Development Plan Document, we have identified that one or more proposed development sites are crossed or in close proximity to NGET assets. Details of the sites affecting NGET assets are provided below.

Development Plan Document Site Reference	Asset Description
New Policy 9. Westbourne Park Bus Garage	275Kv Underground Cable route: ST JOHNS WOOD - WILLESDEN 1

A plan showing details of the site locations and details of NGET assets is attached to this letter. Please note that this plan is illustrative only.

Without appropriate acknowledgement of the NGET assets present within the site, these policies should not be considered effective as they cannot be delivered as proposed; unencumbered by the constraints posed by the presence of NGET infrastructure.

We propose modifications to the above site allocations and/or policies to include wording to the following effect:

**New Policy 9. Westbourne Park Bus Garage**

*"2. The development will be developed with the following site-specific criteria*

*j. a strategy for responding to the NGET underground cable present within the site which demonstrates how the NGET Design Guide and Principles have been applied at the masterplanning stage and how the impact of the assets has been reduced through good design."*

Please see attached information outlining further guidance on development close to NGET assets.

NGET also provides information in relation to its assets at the website below.

- <https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/network-route-maps>

**Utilities Design Guidance**

The increasing pressure for development is leading to more development sites being brought forward through the planning process on land that is crossed by NGET infrastructure.

NGET advocates the high standards of design and sustainable development forms promoted through national planning policy and understands that contemporary planning and urban design agenda require a creative approach to new development around high voltage overhead lines and other NGET assets.

Therefore, to ensure that Policy 42. Design Principles is consistent with national policy we would request the inclusion of a policy strand such as:

*"p. take a comprehensive and co-ordinated approach to development including respecting existing site constraints including utilities situated within sites."*

**Further Advice**

NGET is happy to provide advice and guidance to the Council concerning their networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.



To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, NGET wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult NGET on any Development Plan Document (DPD) or site-specific proposals that could affect NGET's assets. We would be grateful if you could check that our details as shown below are included on your consultation database:

**Matt Verlander, Director**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Tiffany Bate, Development Liaison Officer**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

[REDACTED]

**Matt Verlander MRTPI  
Director**

[REDACTED]

[REDACTED]  
**For and on behalf of Avison Young**

NGET is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Developers of sites crossed or in close proximity to NGET assets should be aware that it is NGET policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

NGET's *'Guidelines for Development near pylons and high voltage overhead power lines'* promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgrid.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

NGET's statutory safety clearances are detailed in their *'Guidelines when working near National Grid Electricity Transmission assets'*, which can be downloaded here: [www.nationalgrid.com/network-and-assets/working-near-our-assets](http://www.nationalgrid.com/network-and-assets/working-near-our-assets)

#### How to contact NGET

If you require any further information in relation to the above and/or if you would like to check if NGET's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

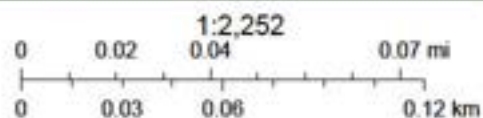
For local planning policy queries, please contact: [REDACTED].

# New Policy 9. Westbourne Park Bus Garage



23/04/2024, 13:45:48

- Development\_Plan\_Monitoring\_v2\_7386
- Electric\_Assets\_7634
  - 400
  - 275
- Development\_Plan\_Monitoring\_v2\_977\_5701
- Development\_Plan\_Monitoring\_v2\_977



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<b>ID/ Our reference</b>	010/ EXT010
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>THE HOWARD DE WALDEN ESTATE</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

Cllr G Barraclough  
c/o Planning Policy Team  
Westminster City Council  
17<sup>th</sup> Floor  
64 Victoria Street  
London  
SW1E 6QP



By email only:  
[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

24<sup>th</sup> April 2024

Dear Cllr Barraclough

**REPRESENTATIONS ON BEHALF OF THE HOWARD DE WALDEN ESTATE TO THE WESTMINSTER CITY PLAN REGULATION 19 CONSULTATION**

We enclose herewith, on behalf of The Howard de Walden Estate (Hdwe) representations regarding the early City Plan Review- Regulation 19.

Firstly, this letter supports the in depth and technical representations made on behalf of the Westminster Property Association (WPA) in which Hdwe are members, and particularly highlights the concerns regarding the proposed application of draft Policy 43. Hdwe believes that the operational of parts of this policy as drafted are complex and would make them difficult to implement in a balanced, proportionate, and positive manner. In addition, Hdwe has concerns that the sustainability targets as set by this draft policy require modification to ensure they are reasonably attainable in the unique environment dominated by heritage in Westminster.

Hdwe along with the WPA believe that Policy 43 as proposed is currently unsound with regard to the national tests for plan-making. Neither is it consistent with national policy or in general conformity with the published London Plan. If this policy is adopted in its current form, it would lead to the Westminster City Plan being inconsistent.

Throughout the adopted City Plan, and its policy framework, Westminster City Council sets a vision for sustainable job growth and development which supports a strong economy. Furthermore, we understand that the Westminster Central Activities Zone (CAZ) within which Hdwe's assets are located, contribute 14% of London's GVA and 13% of the capital's jobs, despite occupying just 0.87% of its land area.<sup>1</sup>

The CAZ is known to be an attractive location for head offices to various supporting industries, the established creative industries in areas like Soho, retail on Oxford Street and Regent Street, financial industries in Mayfair, and healthcare as a centre of medical excellence in and around Harley Street. Therefore, any proposed policies within the City Plan should sustain and support a carbon efficient economy whilst encouraging a pro-growth development plan for the future.

<sup>1</sup>Good Growth in Westminster (Arup, Westminster Property Association), March 2024.

**Policy 43- Retrofit First**

Hdwe, like many other 'Great Estates' across London has curated, developed, and protected a large expansive area of Westminster for centuries. The assets cover approximately 95 acres of Marylebone, located almost entirely within the Harley Street Conservation Area with over 285 listed buildings.

As the City Council will know, Hdwe has been successfully refurbishing and redeveloping its historic stock of buildings whilst driving forward sustainable development through increased investment in a diversified property portfolio to deliver a prosperous and sustainable community. More recently Hdwe has committed to achieving net zero by 2040 in support of Westminster City Council's declaration of a climate emergency and has its own desire to ensure that overall carbon emissions from our buildings are reduced.

Therefore, as stated within the representations by the WPA, Hdwe also supports a "retrofit first not retrofit only" approach to commercial development which seeks to create a policy approach which supports growth and reduced carbon emissions from development.

Hdwe has a significant role in helping to deliver on a wide range of sustainability outcomes, social and economic, as well as environmental which are all essential for a sustainable city and help to deliver the public benefits and in turn create a prosperous city. However, this comes with investment and risk to deliver a prosperous mixed-use community in a heritage environment.

Healthcare accounts for just over 40% of Hdwe's annual rental income therefore posing a vital aspect of our work and effort to ensure its long-term viability. It is estimated that there are approximately 5000 healthcare professionals in Harley Street Medical Area (HSMA) providing a wider employment market of approximately 20,000 people. Part of our more recent work is forging strong linkages within the internationally renowned NHS teaching hospitals and research organisations including the Crick.

Of significant interest is the desire of NHS trusts to expand their 'Private Patient Units' where revenues are reinvested into the public side and research. The Royal Marsden, Guys & St Thomas's, and Moorfield are excellent examples of where Hdwe has facilitated new premises for these fantastic NHS hospitals, with proceeds returned to the NHS.

These figures underscore that Harley Street is renowned, and the contribution it makes to London's healthcare sector and wider economy. Supporting and maintaining this level of activity makes the healthcare sector highly influential on the character of the Harley Street Conservation Area and places an obligation on the local planning authority as well as Hdwe to ensure it continues to flourish.

As the world of medicine and healthcare is constantly changing, our physical assets require constant adaption and improvement to accommodation, operational patterns, and patient demand. Hdwe identifies three continuing pressures below in which future policies regarding sustainable development would need to support:

- The advances in modern healthcare technology.
- The demands imposed by legislation and regulations.
- The increasing expectations of patients regarding treatment and welfare.

Therefore, in conjunction with meeting the above pressures, draft Policy 43 also places high expectations on meeting the increased scope of delivery of public benefit, embodied carbon targets. and improved energy performance of buildings.

There are already significant heritage and conservation constraints on our assets, and in many other areas within Westminster will limit the extent to which demolition and redevelopment, or deep retrofit are appropriate, given the extent of conservation designations and numerous listed buildings. Therefore, by adding an additional policy constraint as drafted within Policy 43 to this already challenging scenario, it may ultimately reduce investment in Westminster's historic buildings overall especially in an important and valuable protected area like the HSMA or Harley Street Special Policy Area.

We look forward to continuing to proactively work with the City Council on the emerging changes to the Review of the City Plan and the Regulation 19 Consultation and offer to support any industry knowledge and expertise to support discussions going forward. In the meantime, should you have any questions, please do not hesitate to contact me.

Yours faithfully



---

**Andrea Merrington**  
Planning and Engagement Director



<b>ID/ Our reference</b>	011/ EXT011
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>NHS PROPERTY SERVICES (NHSPS)</b>
<b>Type of respondent</b>	Developers, landowners and real estate company



Westminster City Hall  
Planning Policy  
64 Victoria Street  
London  
SW1E 6QP  
[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

NHS Property Services Ltd

[www.property.nhs.uk](http://www.property.nhs.uk)

24 April 2024

BY EMAIL ONLY

## **RE: Consultation on Regulation 19 City Plan Partial Review**

Thank you for the opportunity to comment on the above document. The following representations are submitted by NHS Property Services (NHSPS).

### **NHS Property Services**

NHS Property Services (NHSPS) manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable and modern healthcare environments. We partner with local NHS Integrated Care Boards (ICBs) and wider NHS organisations to help them plan and manage their estates to unlock greater value and ensure every patient can get the care they need in the right place and space for them. NHSPS is part of the NHS and is wholly owned by the Department of Health and Social Care (DHSC) – all surplus funds are reinvested directly into the NHS to tackle the biggest estates challenges including space utilisation, quality, and access with the core objective to enable excellent patient care.

### **General Comments on Health Infrastructure to Support Housing Growth**

The delivery of new and improved healthcare infrastructure is significantly resource intensive. The NHS as a whole is facing significant constraints in terms of the funding needed to deliver healthcare services, and population growth from new housing development adds further pressure to the system. New development should make a proportionate contribution to funding the healthcare needs arising from new development. Health provision is an integral component of sustainable development – access to essential healthcare services promotes good health outcomes and supports the overall social and economic wellbeing of an area.

Residential developments often have very significant impacts in terms of the need for additional primary healthcare provision for future residents. Given health infrastructure's strategic importance to supporting housing growth and sustainable development, it should be considered at the forefront of priorities for infrastructure delivery. The ability to continually review the healthcare estate, optimise land use, and deliver health services from modern facilities is crucial. The health estate must be supported to develop, modernise, or be protected in line with integrated NHS strategies. Planning policies should enable the delivery of essential healthcare infrastructure and be prepared in consultation with the NHS to ensure they help deliver estate transformation.

## **Detailed Comments on Draft Local Plan Policies**

Our detailed comments set out below are focused on ensuring that the needs of the health service are embedded into the Local Plan in a way that supports sustainable growth. When developing any additional guidance to support implementation of Local Plan policies relevant to health, for example in relation to developer contributions or health impact assessments, we would request the Council engage the NHS in the process as early as possible.

### **Draft Policy 13 Affordable Housing**

NHSPS considers Draft Policy 13 to be sound. The Supporting Text at Paragraph 13.13 states that for intermediate housing the emphasis is on catering to key workers and households with varying incomes not met by the open market. NHSPS welcome the acknowledgement of the need key workers may have for intermediate housing but would request they are also considered for social homes. Should the Affordable Housing SPD be updated to inform detailed delivery of this policy, we suggest the Council consider providing additional detail on the need for affordable housing for NHS staff and those employed by other health and care providers in the local authority area and how this could be met by development.

The sustainability of the NHS is largely dependent on the recruitment and retention of its workforce. Most NHS staff need to be anchored at a specific workplace or within a specific geography to carry out their role. When staff cannot afford to rent or purchase suitable accommodation within reasonable proximity to their workplace, this has an impact on the ability of the NHS to recruit and retain staff. Housing affordability and availability can play a significant role in determining people's choices about where they work, and even the career paths they choose to follow. As the population grows in areas of new housing development, additional health services are required, meaning the NHS must grow its workforce to adequately serve population growth. Ensuring that NHS staff have access to suitable housing at an affordable price within reasonable commuting distance of the communities they serve is an important factor in supporting the delivery of high-quality local healthcare services. We recommend that the Council also:

- Engage with local NHS partners such as the local Integrated Care Board (ICB), NHS Trusts and other relevant Integrated Care System (ICS) partners.
- Ensure that the local need for affordable housing for NHS staff is factored into housing needs assessments, and any other relevant evidence base studies that inform the local plan (for example employment or other economic policies) as part of any future Local Plan reviews.
- Consider site selection and site allocation policies in relation to any identified need for affordable housing for NHS staff, particularly where sites are near large healthcare employers as part of any future Local Plan reviews.

### **Draft Policy 43 Retrofit First**

Draft Policy 43 seeks to prioritise retrofit over demolition, where options for retrofitting and retention of existing building are considered before demolition. NHSPS considers Draft Policy 43 to be sound. The NHS requires all new development projects to be net zero carbon, and NHSPS fully support policies that promote carbon neutral development. In considering the implementation of policies related to net zero, we would highlight that NHS property could benefit from carbon offset funds collected where on-site carbon mitigation requirements cannot be met. This would support the NHS to reach the goal of becoming the world's first net zero healthcare provider. Policies which set higher sustainability standards than Building Regulations such as Draft Policy 43 in seeking compliance with the London Energy Transformation Initiative (LETI) are supported in principle by NHSPS,

provided the Policy does not compromise the ability of the NHS or its partners to deliver new or upgraded health facilities which are required to comply with various health design standards. Where it can be demonstrated that it is not feasible or viable for new or upgraded health facilities to comply with the LETI standard, this should be deemed to satisfy Part B(d) of the Policy.

**Conclusion**

NHSPS thank City of Westminster for the opportunity to comment on the Regulation 19 City Plan Partial Review. We trust our comments will be taken into consideration, and we look forward to reviewing future iterations of the Plan. Should you have any queries or require any further information, please do not hesitate to contact me.

NHSPS would be grateful to be kept informed of the progression of the Local Plan and any future consultations via our dedicated email address, [REDACTED]

Yours faithfully,



**Ellen Moore MRTPI**  
**Associate Town Planner**



**For and on behalf of NHS Property Services Ltd**

<b>ID/ Our reference</b>	012/ EXT012
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>SHAFTESBURY CAPITAL</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

Ezra Wallace  
Planning Policy Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

**FROM SHAFTESBURY CAPITAL**

24th April 2024

Dear Mr Ezra,

**Westminster City Plan 2019-2040  
City Plan Partial Review Regulation 19**

We write in response to the City Council's formal consultation upon the Regulation 19 Partial Review of the City Plan.

Shaftesbury Capital Plc is one of the largest and leading Real Estate Investment Trusts in the West End following the merger of Capital & Counties Properties PLC and Shaftesbury PLC in March 2023. Our portfolio covers a significant and diverse central London mixed use portfolio of over 660 buildings and over 2,000 ground floor units across Covent Garden, Carnaby Street, Soho, and Chinatown with over 3 million square metres of lettable space, c700 residential units and a property value of c£4.8 billion.

Our purpose is investing to create thriving destinations in London's West End where people enjoy visiting, working and living.

Our estate plays a leading role in the retail, residential, culture, experience, tourism and economic function of the West End and Central Activities Zone, and both Covent Garden and Soho are explicitly recognised within the London Plan and City Plan for their strategic functions, and to be supported and encouraged through the development plan.

Covent Garden, Soho, Carnaby Street and Chinatown are world-renowned historic destinations that have welcomed a great many new brands over the years, transforming the customer experience. The diverse range of retail and dining, cultural and entertainment outlets within these districts have helped generate many millions of visits each year, supporting jobs and the local economy.

Shaftesbury Capital is committed to becoming a Net Zero Carbon business by 2030, and is a member of the Sustainable City Charter. We bring forward projects in an environmentally sustainable manner and have a dedicated sustainability team in house.

Enhancing the sustainable quality of existing buildings and tenants is even more important in recovery post the pandemic which has driven major change in the retail and office sectors, and which means that development and conversion proposals need to reflect the needs of occupiers, workers and visitors.

We are active and longstanding members of the Westminster Property Association and support the WPA's detailed representations and particularly in relation to Retrofit First (Policy 43) and Affordable Housing (Policy 13).

### **Retrofit First (Policy 43)**

We fully understand and appreciate the City Council's commitment to sustainable development and promoting a retrofit first approach to development proposals.

However, in our view there are some serious concerns related to draft Policy 43 in its current form which we consider will be detrimental to high quality sustainable developments coming forward across our Estate to the detriment of the West End.

The vast majority of our 660 buildings are heritage constrained either through Conservation Areas, listed buildings or settings, and the majority of the development proposals which we bring forward are retrofit led. Recent examples include the major conversion and extension of the Grade 2 listed building at 26 King Street and major conversion and extension at 17-19 Long Acre. These schemes will bring forward high quality hotel accommodation and flexible workspace respectively with employment benefits and sustainability enhancements across both schemes.

There are occasions however where for specific reasons which benefit the Estate we would look to redevelop. A historic example of this is Floral Court, a hybrid development/refurbishment project enabled the creation of a major new public walkway and courtyard space within the District linking Floral Street and King Street for the first time, together with significant new private and affordable homes on site and in Maiden Lane. This scheme has received positive feedback from local stakeholders as a very welcome addition to the District and the public benefits and affordable housing would not have been forthcoming, if it were not for the development component.

Part A) of Policy 43 clearly has regard to the public benefits of the proposals and the supportive paragraph helpfully references that within the West End Special Retail Policy area the economic benefits to the West End will constitute such a public benefit.

However, the rest of the policy tests in Part A are confusing. We assume that the policy test is that 1) needs to be met and then one of the following three criteria to meet the policy but this should be made clearer. This is particularly important because criterion 2) will be very difficult to comply with in relation to the whole lifetime carbon of a new building being less or similar to a comparable retrofit option

unless it relates to an entire city block site, which would largely preclude redevelopment of medium sized schemes.

Further, the upfront embodied carbon requirements in Part B of the policy based upon the LETI bands, are highly ambitious (which LETI themselves identify as aspirational targets) and based upon our understanding from sustainability consultants and our team, are not achievable in the foreseeable future. As WPA have stated we do not consider that the LETI bands should be referenced explicitly in the policy but even if they were then they should be lowered to be more achievable bands which are capable of being met. We do clearly agree with the general aspiration that applicants should seek the maximum reductions in upfront embodied carbon.

As the WPA set out in their detailed submissions we consider that this policy presumption goes too far as there will be schemes where redevelopment is the optimum outcome even where the structural and operational requirement criteria 3 and 4 are not met. This also goes beyond the NPPF Paragraph 152 "Transition to a Sustainable Economy" and the London Plan policy tests, and we do not consider it to be justified through the evidence base or the right approach.

The implications of this approach will also be contrary to the separate economic objectives and policies of the London Plan and City Plan for good growth across the West End and CAZ and meeting the economic and employment targets for 63,000 jobs over the Plan Period and supporting the growth of Soho and Covent Garden. We suggest that criterion 2 is deleted from Part A of the policy.

We are supportive of Part C of the policy that proposals involving responsible retrofitting which result in energy performance and climate adaptation will be supported in principle, and in principle Part D regarding the implications of construction options to viably achieve a wider retrofit of the building, and that specific regard will be had to securing the retention and retrofitting of the building in relation to townscape and heritage considerations.

However, we consider that Parts C and D of the policy should go further in recognising that for a major retrofit this will require substantial investment in the building and potentially additional floorspace through extensions. Setting aside requirement under Rights of Light legislation, across our Estate there is a friction between heritage considerations and townscape within Conservation Areas and the aspirations of retrofit led solutions and what this means from a commercial viability and deliverability perspective.

We consider strongly that there should be more explicit support for the considerations of major retrofit led solutions and greater flexibility shown regarding extensions where this does not unduly impact upon the heritage environment and has been sensitively considered. The City Council has just taken exactly that approach in relation to our hotel led scheme within the listed building at 26 King Street with an upper level extension which was critical to the retrofit led proposals coming forwards, and policy support would be very helpful in terms of the balance between sustainable development and heritage and townscape going forwards.

Major retrofit led proposals will inevitably result in fabric removal and interventions and the testing within policy 43 will ensure that this is suitably justified. There could be instances where the level of fabric removal is around or beyond 50% and we do not consider it helpful to reference “substantial demolition” as more than 50% fabric removal which is certainly not the legal test.

There is a significant danger than the evidence base for applicants becomes excessive in terms of the level of testing of alternative options, including structural, sustainability and viability testing which will take substantial time and cost. The policy should refer to the amount of evidence required being proportionate and also that the options to be tested should be agreed with officers at the pre-application stage to ensure that there is agreement on the approach.

We do question the requirements for Sustainable Design Statements or Retrofit Plans across all proposals for retrofit led schemes which will raise a significant burden upon all small and medium sized applications coming forwards. Whilst we appreciate the sentiment and requirement, the policy or supporting statement should set out a proportionate approach depending upon the scale of the proposal and intervention.

### **Affordable Housing (Policy 13)**

We recognise the administration’s priority for affordable housing and delivery related to major developments across the City. We do have serious concerns however that if affordable housing is introduced related to smaller residential schemes of under 10 units, then it will have the potential to add a further major constraint to the beneficial residential use of the upper floors of primarily historic buildings across our Estate, many of which were originally residential. We do not consider that seeking affordable housing from residential schemes of less than 10 units or 1,000 square metres is appropriate.

Notwithstanding this, we note the reference to financial viability analysis to demonstrate what is viable and deliverable. As we know from applications this will significantly delay planning applications whilst viability assessments are prepared and reviewed by the Council’s advisors and add further cost.

In our view, if the City Council is insistent on having a policy seeking affordable housing from small residential schemes, it should look to have a sliding scale of payments for the number of units proposed with a set financial figure of payment related to the number of residential units proposed. For example, using fictional numbers, a figure of £200,000 related to schemes of 5 or 6 units, rising to £300,000 for schemes of 7 or 10 units. These figures would clearly need to be evidence based and tested with the industry to ensure that they are deliverable, but would at least provide some certainty. The current text and Planning Obligations SPD only relates to a figure of £16,000 per square metre which is not helpful or clear how that would relate to small residential led schemes.

This is even more important for us across our Estate post the pandemic where the upper floors of some historic buildings are not deemed as attractive for office tenants either due to sustainability reasons, the ability to create open floorplates in historic buildings and/or the inability to introduce external terraces and end of commute facilities. Some of these buildings need re-positioning including potentially for residential use which in some cases was typically the original use of the building. An overly restrictive or



penalistic position on affordable housing payments in lieu will constrain beneficial residential occupation and new homes in the CAZ, and lead to upper floors remaining under-used or vacant, removing any trigger for affordable housing contributions.

We trust that our comments will be given due consideration and would be happy to meet with officers to discuss in more detail.

Yours sincerely

**Andrew Hicks**  
Estates Director

Cc: Deirdra Armsby

<b>ID/ Our reference</b>	013/ EXT013
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>HEART OF LONDON BUSINESS ALLIANCE (HOLBA)</b>
<b>Type of respondent</b>	Business and trade association

## **HOLBA Response – WCC New Retrofit First Policy 43 Consultation**

### **Who we are**

The Heart of London Business Alliance is a Business Improvement District (BID) in London's West End, representing over 600 businesses (both property owners and occupiers) across Leicester Square, Piccadilly Circus, St Martin's, and St James's. Our area has a GVA worth £4.9bn and is home to over 45,000 jobs.

Climate change and related environmental challenges have a direct impact on the performance of the West End economy and how people experience the Heart of London area. We are therefore committed to working in partnership to migrate the West End to a net zero carbon economy and supporting our member businesses' transition to even more sustainable ways of operating.

### **HOLBA Response**

This response to the Westminster City Plan partial review focuses specifically on Westminster City Council's (WCC) new 'Retrofit First' policy (Policy 43).

Tackling emissions from buildings is essential if we are to reach Westminster's net zero target by 2040. For this reason, HOLBA welcomes a Retrofit First approach, which we feel is a major step in tackling embodied carbon emissions in Central London. We have set out a blueprint for a net zero-carbon West End in our upcoming Net Zero Strategy and Action Plan, in which we will commit to accelerating the retrofit of old buildings with a dedicated, intensive delivery programme of advice and support.

The challenge of delivering retrofit is particularly acute in Westminster, with 78% of the borough covered by conservation areas and the highest number of listed buildings of any local authority in the country. Added to this is the often-complex web of ownership and stakeholders in historic buildings that have been re-configured many times since their construction. Therefore, we are glad to see the council recognise the need for a retrofit first policy, which acknowledges that there are cases where demolition and rebuild will be the better solution to deliver public benefits. In particular we welcome the consideration of new employment, job and investment opportunities in the West End Retail and Leisure Special Policy Area, which encompasses Heart of London, as an appropriate public benefit that could justify rebuild rather than retrofit.

However, whilst HOLBA appreciates the principle of the public benefit tests, the definition must be expanded to ensure that economic benefits are clearly defined and recognised as public benefits. WCC must also recognise viability as a key criterion in assessing whether retrofit is appropriate. Further clarity needs to be provided within the policy to ensure that the complexity of tests does not prevent development from coming forward in practice.

Though we welcome WCC seeking to implement a leading retrofit first policy, there are some wider key barriers to retrofit expansion worth considering. To unlock and promote retrofit in practise, the council must take account of the two Cs - cost of retrofit and clarity on how to retrofit. In short, our recommendations are considering tax/financial incentives for wider retrofit and providing greater clarity and information on historic building retrofit and what can be achieved within heritage policy constraints. There must also be greater clarity on how the policy applies to commercial development.

## Recommendations

- 1. Westminster City Council is encouraged to expand its financial support and incentives to incentivise the general retrofit of buildings in all areas, including the Heart of London.** The Heart of London area is home to numerous listed and heritage buildings that can be highly complex and expensive to retrofit. WCC has already acted on this, and we welcome the free building assessments and grants of up to the £10,000 for retrofit measures for micro-businesses and SMEs. We believe further steps can be taken to incentivise retrofit that will significantly increase uptake in our area. This approach can also help deliver the economic benefits associated with retrofitting. Estimates suggest that retrofitting the capital's buildings alone could create up to 19,000 new jobs a year.

Our ask is for WCC to introduce business rate reliefs where improvements increase a property's rateable value. This will significantly increase uptake by removing the additional tax burdens which may deter businesses from implementing retrofit.

Other financial incentives would also be welcomed, with the [Green Building Council](#) providing some examples below:

- Cash back/grants for general retrofit
- Council tax rebates/discounts for retrofitted property

By financially incentivising the retrofit of historic and listed-status buildings, we can increase uptake in the heart of London and ensure our area's world-leading theatres and galleries are both economically and environmentally sustainable.

- 2. Westminster City Council should provide further clarity and information on the retrofit of listed and historic buildings.** There is a strong willingness in the Heart of London area to retrofit, both from an environmental and economic perspective, however our members report a lack of clear policy guidance which prevents the implementation of retrofit in practice.

As stated above, retrofitting is a particular challenge in Westminster due to the high volume of listed and heritage buildings, and the council must issue clearer guidelines to unlock retrofit in this unique area.

We suggest WCC should consider expanding the supplementary guidance issued as part of the Westminster City Plan partial review to provide additional information and clarity on retrofit best-practice and policy, looking at the specifics of how older buildings can retrofit effectively whilst maintaining their heritage status. Providing a clear roadmap to retrofit is essential for widespread uptake.

- 3. Westminster City Council should take account of commercial viability and provide further guidance on how the policy should be deployed for commercial development.**

Whilst the public benefits test is supported in principle, to be deliverable its terms must be more clearly defined. At present, the definition does not account for commercial viability in determining whether an alternative to retrofit would be appropriate, and it is essential that deliverability forms a core policy consideration. In many cases the financial costs associated with retrofit options are probably too high to motivate developers to pursue these approaches.

We would also urge that WCC amend clause A.1 to ensure that economic benefits are specifically identified as “public benefits”, as the present lack of specificity may prevent proposals from coming forward in practice. The definition of a “suitably comparable retrofit option” needs to be defined within the guidance to ensure more certainty around the policy requirements. WCC must also consider viability in determining carbon offset payment levels, as the current rate will create significant deliverability challenges.

Given Westminster’s importance as an economic centre WCC’s retrofit policy must also give greater consideration to the area’s commercial character. At present the lack of clarity on how guidance applies specifically to commercial buildings inhibits growth in this key area where planning policy should be seeking growth,

The current London Energy Transformation Initiative (LETI) targets also give greater weight to residential development than commercial. We would urge that the weighting of LETI targets be re-adjusted to reflect commercial considerations, in line with both standard policy across other London LPAs and Westminster’s economic importance.

<b>ID/ Our reference</b>	014/ EXT014
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>SPORT ENGLAND</b>
<b>Type of respondent</b>	Statutory consultee

**From:** Vicky Aston [REDACTED]  
**Sent:** 24 April 2024 15:37  
**To:** Planning Policy: WCC  
**Cc:** Mark Furnish  
**Subject:** Westminster - City Plan Partial Review – response to Regulation 19 consultation - Sport England comments

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

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Dear Planning Policy Team,

Thank you for consulting Sport England on the partial review (reg 19) of the Local Plan. We note that the Council is only seeking comments on the revisions to the adopted Local Plan. Sport England has the following comments to make:

#### Site allocations

- New Policy 9: Westbourne Park Bus Garage
- New Policy 10: Land adjacent to Royal Oak
- New Policy 11: Grosvenor Sidings

The plan does not clarify how many new homes (and how many affordable homes) might be included on these sites. Where large numbers of new homes are being provided, more should be included within the policy to enable and support healthy lifestyles see paragraph 96. (c) and paragraph 97 (a) of the NPPF. For example, the policies mention active travel but this is insufficient on its own to fulfil what the NPPF requires to meet the needs of those living within the development. Could all or any of the following be provided and referenced in the policy?;

- An artificial pitch or games court on the building roof to meet the needs of residents
- Community areas for gardening, growing food or plants
- Indoor space within the development for community hire to support community activity including for example aerobics classes
- Set out requirements for providing infrastructure to support active travel

All of the above support physical activity and social interaction and therefore contribute to enabling healthy lifestyles. The current policies give very limited direction on what the Council requires developers to provide on these sites to support healthy lifestyles.

Sport England's Active Design guidance contains more help and support for local authorities on how to create active environments through planning and design.

<https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/active-design>

Please contact us if you require any further support with your Local Plan,

Kind regards

Vicky

**Vicky Aston**  
Planning Manager



We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [Gaile Walters](#)

The information contained in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000. Additionally, this email and any attachment are confidential and intended solely for the use of the individual to whom they are addressed. If you are not the intended recipient, be advised that you have received this email and any attachment in error, and that any use, dissemination, forwarding, printing, or copying, is strictly prohibited. If you voluntarily provide personal data by email, Sport England will handle the data in accordance with its Privacy Statement. Sport England's Privacy Statement may be found here <https://www.sportengland.org/privacy-statement/> If you have any queries about Sport England's handling of personal data you can contact Gaile Walters, Sport England's Data Protection Officer directly by emailing [DPO@sportengland.org](mailto:DPO@sportengland.org)



<b>ID/ Our reference</b>	015/ EXT015
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>PRACT</b>
<b>Type of respondent</b>	Neighbourhood Forum, Amenity Society or Resident's Association

[REDACTED]

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**From:** John Walton [REDACTED]  
**Sent:** 24 April 2024 16:31  
**To:** Planning Policy: WCC  
**Cc:** Dimoldenberg, Paul (Cllr): WCC; Simon Linnett; Chairman; Sally Martin; [REDACTED] paul newman; Andrew Garwood Watkins; Nicky Hessenberg; J Kyner  
**Subject:** City Plan Partial Review 2024 - response to Regulation 19 consultation - site allocations

**Caution:** This email originated from outside of the organisation. Do not click links, open attachments or reply, unless you recognise the sender's email address and know the content is safe.

Dear Planning Policy

This is the response of PRACT to your consultation on the site named

#### **Land adjacent to Royal Oak station**

PRACT is a consortium of these four recognised amenity societies: BRA, HPEA, PW&MVS and SEBRA.

*Our response*

#### **Land adjacent to Royal Oak station**

1. This site has two parts, both of them north of the railway - the part west of Ranelagh Bridge going up to Lord Hills Bridge, and the part further east, from Westbourne Bridge going up to Ranelagh Bridge. Both parts are at rail level - well below the level of Harrow Road and that of the bridges. The two parts of the site differ - that to the west being open space in a narrow strip constrained by the width of Royal Oak station (with its staircase and island platform). The part east of Ranelagh Bridge has more space.

#### **Ownership and use of the land**

2. There appears to be doubt about this question. The land previously belonged, we understand, to Network Rail but use of it was handed over to TfL/Crossrail, to facilitate construction of the tunnel leading from its portal towards the E Line station beneath Eastbourne Terrace. Apparently this did not necessarily involve a change of ownership of the land. Thus, once this use was completed one would expect the use to revert to its owner Network Rail; but it appears that TfL claimed the right to use it (? rent free) when they put forward their proposal to erect a coach terminal on its western part, later dropped.

3. In discussions on this recent coach terminal proposal it was assumed that TfL owned the land rather than merely having an arrangement for use of it. However, we ask that this situation now be reviewed. It appears that there was nothing in the Crossrail Act on this question, but (I am advised) settling the exact layout was to follow after enactment, in 2008. Those details, including the location of the portal, vent shaft, Westbourne

Park sidings and the bus garage, the new concrete mixing facility etc were, as I recall, all governed by subsequent applications within the Schedule 7 process, which was a parallel system to a normal planning application.

4. As I recall, the Schedule 7 applications # included some for landscaping etc which presumably can still be accessed on the planning application register. We request therefore that these documents be reviewed to see what light they throw upon the wider questions of use of the land, as well as if there was any commitment for retaining the landscaping etc.

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*# This footnote is at the end. It is about this site, as mentioned in an earlier planning brief, of 2009.*

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5. We request that Westminster follow up with TfL these questions regarding both ownership of the land, and its use once construction of Crossrail was completed. It seems to us that there can be no question of development on the land if there is not agreement and clarity about such matters. Please keep us informed about these issues.

#### **The part of the site east of Ranelagh Bridge**

6. This is the larger part of the site, still north of the railway. Access is problematic but less so than with the western part. Any development there, eg of affordable housing, should respect the building heights alongside the southern edge of the railway, in the section between the southern approaches to Westbourne and Ranelagh Bridges, buildings which are within the Bayswater Conservation Area. Higher buildings on the north side, immediately opposite, would fail to preserve or enhance the character of this Conservation Area on the southern side of the railway. (The same would go for the height of any new construction in the part of the Royal Oak site further to the west, which we think should not happen.)

7. The major problem remaining is how to improve access to this eastern part of the site, and at what level, or levels. It is difficult to envisage direct access to any building on this part of the site being at street level, and access to it, if only at rail level, that is through the lower parts of Paddington Central, would be cumbersome. Alternative access from the pedestrian crossing over Harrow Road, at its junction with Westbourne Terrace Road, might be made possible through new construction - requiring an amendment to current planning consents for this part of Paddington Central.

8. However, this eastern part of the site, between Ranelagh and Westbourne Bridges, does appear to offer some potential for development of affordable housing, if buildings higher than those on the southern side of the railway can be avoided.

### **The part of the site west of Ranelagh Bridge**

9. We note that the site allocation assumes that all the land is available for development and would not be used for a coach station. We know however that parts of Victoria Coach station may have to be closed and therefore we do not rule out the possibility that in future TfL will be looking to establish smaller regional coach stations elsewhere. However, there would be many difficulties in using the Royal Oak site for this purpose, such as the considerable distance on foot between the area of the Royal Oak station and the Elizabeth Line station and other public transport at Paddington Station (and bad links there, between the H & C line platforms and the other public transport). These difficulties would also apply to any smaller coach terminal at Royal Oak.

10. We ask to be kept informed about TfL's response to the present consultation on site allocations. It goes without saying that we would strongly resist any future proposal of theirs either to use the site for a smaller coach station, or to safeguard its current use as open space for unspecified reason future development by TfL in it.

### Access to the western part of the Royal Oak site.

11. We think that, for many reasons, the narrow western part of the site should remain as open space, with new landscaping, both because of the considerable difficulties of building on it, as listed below, and because of the positive environmental benefits of retaining it as green open space.

12. The difficulties of building on this western section between Ranelagh and Lord Hill's Bridges, which sits in a narrow trough on its northern edge, include the following:-

\* providing light to the lower two storeys of any building there, which would be particularly difficult. Would the site provide a reasonable amount of affordable housing, given that its bottom two floors probably could not be used in this way, through lack of light?

\* there appears to be no access possible at street level at or near Lord Hill's Bridge, where the eastern span of the bridge extends right up to the overhang of the southern edge of the elevated structure of the A40. In consequence access to any new building would have to be at rail level, involving a long walk beneath Paddington Central all the way from its eastern edge on canal side, or a similar long drive through the basement of Paddington Central, where the road system has not been designed for such a purpose.

\* Space on Lord Hills Bridge, probably beneath the overhang of the A40, is also used by a dedicated cycle route, which runs along the northern edge of the site, at road level, connecting Westbourne Bridge and Harrow Road, in the outward north-westerly direction. ( It ducks beneath Ranelagh Bridge and then regains street level at Lord Hills Bridge.) Currently, cyclists have to dismount, to cross the road at Lord Hills Bridge, but we understand there are plans to improve this.

\* TfL have a policy of providing step free access to underground stations, and any development at or near Royal Oak could strengthen the case for doing this at Royal Oak. This could well require a widening of the station's island platform, thus further narrowing this part of the development site, lying north of the station. We think therefore that there should be passive provision for a possible future need to widen the station's platform and so to see by how much the space for building would be further narrowed.

13. In such circumstances it seems to us that it is by far preferable to retain open space and to create greenery in this part of the site. While we would prefer to see public access to it, we note the difficulty that the only entrance to it is at its eastern end, at rail level beneath Ranelagh Bridge; thus there would be a long walk either from canalside east of Paddington Central, or perhaps as part of an improved public connection between Harrow Road and the lower parts of Paddington Central, situated just to the East of Westbourne Bridge. And similarly a long drive for a vehicle through the basement complex of Paddington Central.

14. We think that there would be positive environmental benefits of retaining it as green open space, which we understand to have been the original intention.

#### Conclusion

15. There has been considerable local concern about building on the western part of the site and we ask that special consideration be given to the amenity and health benefits of greening this part of the site; and we remain concerned about the unclear processes on determining, during and after Crossrail construction, changes in the previous use and ownership of the land — on which we seek further information.

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#### *Footnote #, to paragraph 4*

As detailed design of the Crossrail tunnels progressed, there was a process under Sch. 7 of the Crossrail Act of (effectively) planning applications to Westminster City Council, including for the land north of the railway tracks adjacent to Royal Oak station, and its eastwards extension up to Westbourne Bridge. These applications followed the same procedure as normal planning applications. For instance, to authorise a decision on the location and design of the tunnel portal.

A much earlier WCC planning brief of 2009 had a paragraph 5.37 about possibilities for the use of this land, after completion of Crossrail. This indicated that landscaping was the basic option, but indicated also sports facilities and structures for small businesses. All three evidently suffered from access difficulties and housing - not then mentioned - even more so.

#### ***End of PRACT response, 24 April 2024***

John Walton, Secretary, PRACT.

Sent from my iPad

[REDACTED]

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**From:** John Walton [REDACTED]  
**Sent:** 24 April 2024 18:09  
**To:** Planning Policy: WCC  
**Cc:** Walshe, Mark: WCC; Sally Martin; Chairman; John Zamit 2; john zealley; [REDACTED] Andrew Garwood Watkins  
**Subject:** City Plan Partial Review 2024 - response to Regulation 19 consultation - site allocations

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Dear Planning Policy

This is the response of PRACT to your consultation on the site named

### **St. Mary's Hospital**

PRACT is a consortium of these four recognised amenity societies: BRA, HPEA, PW&MVS and SEBRA.

*Our response*

### **Notice of Regulation 19 - Partial Review of Westminster's City Plan Development Plan - site allocation, St. Mary's Hospital**

1. I am submitting this response on behalf of PRACT. We note that there appears to be no further detail publicly available through the Council, following the earlier consultation of January 2024. Therefore there is limited change in our response dated 29 January 2024.

2. Residents evidently support the prospect of a new 800 bed hospital to replace the present dispersed facilities including the QEQM building. We evidently hope that the financing difficulties can be resolved soon and a firm date settled for its completion. We understand that some existing land may be sold or swapped as part of this process, and that there will be a further Master Plan, hopefully with consultation before it is issued. At present we make observations or requests on only three themes.

#### **First, addressing the difficulties of maintaining continuity of service during construction**

3. From the briefing that Imperial College recently gave SEBRA, we know that the likely intention is to work in two phases - firstly to build a new hospital building on the East side of the QEQM building, and then to demolish the existing QEQM building and replace it with, in effect, the second part of the new 800 bed hospital, for preference merged with the first part.

#### Eventually demolishing and replacing the QEQM Building

4. In our opinion, it is essential that any planning permission for such a new building or buildings should be made contingent upon an enforceable commitment to knock down the QEQM building shortly after occupation of the first part of the new building. It may be that the planning

application will be on this basis in any event, but if so there should be a condition requiring completion of the whole project.

5. It appears that the ultimate objective is to have a single massive and tall new building built upon both the land now occupied by the existing QEQM building and land to the east of it, but at present there is much uncertainty. For instance, it is doubtful whether a second part on the west side could be merged with an already occupied first part on the east side.

#### How best to maintain continuity of service?

6. What is clear is that there must be continuity throughout in the provision of sufficient beds in Wards and continuity of A & E unless this can continue elsewhere, away from the new building. The local road system should facilitate speedy ambulance access throughout the construction period.

7. We appreciate that this is already well understood but there are obvious difficulties on the way. Would 400 or less beds in Wards be sufficient while the QEQM building is being knocked down and rebuilt? Separation of A & E from the Wards would create difficulties for staff and ambulances.

#### One new building eventually, or two?

8. Thus it appears at present that the possibility of two buildings cannot be ruled out, because of the difficulty of building and merging a second building when the first is already occupied. However that solution would evidently suffer from the disadvantage of probably there being only bridges between them on some floors only, but not all. (As in Kuala Lumpur.)

#### A new Master Plan, and consultation on it during preparation

9. We trust that all the other historic buildings on the wider site will be well maintained and put to good use. There should be detailed proposals about this in the Master Plan which is expected, and there should be consultation on it in its preparation, continuing once it is published.

#### **Secondly, the canal basin frontage**

10. We agree with the blue dotted line in your diagram, indicating a 'potential active frontage' along the whole of the southern side of the canal basin. At present the potential for this walkway is interrupted by the existing QEQM hospital building which is built right up to the water's edge.

11. In our view it is essential that the emerging Master Plan for the whole site should provide explicitly for this continuous walkway, whatever the other details in the Plan. Any new hospital building or buildings on the canal frontage should either provide a passageway through the building at low level or, if need be, the walkway could be cantilevered out over the water.

#### **Thirdly, bringing forward the new outpatients' building**

12. Could the Council please consider along with Imperial College a version of the Master Plan for the whole site, in which the new outpatients' building at the corner site at the eastern end of South Wharf Road could be brought into use early? It already has planning consent and it seems to us that early implementation, which would be to everybody's advantage, is most unlikely to block any other options in the Master Plan for the whole site.

13. Doing this early would be the best solution of the need to continue providing outpatient services throughout. Finance is of course a problem, but the land now used for dispersed outpatient facilities would be freed.

END of PRACT's response

24 April 2024

John Walton

Secretary, PRACT



<b>ID/ Our reference</b>	016/ EXT016
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>WESTBOURNE PARK ROAD EAST RESIDENTS ASSOCIATION</b>
<b>Type of respondent</b>	Neighbourhood Forum, Amenity Society or Resident's Association

[REDACTED]

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**From:** Linnett, Simon [REDACTED]  
**Sent:** 24 April 2024 17:13  
**To:** John Walton; Planning Policy: WCC  
**Cc:** Dimoldenberg, Paul (Cllr): WCC; Chairman; Sally Martin; [REDACTED] paul newman; Andrew Garwood Watkins; Nicky Hessenberg; J Kyner  
**Subject:** Re: City Plan Partial Review 2024 - response to Regulation 19 consultation - site allocations

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Planners

I write as the representative of Westbourne Park Road (East) Residents Association, sited within PRCT's area.

John Walton has consulted widely on his response including with me (amongst others) and therefore I fully endorse his response.

I have also taken soundings from residents who voiced their opinions when the original consultation was launched. The universal response was that they would want to retain the green/open aspect of the site (particularly at the west). They see this as a balance to the noise and pollution caused by Westway and I have had various suggestions as to how it might be possible for local amenity groups to become involved (in a managed way) to enhance the natural amenity which currently exists.

Beyond these suggestions as to how the site might be used for positive advantage, I remain completely confused as to how one could ever get access other than through Paddington Central. I have also heard that there might be considered a need to expand the Royal Oak platform to accommodate growth in traffic and particularly during the carnival.

In summary, we support absolutely PRACT's response and, beyond that, would welcome a dialogue as to how we could enhance the natural benefits for the wider enjoyment, instruction and pollution protection of your residents.

Kind Regards  
Simon Linnett

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**From:** John Walton [REDACTED]  
**Sent:** Wednesday, April 24, 2024 4:31:19 PM  
**To:** Planning Wcc <planningpolicy@westminster.gov.uk>  
**Cc:** [REDACTED]

**Subject:** City Plan Partial Review 2024 - response to Regulation 19 consultation - site allocations

Dear Planning Policy

This is the response of PRACT to your consultation on the site named

### **Land adjacent to Royal Oak station**

PRACT is a consortium of these four recognised amenity societies: BRA, HPEA, PW&MVS and SEBRA.

*Our response*

### **Land adjacent to Royal Oak station**

1. This site has two parts, both of them north of the railway - the part west of Ranelagh Bridge going up to Lord Hills Bridge, and the part further east, from Westbourne Bridge going up to Ranelagh Bridge. Both parts are at rail level - well below the level of Harrow Road and that of the bridges. The two parts of the site differ - that to the west being open space in a narrow strip constrained by the width of Royal Oak station (with its staircase and island platform). The part east of Ranelagh Bridge has more space.

### **Ownership and use of the land**

2. There appears to be doubt about this question. The land previously belonged, we understand, to Network Rail but use of it was handed over to TfL/Crossrail, to facilitate construction of the tunnel leading from its portal towards the E Line station beneath Eastbourne Terrace. Apparently this did not necessarily involve a change of ownership of the land. Thus, once this use was completed one would expect the use to revert to its owner Network Rail; but it appears that TfL claimed the right to use it (? rent free) when they put forward their proposal to erect a coach terminal on its western part, later dropped.

3. In discussions on this recent coach terminal proposal it was assumed that TfL owned the land rather than merely having an arrangement for use of it. However, we ask that this situation now be reviewed. It appears that there was nothing in the Crossrail Act on this question, but (I am advised) settling the exact layout was to follow after enactment, in 2008. Those details, including the location of the portal, vent shaft, Westbourne Park sidings and the bus garage, the new concrete mixing facility etc were, as I recall, all governed by subsequent applications within the Schedule 7 process, which was a parallel system to a normal planning application.

4. As I recall, the Schedule 7 applications # included some for landscaping etc which presumably can still be accessed on the planning application register. We request therefore that these documents be reviewed to see what light they throw upon the wider questions of use of the land, as well as if there was any commitment for retaining the landscaping etc.

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*# This footnote is at the end. It is about this site, as mentioned in an earlier planning brief, of 2009.*

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5. We request that Westminster follow up with TfL these questions regarding both ownership of the land, and its use once construction of Crossrail was completed. It seems to us that there can be no question of development on the land if there is not agreement and clarity about such matters. Please keep us informed about these issues.

#### **The part of the site east of Ranelagh Bridge**

6. This is the larger part of the site, still north of the railway. Access is problematic but less so than with the western part. Any development there, eg of affordable housing, should respect the building heights alongside the southern edge of the railway, in the section between the southern approaches to Westbourne and Ranelagh Bridges, buildings which are within the Bayswater Conservation Area. Higher buildings on the north side, immediately opposite, would fail to preserve or enhance the character of this Conservation Area on the southern side of the railway. (The same would go for the height of any new construction in the part of the Royal Oak site further to the west, which we think should not happen.)

7. The major problem remaining is how to improve access to this eastern part of the site, and at what level, or levels. It is difficult to envisage direct access to any building on this part of the site being at street level, and access to it, if only at rail level, that is through the lower parts of Paddington Central, would be cumbersome. Alternative access from the pedestrian crossing over Harrow Road, at its junction with Westbourne Terrace Road, might be made possible through new construction - requiring an amendment to current planning consents for this part of Paddington Central.

8. However, this eastern part of the site, between Ranelagh and Westbourne Bridges, does appear to offer some potential for development of affordable housing, if buildings higher than those on the southern side of the railway can be avoided.

#### **The part of the site west of Ranelagh Bridge**

9. We note that the site allocation assumes that all the land is available for development and would not be used for a coach station. We know however that parts of Victoria Coach station may have to be closed and therefore we do not rule out the possibility that in future TfL will be looking to establish smaller regional coach stations elsewhere. However, there would be many difficulties in using the Royal Oak site for this purpose, such as the considerable distance on foot between the area of the Royal Oak station and the Elizabeth Line station and other public transport at Paddington Station (and bad links there, between the H & C line platforms and the other public transport). These difficulties would also apply to any smaller coach terminal at Royal Oak.

10. We ask to be kept informed about TfL's response to the present consultation on site allocations. It goes without saying that we would strongly resist any future proposal of theirs either to

use the site for a smaller coach station, or to safeguard its current use as open space for unspecified reason future development by TfL in it.

#### Access to the western part of the Royal Oak site.

11. We think that, for many reasons, the narrow western part of the site should remain as open space, with new landscaping, both because of the considerable difficulties of building on it, as listed below, and because of the positive environmental benefits of retaining it as green open space.

12. The difficulties of building on this western section between Ranelagh and Lord Hill's Bridges, which sits in a narrow trough on its northern edge, include the following:-

\* providing light to the lower two storeys of any building there, which would be particularly difficult. Would the site provide a reasonable amount of affordable housing, given that its bottom two floors probably could not be used in this way, through lack of light?

\* there appears to be no access possible at street level at or near Lord Hill's Bridge, where the eastern span of the bridge extends right up to the overhang of the southern edge of the elevated structure of the A40. In consequence access to any new building would have to be at rail level, involving a long walk beneath Paddington Central all the way from its eastern edge on canal side, or a similar long drive through the basement of Paddington Central, where the road system has not been designed for such a purpose.

\* Space on Lord Hills Bridge, probably beneath the overhang of the A40, is also used by a dedicated cycle route, which runs along the northern edge of the site, at road level, connecting Westbourne Bridge and Harrow Road, in the outward north-westerly direction. ( It ducks beneath Ranelagh Bridge and then regains street level at Lord Hills Bridge.) Currently, cyclists have to dismount, to cross the road at Lord Hills Bridge, but we understand there are plans to improve this.

\* TfL have a policy of providing step free access to underground stations, and any development at or near Royal Oak could strengthen the case for doing this at Royal Oak. This could well require a widening of the station's island platform, thus further narrowing this part of the development site, lying north of the station. We think therefore that there should be passive provision for a possible future need to widen the station's platform and so to see by how much the space for building would be further narrowed.

13. In such circumstances it seems to us that it is by far preferable to retain open space and to create greenery in this part of the site. While we would prefer to see public access to it, we note the difficulty that the only entrance to it is at its eastern end, at rail level beneath Ranelagh Bridge; thus there would be a long walk either from canalside east of Paddington Central, or perhaps as part of an improved public connection between Harrow Road and the lower parts of Paddington Central, situated just to the East of Westbourne Bridge. And similarly a long drive for a vehicle through the basement complex of Paddington Central.

14. We think that there would be positive environmental benefits of retaining it as green open space, which we understand to have been the original intention.

#### Conclusion

15. There has been considerable local concern about building on the western part of the site and we ask that special consideration be given to the amenity and health benefits of greening this part of the site; and we remain concerned about the unclear processes on determining, during and after

Crossrail construction, changes in the previous use and ownership of the land — on which we seek further information.

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*Footnote #, to paragraph 4*

As detailed design of the Crossrail tunnels progressed, there was a process under Sch. 7 of the Crossrail Act of (effectively) planning applications to Westminster City Council, including for the land north of the railway tracks adjacent to Royal Oak station, and its eastwards extension up to Westbourne Bridge. These applications followed the same procedure as normal planning applications. For instance, to authorise a decision on the location and design of the tunnel portal.

A much earlier WCC planning brief of 2009 had a paragraph 5.37 about possibilities for the use of this land, after completion of Crossrail. This indicated that landscaping was the basic option, but indicated also sports facilities and structures for small businesses. All three evidently suffered from access difficulties and housing - not then mentioned - even more so.

***End of PRACT response, 24 April 2024***

John Walton, Secretary, PRACT.

Sent from my iPad

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<b>ID/ Our reference</b>	017/ EXT017
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>BURO HAPPOLD</b>
<b>Type of respondent</b>	Consultancy firm and professional network

# **WCC New Policy 43: Retrofit First**

Buro Happold Response

Document number here

**24 April 2024**



## Part 1: Prioritising Retrofitting Over Demolition

**A.** *Development should adopt a retrofit-first approach, where options for retrofitting and retention of existing buildings are considered before demolition. Where substantial or total demolition is proposed, this should be fully justified through an appraisal of the construction options, assessing the carbon cost and public benefits of refurbishment, retrofit, deep retrofit or newbuild options. Development involving total demolition of a building which has more than a single storey will generally be resisted, unless demonstrated through the appraisal that:*

- 1. The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option ; and*
- 2. The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option ; or*
- 3. The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s); or*
- 4. It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.*

# Part 1: Prioritising Retrofitting Over Demolition

## **Demolition tests**

- *A: Public benefits should be demonstrated to be undeliverable through retrofit.*
- *B: Practical test means unsuitable/damaged buildings, and structural report likely required.*

## **Demolition test examples**

- *Fast track levels of affordable housing*
- *Estate regeneration*
- *Major public realm improvements*
- *Discretion of the Planning Committee*
- *Dilapidated buildings beyond viable repair*
- *Some prefab buildings*
- *Multi-storey carpark*

# Part 1: Prioritising Retrofitting Over Demolition

## Demolition tests

- *C. Bespoke operational requirements must be linked to the proposed use, and undeliverable through retrofit.*
- *Examples:*
  - *✓St Mary's hospital – hospital must remain operational during construction, and new site requires bespoke features e.g. helipad.*
  - *✓Floor to ceilings heights unlikely to be an example of bespoke operational requirements for offices, where higher floor to ceiling are needed for offices, public benefit routes should be followed.*

## Demolition test examples

- *D. Carbon test – The building requires such extensive retrofitting to lower its operational carbon/make it structurally sound, that the embodied carbon required would be similar to rebuild and the operational carbon would still be greater.*
  - *✓Whole-life carbon assessment required – optioneering assume a retrofit with a extended life-span compared to a new building.*
  - *✓Where WLC is similar, may still come down planning balance*

# Part 1: Prioritising Retrofitting Over Demolition

## GENERAL FEEDBACK

### **We broadly support Westminster's aims to unlock and promote retrofit**

- The decarbonisation of the built environment is not happening at the pace we need to remain within our 1.5 degree carbon budget and avoid climate disaster.
- It is inspiring to see a local authority recognise the need for an unprecedented rate of change in the industry and demonstrate leadership by setting ambitious policies that could significantly influence the carbon impact of the Westminster built environment's development over the next decade.
- The provision of planning mechanisms that require all development options to be thoroughly considered with the due care and attention that they warrant in the planning process will significantly alter the way we approach development sites. Too often there is a mismatch between a Client's ambitions for a site and what may be best suited for a site. We need to better match sites and existing assets with developer proposals to reduce carbon outcomes which are inherently and inevitably higher if the site conditions are not compatible with proposals.
- Project experience has shown that one of the easiest ways to reduce embodied carbon emissions is through the reuse of buildings, particularly when the sub and super structures are retained. This is not guaranteed however, and it is critical that parameters are set around the comparison of options to ensure these are compared fairly and rigorously.

# Part 1: Prioritising Retrofitting Over Demolition

## SPECIFIC FEEDBACK

- A. *Development should adopt a retrofit-first approach, where options for retrofitting and retention of existing buildings are considered before demolition. **Where substantial or total demolition is proposed, this should be fully justified through an appraisal of the construction options, assessing the carbon cost and public benefits of refurbishment, retrofit, deep retrofit or newbuild options.** Development involving total demolition of a building which has more than a single storey will generally be resisted, unless demonstrated through the appraisal that....*

**....2. The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or....**

- A. ....Demolition Tests:

**A: Public benefits should be demonstrated to be undeliverable through retrofit.**

**D. Carbon test** – *The building requires such extensive retrofitting to lower its operational carbon/make it structurally sound, that the embodied carbon required would be similar to rebuild and the operational carbon would still be greater.*

**✓Whole-life carbon assessment required –optioneering assume a retrofit with a extended life-span compared to a new building**

# Part 1: Prioritising Retrofitting Over Demolition

**SPECIFIC FEEDBACK** (policy text highlighted in blue).

***“...an appraisal of construction options, assessing the carbon cost and public benefits of refurbishment, retrofit, deep retrofit or newbuild options.”***

***“Whole-life carbon assessment required –optioneering assume a retrofit with an extended life-span compared to a new building”***

- The parameters around the carbon options appraisal are a potentially limiting factor to the success of this policy. Further clarity is required on when and how this options appraisal should be undertaken, and how one should balance carbon with non-carbon elements. Without explicit guidelines, metrics, examples, case studies, there are likely to be significant questions around why some projects get approved and others do not.
- As a business we are noting the increasing number of carbon ‘payback’ graphs being presented as part of planning applications, supporting the case for redevelopment over refurbishment. We have also heard that the stated carbon ‘payback’ graphs have been compelling reasons as to why these developments have been granted planning permission. However, there are many pitfalls around the use of such graphs as they can create misleading representations of WLC. At a minimum, we think WCC needs to set guidelines when presenting carbon studies for Refurbishment v Redevelopment studies, including but not limited to:
  - Total tonnage of carbon to be reported in addition to kgCO<sub>2</sub>/m<sup>2</sup>.
  - Develop realistic operational energy scenarios for each option, with particular focus on the existing building operational energy scheme matching changing MEES.
  - Include the optimum solution of a refurbishment delivering building service and façade upgrades to match the new development.
  - Steer towards the use of bar charts to show embodied v operational as they better show the carbon split of the overall figure. Timeline graphs are not visually engaging and are more story over substance!

# Part 1: Prioritising Retrofitting Over Demolition

**SPECIFIC FEEDBACK** (policy text highlighted in blue).

**....2. The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or....**

- Our project work has shown that it is highly unlikely that there will be many cases where the whole-lifetime carbon of a new building is less than a retrofit option. Clarity is required on what a suitably comparable scheme is, particularly when existing buildings have constraints that do not allow them to be fairly compared with new buildings.
- “Whole lifetime” – this needs to be a set number of years to allow fair comparisons.

# Part 1: Prioritising Retrofitting Over Demolition

**SPECIFIC FEEDBACK** (policy text highlighted in blue).

***“Public benefits should be demonstrated to be undeliverable through retrofit.”***

- We appreciate that WCC has provided a number of high-level examples where demolition may be allowable (e.g. fast track levels of affordable housing, estate regeneration, major public realm improvements). However, as with the previous comments on appraisal of construction options, we have concerns that without additional guidance, this may dissuade development entirely and potentially result in more development in other local authorities or a greater number of vacant buildings. There are times when a trade-off must be considered with embodied carbon (e.g. lighting that allows pedestrians to feel safer when walking at night vs the electricity trade-off).
- We would encourage WCC to consider a coordinated approach with other local authorities as encouraging developers to build elsewhere is unlikely to have any regional benefits. Local authorities with lower embodied carbon targets may be seen as more appealing places for investment.
- We strongly encourage WCC to provide supplementary guidance on how you would demonstrate public benefits, potentially through the use of a rating system or metric. A supplementary document on how to show adherence to the policy is required.



## Part 2: Reducing embodied carbon emissions

*B. All development involving total or substantial demolition of a building which has more than a single storey, and all major developments are required to:*

- 1. Submit a Whole Life-Cycle Carbon assessment, which demonstrates how the development will achieve:*
  - a) For new non-residential buildings (LETI) band "A", with an absolute minimum rating of "B".*
  - b) For new residential buildings, including mixed-use over 18 metres in height upfront embodied carbon equivalent of LETI band "C", with an absolute minimum rating of "D". Where development is proposing the delivery of policy compliant levels of affordable housing (35% for private sector land, and 50% for public sector land), applicants should demonstrate the maximum embodied carbon reductions deliverable without affecting the viability of affordable housing delivery.*
  - c) For new residential buildings, including mixed-use below 18 metres in height, LETI band "B", with an absolute minimum rating of "C". Where development is proposing the delivery of policy compliant levels of affordable housing (35% for private sector land, and 50% for public sector land), applicants should demonstrate the maximum embodied carbon reductions deliverable without affecting the viability of affordable housing delivery.*
  - d) For developments involving the construction of bespoke buildings which do not have a recognised LETI benchmark, or self-build or custom-build homes, applicants should achieve the maximum reductions in upfront embodied carbon deliverable, and these should be fully justified.*
  - e) In exceptional circumstances where there are site specific constraints which make the benchmarks undeliverable, any shortfall against the minimum embodied carbon targets will be offset through a financial contribution towards the council's carbon offset fund.*
- 2. Where substantial or total demolition is proposed, applicants must:*
  - a) Submit a Circular Economy Statement including a pre-redevelopment, and pre-demolition and reclamation audit which demonstrates how materials will be reused and repurposed; and*
  - b) Design any new structures to ensure the longevity of the building, easy adaptation, and with easily re-usable materials*

## Part 2: Reducing embodied carbon emissions

### GENERAL FEEDBACK

#### **We broadly support Westminster's aims for developments to achieve stringent embodied carbon targets, however these targets need to be stretching, but achievable**

- We agree with the general focus on reducing upfront embodied carbon as these are the most critical emissions being released at the onset of the project.
- There are conflicts between the proposed reference documents. E.g. the latest RICS guidance requires you to include demolition in your whole life carbon figures, but LETI benchmarks do not include demolition. Should external works be included? Etc.
- With the addition of the upcoming release of the NZCBS we advise that the proposed targets are reviewed.
- While "reclamation audit" is not defined, if this is an audit / strategy to ensure materials from the demolished buildings are reused as much as possible then we strongly support the inclusion in the policy.

# Part 2: Reducing embodied carbon emissions

## SPECIFIC FEEDBACK

B. All development involving total or substantial demolition of a building which has more than a single storey, and all major developments are required to:

1. Submit a Whole Life-Cycle Carbon assessment, which demonstrates how the development will achieve:

- a) **For new non-residential buildings (LETI) band "A", with an absolute minimum rating of "B".**
- b) *For new residential buildings, including mixed-use over 18 metres in height upfront embodied carbon equivalent of LETI band "C", with an absolute minimum rating of "D". Where development is proposing the delivery of policy compliant levels of affordable housing (35% for private sector land, and 50% for public sector land), applicants should demonstrate the maximum embodied carbon reductions deliverable without affecting the viability of affordable housing delivery.*
- c) *For new residential buildings, including mixed-use below 18 metres in height, LETI band "B", with an absolute minimum rating of "C". Where development is proposing the delivery of policy compliant levels of affordable housing (35% for private sector land, and 50% for public sector land), applicants should demonstrate the maximum embodied carbon reductions deliverable without affecting the viability of affordable housing delivery.*
- d) *For developments involving the construction of bespoke buildings which do not have a recognised LETI benchmark, or self-build or custom-build homes, applicants should achieve the maximum reductions in upfront embodied carbon deliverable, and these should be fully justified.*
- e) **In exceptional circumstances where there are site specific constraints which make the benchmarks undeliverable, any shortfall against the minimum embodied carbon targets will be offset through a financial contribution towards the council's carbon offset fund.**

2. Where substantial or total demolition is proposed, applicants must:

- a) **Submit a Circular Economy Statement including a pre-redevelopment, and pre-demolition and *reclamation audit which demonstrates how materials will be reused and repurposed; and***
- b) **Design any new structures to ensure the longevity of the building, easy adaptation, and with easily re-usable materials**

## Part 2: Reducing embodied carbon emissions

**SPECIFIC FEEDBACK** (policy text highlighted in blue).

***“For new non-residential buildings (LETI) band “A”, with an absolute minimum rating of “B”.*”**

- Without case studies for how these targets can be hit without retrofit for all typologies, there is likely to be significant inflating of promises that cannot be achieved e.g. high quantities of reused materials, which unless the developer can very explicitly show how they plan to procure these reused materials, likely shouldn't be relied on.
- We also question the use of LETI targets as the basis of this policy given the upcoming Net Zero Carbon Buildings Standard which will have far more robustly defined embodied carbon targets. The policy is likely to become out of date quickly without linking to the standard as this already has significant industry support.
- The basis for more stringent targets for non-residential buildings appears to be based upon the WSP evidence basis. The main reason why residential reductions cannot be as great as is cited within the report is that residential buildings above 18m cannot use timber. However, issues with the use of timber extend beyond residential projects and there are still blockers for its use in other developments (e.g fire, insurance).

***“In exceptional circumstances where there are site specific constraints which make the benchmarks undeliverable, any shortfall against the minimum embodied carbon targets will be offset through a financial contribution towards the council's carbon offset fund.”*”**

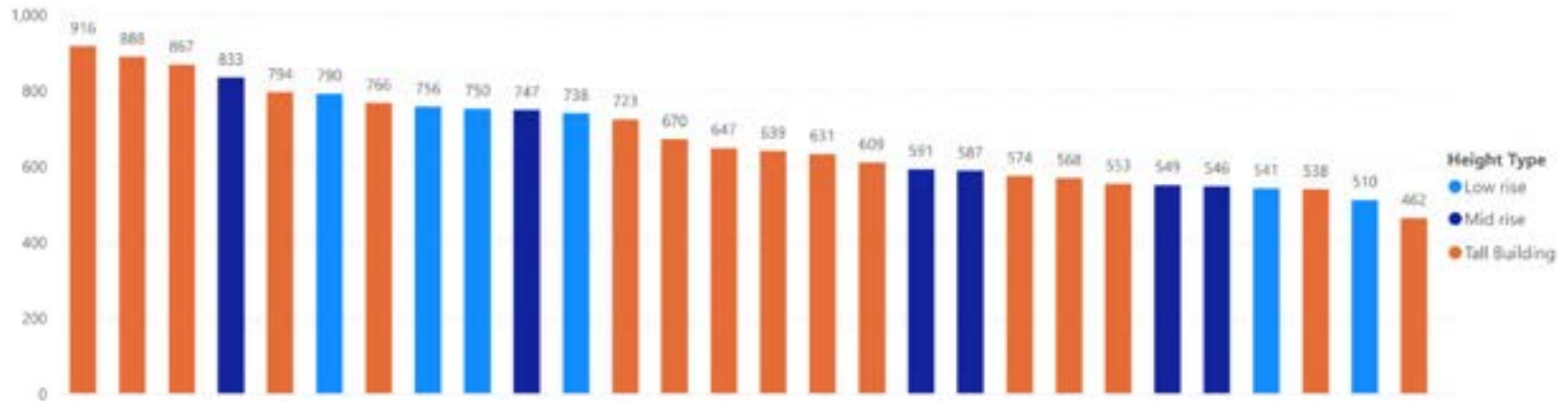
- These are not exceptional circumstances. This will be the majority of new buildings in the current market.
- The post-construction embodied carbon result will often be different to what was submitted at planning. At what point would payments be expected to be made?

## Part 2: Reducing embodied carbon emissions

### EVIDENCE BASIS

- The residential targets set for buildings over 18m in height feel achievable, however the evidence basis document behind this has flaws. The figure below presents A1-A5 results for new residential buildings within London that we have assessed over the past few years.
- This also highlights how critical the assessment boundaries are. The low-rise developments do not have significantly lower emissions in many cases as there are major external works required for their development.

Residential Comparison Upfront Embodied Carbon A1-A5 - Total Impact



## Part 2: Reducing embodied carbon emissions

### SPECIFIC FEEDBACK

*“ Submit a Circular Economy Statement including a pre-redevelopment, and pre-demolition and **reclamation audit which demonstrates how materials will be reused and repurposed**; and*

***Design any new structures to ensure the longevity of the building, easy adaptation, and with easily re-usable materials “***

- How will developers be held to account for reclamation targets? If you are demolishing, you need to hit carbon targets but the baseline target of 95% diversion from landfill is not ambitious enough. Developers / contractors need to be held to account for reusing materials. Conditioning reuse targets via planning could be one way to achieve this.
- However, it is also important to note that a lot of the barriers to reuse today come from the lack of enabling infrastructure rather than a lack of desire / will on the client's part. An adequate supply of reused materials is not necessarily guaranteed. A lack of storage space also hinders reuse, as well as barriers around insurance, warranties, etc.

# Part 2: Reducing embodied carbon emissions

## EVIDENCE BASIS FEEDBACK

### **We support the setting of stretch targets however the basis of these targets need to be robust if they are to be used to define new policy**

- Has the evidence basis document been third-party verified as the carbon assessments of all new schemes would be required to?
- We have many comments regarding this document however please find key notes below:
  - The 3 common building archetypes are very simplified in form and do not represent typical new developments in the borough which will often be working with site constraints related to neighbouring existing buildings. This is critical as building form and massing will have a more significant carbon impact than materiality changes.
  - Descriptions of the systems are incredibly vague 'façade system but with recycled glass' – what percentage? In addition, we are wary that building element assessments may be simplified (flat façade/any shading?).
  - A benchmark of approximately 650kgCO<sub>2</sub>/m<sup>2</sup> for the office based on the 12m grid, and terracotta facade potentially feels unrealistic. The carbon factors for the steel would need rigorous review.
  - Issues with timber extend beyond residential buildings with fire and insurance still major issues. Defining the non-residential targets on this basis (timber frame represents a significant portion of the carbon reductions and without it the low carbon alternative would sit within Band C) needs a review.
  - Is a timber clad façade a viable option for Westminster? Again, without this reduction the low carbon non-residential building would not achieve Band B.
  - 'an additional 15% EAF steel and 10% steel reuse' - as opposed to what baseline? There is a limited amount of steel available for reuse (particularly if retrofit first policy comes in so unrealistic for all projects to achieve this - no global carbon benefit)

## Part 3: Unlocking and promoting retrofit

*C. Proposals involving responsible retrofitting, which result in energy, performance, and climate adaptation upgrades, will be supported in principle.*

*D. When considering the townscape, heritage or design impacts of extensions or alterations, which are demonstrated through the appraisal of the construction options as necessary to viably achieve a wider retrofit of a building, regard will be had to the desirability of securing the retention and retrofit of the building, including improvements to its environmental performance, building longevity and climate change adaptation. Applicants should demonstrate in a Sustainable Design Statement or Retrofit Plan how technical risks have been addressed and how harm to heritage assets has been avoided or minimised*



# Part 3: Unlocking and promoting retrofit

## GENERAL FEEDBACK

**We support the specific call-out of climate adaptation. Building resiliency must become the norm not only in new builds, but in retrofits as well.**

- There are trade-offs between adaptability and embodied carbon, i.e. building in the capacity to support active cooling as a last resort in the future tends to require more carbon. Will WCC support such adaptations as long as it's been demonstrated other options have been exhausted?

<b>ID/ Our reference</b>	018/ EXT018
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>YOO AND ASCENDAL GROUP</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

DP5330

25 April 2024

City Planning Policy,  
Innovation and Change,  
Westminster City Council  
17<sup>th</sup> Floor,  
64 Victoria Street  
SW1E 6QP



[www.dp9.co.uk](http://www.dp9.co.uk)

By email to: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

Dear Sir/ Madam

**WESTMINSTER CITY PLAN (REGULATION 19) CONSULTATION RESPONSE  
SITE: WESTBOURNE PARK BUS GARAGE**

**1. INTRODUCTION AND BACKGROUND**

On behalf of our client, Yoo and Ascendal Group, we write in response to the Westminster City Plan Regulation 19 Consultation, which is open for comment between 14 March 2024 and 25 April 2024. Yoo and Ascendal Group, welcomes the opportunity to engage in this consultation that shall feed into the next stage of the Draft City Plan review process.

This letter sets out comments to the Regulation 19 Consultation. Due consideration has also been given to recent discussions with Planning Officers at Westminster City Council (WCC) during pre-application discussions for the proposed redevelopment of Westbourne Park Bus Garage, Great Western Road, W9 3NW (hereafter referred to as the 'Site').

The following representations are made in light of recent pre-application engagement on the Site, balancing both our client's interests and WCC's aspirations for its redevelopment.

**2. SITE ALLOCATION – NEW POLICY 9. WESTBOURNE PARK BUS GARAGE**

*Policy Text*

The Site is allocated within the Draft City Plan under 'New Policy 9. Westbourne Park Bus Garage'. The Site's allocation refers to the 'Vision' for redevelopment of the Site, noting that redevelopment should upgrade the Bus Garage to meet current and future needs, alongside the delivery of high-quality sustainable mixed-use residential-led development. Our client is supportive of the overall aspirations to redevelop the Site and consolidate the existing Bus Garage



operations, however it is considered that the emphasis on the Site to deliver a residential-led development is restrictive in allowing a deliverable scheme to come forward.

Whilst it is intended that the future proposals on Site would deliver residential use, this would need to be in combination with other uses. As per our pre-application engagement to date with WCC

It is therefore requested that reference to 'residential-led' development is removed from the policy text under the vision section. It is suggested that the text is updated to the following to ensure there is still reference to the need for the provision of residential uses on Site, thus meeting Westminster's aspirations for the Site.

*"Our vision for the Westbourne Park Bus Garage site is the redevelopment and upgrade of the Bus Garage that meets current and future sustainable transport and staff needs, alongside the delivery of a high quality sustainable mixed-use development, **including residential uses**, ~~residential-led development~~ that contributes to the objectives of the North West Economic Development Area."*

After the 'Vision' section, the site allocation then goes on to state the 'Core Principles' that development proposals should deliver. The following provides commentary on the proposed 'Core Principles' put forward within the draft policy wording.

Part E of Policy 9 states, *'Buildings adjacent to the Westway which include residential floorspace should provide homes in floors that are above the height of the Westway'*.

Whilst it is recognised there needs to be careful consideration of residential units in terms of noise and vibration in close proximity to the Westway, the location of residential units should be informed by specific technical assessments, such as noise, vibration and air quality, and not prescribed by policy. Any development that comes forward on Site will seek to ensure high quality living conditions are provided, and the appropriate technical assessments will inform this. It is therefore requested that this policy is amend to the following.

*'Buildings adjacent to the Westway which include residential floorspace should ~~provide homes in floors that are above the height of the Westway~~ **be informed by appropriate technical assessments (noise, vibration, air quality and daylight and sunlight).**'*

Part I of Policy 9 states that, *'The delivery of new dwell spaces, through maximising separation distances between buildings and building setbacks from the bridge and Grand Union Canal should be prioritised, with a focus on ensuring that these public areas are safe and accessible'*.

Whilst our client is supportive of improving public realm within the Site, this needs to be carefully considered given the constrained nature of the Site. There are a number of competing requirements with the Site to ensure various benefits are delivered. It is therefore suggested Part I is amended to the following.



*'The delivery of new dwell spaces **should be enabled between buildings which are thoughtfully considered and arranged to ensure a high quality living environment, this includes set backs from the Bridge and the Grand Union Canal** through maximising separation distances between buildings and building setbacks from the bridge and Grand Union Canal should be prioritised, with a focus on ensuring that these public areas are safe and accessible;'*

Part C of Policy 9 advises that sustainability should be at the heart of the proposals, with Part C.1 noting the approach to the retention of the existing buildings and structures on-site should be considered.

Our client understands the inclusion of this from a London Plan policy perspective and the emerging City Plan Policy on retrofit (Policy 43). Such a consideration has informed the initial stages of the potential redevelopment options for the Site. A pre-redevelopment audit has been undertaken as part of this process to explore whether the existing building can be retained, retrofitted, or refurbished in line with Policy. Whilst WCC Officers have not been presented this information to date, we consider it important to set out the key findings of this assessment as part of the Regulation 19 Consultation process.

The proposed Site currently consists of two key structures; the Operations Building and the Bus Garage Building, both constructed circa 1978. One of the biggest constraints of the existing buildings is the limitation they place on site utilisation, both in terms of footprint area and location within the site. As well as the functionality efficiency that has been found to be restricted. Currently neither building is being used at full capacity within the very rigid uses the buildings were originally designed for. The development is very much of its time with characteristics that do not conform to the continually moving, but consistently high expectations of the industry, occupiers, and investors, suggesting poor resilience for the future. When this is coupled with the constraints of utilisation and functionality it becomes apparent the development is a particularly inefficient investment in its existing condition.

As part of the assessment undertaken a number of options were assessed, such as retain and add, light retrofit, deep retrofit and reclaim/reuse. These were assessed against four parameters: value & functionality, circularity, energy and carbon. The performance of each of the development options against the criteria was ranked and compared. Our assessment concluded that the Reclaim / Reuse option (involving the deconstruction of both buildings and re-using / recycling existing materials) scores the highest rating in Value & Functionality, Circularity and Energy making it the best performing option overall.

In light of the assessment undertaken to date, as detailed above, there is a clear rationale for the existing buildings on Site to be demolished to allow a comprehensive redevelopment to come forward that optimises the Site and brings forward a number of public benefits. Our client looks forward to covering this in further detail with WCC Officers as the scheme develops through the pre-application process.

Supporting Policy Text



Within the supporting text of the Site Allocation, there are several paragraphs under the heading 'Optimisation of the site'. The supporting text notes that intensification of the Site, in line with the Heritage Impact Assessment, will need to respect and respond to the existing heritage and townscape value. Whilst this is accepted, there is little commentary or reference to the potential the Site has and how the Site can be optimised for redevelopment, particularly the ability to provide tall buildings on site.

Draft City Plan Policy 46 (Building Heights) advises that tall buildings are defined as buildings of twice the prevailing context height or higher or those that result in a significant impact on the skyline. Further, London Plan Policy D9 notes tall buildings are those over 6 storeys / 18m. To redevelop a site such as this, and provide the uses and benefits sought within the site allocation, any development that's brought forward on site will be classified as a tall building in line with London Plan and Draft City Plan Policies. It is therefore important that the ability for the Site to accommodate a tall building is recognised within the policy text or the supporting policy text under 'Optimisation of the site'.

The Heritage Impact Assessment undertaken by iceni to inform the draft City Plan assesses the potential for the site to accommodate a tall building. The assessment undertaken relating to the potential impacts on heritage assets surrounding the Site demonstrates that with a number of the heritage assets, due to the distance from the Site and buffering, the Site would not be visible from those assets. In relation to Aldridge Road and Leamington Conservation Area, whilst there would be likely visual impact from tall buildings on site, this is limited to areas which provide more open vistas of the site (para 3.64).

Regarding Trellick Tower, given the tower is a prominent feature of the skyline and the visibility of the Site, the impact on Trellick Tower would need to be carefully considered. The HIA notes that the impact on Trellick Tower would need to be considered from various views, recognising that the sensitivity of these views is related to the orientation of the tower and where it is most appreciated (para 3.59). The HIA recognises the poor relationship the Canal (non-designated heritage asset) has currently with the Site, therefore there are clear opportunities for development to contribute and enhance the Canal, with tall buildings contributing to enhanced wayfinding and landmarking (para 3.69).

The HIA goes on to conclude that *'Emerging tall developments can contribute enhanced wayfinding and landmarking of the canal, and future developments should seek to emphasise the presence and character of the canal (para 3.69)'*. It is therefore considered that from the findings of the HIA, there is potential to accommodate a tall building/s on Site.

There was also a Design Review Panel undertaken by WCC to assess the development potential of the site to inform the site allocation. The provision of tall buildings on site was discussed within the DRP and, *'there was a consensus that a tall building/s would be appropriate for this site, particularly given its location within the NWEDA, which supports growth, and in relation to the emerging context of other tall buildings on the north of the Canal (Taxi House and Hathaway House)'*.



The DRP also referred to work undertaken on building heights by the Council, with the panel noting this takes a narrow focus of looking at the impact of various theoretical building heights in a range of views, which is only one factor when considering building heights. The panel recommend that that work is either supplemented to provide a more thorough assessment of the full range of impacts of different heights across the site, or in the absence of this, policy does not set out parameters for building heights.

Whilst we have not had sight of this assessment as part of the Regulation 19 Consultation process, given the feedback received above, there is clear potential for the site to accommodate tall buildings. If the assessment undertaken is not appropriate to define building heights, then policy could still advise that tall buildings are appropriate on site subject to consideration of heritage and townscape views.

In light of the above, it is considered that there is clear potential for the site to accommodate a tall building/s and this should be recognised and stated within the site allocation and/or supporting text.

### 3. RETROFIT FIRST POLICY

Our client is supportive of addressing embodied carbon emissions in light of the climate change emergency and ensuring the impacts from both new development and refurbishment are minimised, adopting a retrofit first approach. However, it is considered there may be some challenges associated with meeting New Policy 43, particularly the benchmarks stated within policy.

Part B (Reducing embodied carbon emissions) of Policy 43 refers to the London Energy Transformation Initiative (LETI) bands that should be met for non-residential and residential development (including mixed use development above or below 18 meters). The LETI targets do not differentiate between new-build and retrofits and it is acknowledged by LETI that to achieve the higher bands an element of retrofit is required. In relation to the Westminster City Plan, the Embodied Carbon Evidence Base for the City Plan also notes a combination of new build and retrofit will be required to meet these higher targets.

It is considered that the draft policy targeting LETI band A ratings for non-residential buildings is not achievable through solely new construction activities without at least some level of reuse. Reuse will likely support the minimum rating of 'B' being achieved but it will still be challenging to achieve the 'A' rating. As such it is likely to effectively mean that development is comprised of retrofits rather than new buildings to be able to meet these targets.

It is however noted that the proposed residential embodied carbon targets are different to the non-residential targets. The draft City Plan states that new residential buildings, including mixed-use, over 18 metres in height should target an upfront embodied carbon equivalent of LETI band



C (less than 500 kgCO<sub>2</sub>e/m<sup>2</sup>) with an absolute minimum rating of band D (less than 675 kgCO<sub>2</sub>e/m<sup>2</sup>).

An applicant preparing embodied carbon calculations in support of a planning application will need to prepare a different summary for WCC (who reference LETI bands) and for the GLA because there are some scope differences between LETI and GLA. GLA request that all building elements are included within the scope of the assessment, whereas LETI targets do not require the reporting of renewable electricity generation (e.g. photovoltaics), external works, or non-fixed fittings, furnishing and equipment (FF&E). It is considered it would be more appropriate if calculations were in line with the GLA, rather than utilising alternative methods.

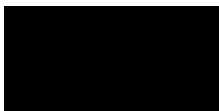
Part E (e) notes that, *“In exceptional circumstances where there are site specific constraints that make the benchmarks undeliverable, any shortfall against the minimum embodied carbon targets will be offset through financial contribution towards the council’s offset fund.”* and *“ 43.11 /... Where applicants fully demonstrate the embodied carbon benchmark is undeliverable due to site specific constraints or justified bespoke design parameters, payments are to be made to the carbon offset fund in lieu of meeting embodied carbon targets on site...”*

The Council’s offset fund has an offset cost of £880 per tonne of carbon, meaning that this could be a significant cost impact for developments. There would therefore be an impact on the viability of schemes coming forward, which would be further compounded for schemes unable to meet the high LETI band ratings.

#### 4. CONCLUSION AND NEXT STEPS

Yoo and Ascendal Group welcomes the opportunity to comment on the Draft Westminster City Plan. We trust the points raised in this representation will be taken into account and if you require any further clarification on matters, please do not hesitate to contact Richard Ward and Emily Keenan of this office.

**Yours faithfully**



**DP9 Ltd.**



<b>ID/ Our reference</b>	019/ EXT019
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>BERKELEY HOMES</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

19<sup>th</sup> April 2024

**Delivered by email**

Planning Policy Team  
City of Westminster  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Ref: BERL3011

Dear Deirdra,

## **WESTMINSTER LOCAL PLAN PARTIAL REVIEW – REGULATION 19 CONSULTATION**

### **BERKELEY HOMES CONSULTATION RESPONSE**

This response is submitted on behalf of the Berkeley Group in relation to the current Local Plan partial review Regulation 19 consultation. This follows our earlier Regulation 18 consultation response submitted in November 2022, and the two consultation responses made in 2022 and in the autumn of 2023 on the replacement Planning Obligations and Affordable Housing SPD, which has subsequently adopted. The earlier Regulation 18 consultation response should be read alongside this submission for continuity.

We welcome the opportunity to comment further on the local plan revisions, as Westminster's most important private sector housing delivery partner. Berkeley also confirms through this letter our support for the submission provided to Westminster by the Westminster Property Association, of which Berkeley Homes are a long-standing member, and one of the few housing developer members of the WPA.

### **BERKELEY GROUP IN WESTMINSTER**

By way of introduction, as you will no doubt be aware The Berkeley Group is a very active developer across Westminster, with a strong track record of delivering high quality residential development of a significant scale, with an emphasis on place making through mixed use development and the delivery of wider environmental, social and economic benefits.

The Berkeley Group is proud of their long term partnership with the City of Westminster, which over recent years has delivered some of the highest quality residential developments in the city, including 190 Strand, Abell and Cleland House, 9 Millbank, and Ebury Square. Together these projects (which are at various stages of delivery) will provide over 700 high quality new homes for Westminster, which will make a substantial contribution to Westminster's annual housing requirement, and create sustainable residential communities in their respective locations.

[REDACTED]

[REDACTED]

The site of strategic importance to Westminster at West End Gate, incorporating the neighbouring site at 14-17 Paddington Green is currently under construction after 30 years of sitting vacant and undeveloped by previous owners. The site will deliver over 830 new homes to Westminster alongside a reactivated shopping frontage within the Church Street/Edgware Road district shopping centre, significant public realm and landscape improvements alongside a range of further public benefits for the local area and community. Significantly, the scheme includes 175 on site affordable homes, facilitating the delivery of the wider Church Street regeneration. 130 of the affordable homes have already been sold to Westminster, and Church Street residents have already moved into the first affordable homes in the development. The site has also delivered over £16m in CIL and S106 contributions, in addition to significant employment and training opportunities.

Most recently, the Mayor of London consented the redevelopment of the Paddington Green Police Station site at a public hearing in March 2023. Completing the West End Gate Masterplan, PGPS delivers 556 new homes to Westminster including 39% on site affordable housing (219 homes), alongside extensive public realm enhancements, greening and tree planting, commercial and community uses, and a significant range of other public benefits including £20m in CIL and a range of planning obligations. The scheme also delivers a 67% carbon reduction as part of a fabric efficiency first approach and ASHP energy strategy for the site, making it a highly sustainable development, with a carbon offset payment in addition. The application has now been implemented, with demolition underway following the discharge of all relevant pre-commencement conditions.

As such, given the nature of Berkeley's commitment in Westminster, and the scale and complexity of sites and projects delivered by the Group, reviews to the Local Plan are of significant interest, as one of the key elements of the development plan that shape and influence applications and decisions in the borough.

## **GENERAL COMMENTS**

There is concern around the cumulative effect of planning policy requirements, and planning obligations and tariffs on the deliverability and viability of development proposals, and the potential to disincentivise development, against a backdrop of well publicised and ongoing rising development and construction costs and stagnated/falling residential values.

The City Council should also be mindful of appropriate transitional provisions, namely how the revised planning policy (and recently adopted updated Affordable Housing and Planning Obligations SPD and associated financial contributions) should be applied to amendment applications under s73 of the Town and Country Planning Act. This is given significant cost increases associated to the SPD in relation to many matters such as Carbon Offset, Affordable Housing Payments in Lieu, and other matters as required by draft policy revisions – and the potential effect that this will have on the viability and deliverability of schemes.

The consented scheme/position should therefore be treated as a significant material consideration in determining and assessing amendment applications to avoid disproportionate scheme re-design and a negative implication on delivery.

## **REGULATION 19 CONSULTATION MATTERS**

The Regulation 19 consultation of the partial review of the City Plan includes a significant number of detailed documents (including topic papers on various matters, viability review and other reports) underpinning the proposed revisions to the local plan, which focuses principally on the following policy revisions.

- Updates to Policy 9 on affordable housing, including revisions to the required tenure split of affordable housing, and the introduction of a small sites affordable housing policy, and reworded provisions in relation to public land portfolio arrangements.
- A new very detailed policy prioritising retrofit and refurbishment of existing buildings over demolition of existing buildings.
- The inclusion of 4 allocated sites with associated policies to guide their future development.
- Other incidental changes and updates throughout.

## **POLICY 13 – AFFORDABLE HOUSING**

The key revisions to the affordable housing policy (new policy 13 Affordable Housing) are two-fold. Firstly, the policy amendments seek to revise the balance of affordable housing tenure sought in development proposals to be more weighted towards social rented housing delivery over intermediate housing, particularly on public land if it is shown to be viable, and secondly to introduce a small sites affordable housing policy.

### ***Tenure Split***

The main proposal to revise the balance of the affordable housing tenure split is supported in principle, however there will always be the need for some flexibility within this on individual sites, subject to identified local need and viability (if appropriate). While the policy appears to have been viability tested in the BNP report accompanying the Local Plan review, we are conscious of the small number of major residential schemes that have come forward in recent years in Westminster, which could be used for modelling.

Beyond Berkeley's own schemes summarised at the beginning of the letter, the main major residential schemes that have come through the planning system are the Council's own regeneration projects, which will have very different models of funding and delivery to a developer led project. As such, we would seek to ensure that the policy revision is underpinned by robust evidence and testing – particularly as a number of these projects are 'fast track' affordable housing schemes, whereby viability information is not published.

Berkeley have worked collaboratively with Westminster on the tenure split within the affordable housing provision most recently on West End Gate and at Paddington Green Police Station. In the latter application, the tenure split was revised to be more in line with this emerging direction, including a greater proportion of social rented homes than originally proposed, based on ongoing discussions with Westminster and the GLA over the course of 2022.

That split as consented at Paddington Green Police Station represents 60% social rented, and 40% intermediate affordable housing by habitable room, which in Berkeley's view is the strategic split that the Council should pursue (not the 70% social rented, 30% intermediate), given that there is a significant identified need for Intermediate housing in the borough, and that in many cases intermediate affordable housing may be the more viable option for a number of sites where the inclusion of social rented housing may be impractical or undeliverable (on smaller residential schemes for example).

The policy should however (like the overall affordable housing delivery policy) be considered as a strategic target, and that the tenure mix should be considered on a site by site basis taking into account local identified need and scheme viability. Tenure options such as shared ownership should not be ruled out on suitable sites where affordability and deliverability allows as a part of a wider overall affordable housing provision, and should such proposals fall within adopted affordability criteria and levels.

### ***Portfolio Agreements and Delivery***

The revisions to policy 13 Part B(3) are not considered to be in conformity with the London Plan – where the London Plan under Policy H4 states that the strategic target is for 50% of all new homes delivered across London to be genuinely affordable, and that specific measures to achieve this aim include: under paragraph 4 that: *‘public sector land delivering at least 50% affordable housing on each site and public sector landowners with agreements with the Mayor delivering at least 50% affordable housing across their portfolio’*.

The provision for a portfolio agreement (which is an agreement with the Mayor of London) approach is a strategic London Plan policy to meet London’s strategic 50% affordable housing delivery targets through public sector land holdings across London, and the reference to delivery only within Westminster should be deleted as this is clearly not practical or deliverable given the nature of the London Plan policy. The wording should be revised to give Westminster workers and residents priority access to any additional affordable housing delivered through a portfolio agreement elsewhere in London, where deliverable.

### ***Calculation of Affordable Housing Requirements***

The Local Plan continues to require affordable housing to be calculated as a percentage of gross internal area (sqm GIA), whereas the London Plan and associated policies relating to affordable housing requirements, and the Threshold approach to applications policy H5 calculate the requirement on a habitable room basis – which we recommend Westminster adopts for continuity and to avoid confusion and cases of compliance with one measure but not another. The payment in lieu calculation could then also follow suit and follow a sum per habitable room basis as well for consistency and simplicity, alongside a clear definition of what constitutes a habitable room.

### ***Small Sites Affordable Housing Requirement***

The revised policy 13 sets out a small sites affordable housing requirement to boost affordable housing delivery. Berkeley has little to comment on in this regard given the size of sites that the Group delivers, however any policy would need to be carefully considered and subject to rigorous viability testing to ensure it is flexible and deliverable, based on testing a range of development scenarios, and by scenario testing deliverability by reviewing consented schemes.

It should also ensure that such a policy does not undermine the delivery of housing, and investment in the existing housing stock in Westminster generally, which may be an unintended result of this policy - in a borough that has historically relied on small and medium sized windfall sites as a significant contributor to housing delivery.

The policy may therefore impact accordingly on small to medium sized developers and builders as a result, and potentially disincentivise the delivery of small sites and the viability of SME’s to operate in Westminster, when in addition the cumulative cost of other policy requirements (including the retrofit first policy) and CIL is considered. There would also be a clear knock on effect on determination periods of applications if minor applications are required to undergo viability testing, to the detriment of decision making timings and process.

The Local Plan review documentation also notes that the small sites affordable housing policy will lead to the requirement to update the Planning Obligations and Affordable Housing SPD in due course. This should be done alongside the development of the policy, to ensure that the implementation and application (and consequences) of the small sites policy is fully worked through and understood.

## RETROFIT FIRST

The Local Plan review includes a new, very detailed Retrofit First policy (policy 43). While Berkeley Homes supports the principle of feasible and viable reuse of existing structure in buildings, the policy as drafted is not considered to be in accordance with the London Plan, is overly complex with targets that will be extremely challenging, if not impossible to meet. Berkeley supports the WPA's detailed representations on this matter and the detailed drafting of the policy.

The policy has the potential, as apparent from recent applications and decisions, to add a significant level of uncertainty and complexity to the planning process, in addition to what is already a very complex and detailed suite of planning policy requirements set out in the London Plan, Local Plan and associated SPG's and SPD's on a range of matters, but increasingly in relation to sustainability and carbon reduction. The impact this has on the design of developments, application determination periods and development cost is considerable, while adding further complexity for planning officers in considering applications and arriving at balanced judgements.

Berkeley is fully committed to the wider sustainability agenda and priorities set out in the London Plan and Local Plan as demonstrated in the recently consented scheme for the Paddington Green Police Station, the sustainability credentials of which are set out in earlier representations. However, cumulatively since that consent was granted in May 2023, the carbon offset payment (which is effectively unavoidable for major development) has increased ten-fold – to a level that would likely have had a material impact on the deliverability of other aspects of that scheme, and the new retrofit first approach would add further requirements and cost.

Establishing clarity on the retrofit first approach at the earliest stage of the development process is also of key importance, given most Berkeley Homes sites require redevelopment to deliver housing development of scale and required specification. It is considered that confirmation from the City Council on this matter will generally be required at the site acquisition stage, to give certainty on key principles for taking a site forward, and that a proportionate and streamlined, early-stage pre-application process to address this matter should be developed accordingly.

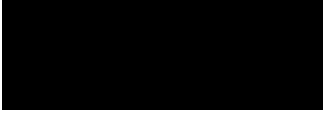
Such a policy proposal if pursued needs to be balanced against the substantial targets and policy objectives within the City Plan, to ensure that such an approach does not undermine the ability for sites to be optimised and for Westminster to meet its housing and employment (and other) targets, and to ensure that investment and development in Westminster remains an attractive and viable proposition.

Overarching objectives and policy priorities around the optimisation of sites, and the consideration of potential public benefits arising from development scenarios should remain at the centre of the Council's focus given the scarcity of land and development sites in Westminster, the extent of heritage and conservation designations and other constraints on development. These points should be balanced in the consideration of the wider retrofit and demolition agenda.

To summarise, there is significant concern around the cumulative effect and cost of emerging planning policy alongside the newly adopted Planning Obligations and Affordable Housing SPD on the deliverability and viability of proposals, against a backdrop of well publicised and ongoing rising development and construction costs and stagnated/falling residential values. The impact on the length and complexity of the planning process will also be a negative one as a result of the Local Plan review and newly adopted Planning Obligations SPD, due to the likely complexity in addressing a number of these matters, and will potentially undermine the delivery of housing and growth in Westminster.

We would welcome the opportunity to discuss any of the above in more detail, as such please do contact if you have any queries.

Yours sincerely



Laurence Brooker  
**Director, Head of Central London Planning**



<b>ID/ Our reference</b>	020/ EXT020
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>PLACES FOR LONDON</b>
<b>Type of respondent</b>	Developers, landowners and real estate company





Date: 8 May 2024  
Our ref: TfL/Places/VSH/BH – WCC City Plan R19  
Your ref: -

City Planning Policy, Innovation and Change,  
Westminster City Council,  
17th Floor,  
64 Victoria Street,  
London, SW1E 6QP

By email: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

Dear Sir / Madam,

## CITY PLAN PARTIAL REVIEW – RESPONSE TO REGULATION 19 CONSULTATION REPRESENTATIONS BY PLACES FOR LONDON

Places for London ('Places') is pleased to provide its views on the Council's Regulation 19 partial review of the City Plan. Please note that the views expressed in this letter and attachments are those of Places in its capacity as a significant landowner and developer only, and do not form part of the Transport for London (TfL) corporate / statutory response. Our colleagues in TfL Spatial Planning will provide a separate response to this consultation in respect of TfL-wide operational and land-use planning / transport policy matters as part of their statutory duties.

### Places for London

Places is TfL's new and financially independent property company, formerly known as TTL Properties under which name our previous representations were submitted. We provide space for over 1,500 businesses in TfL stations and railway arches, as well as on London's high streets. We are working to develop TfL's surplus and / or under-used land to deliver new homes and jobs in highly sustainable locations, and to create excellent places to live, work and play which are sensitive to local needs and communities, and which are accessible to all.

We have previously responded (as TTL Properties) to the Regulation 18 consultation on 25 November 2022 (copy attached for your convenience). Our current representations should be read alongside our previous response.

### New Site Allocations

We welcome the allocation of the four key sites and have land or other interests in all of them (subsoil and strata only at St Marys Hospital, and we are working with Network Rail on various sites in Vitoria including Grosvenor Sidings). We also welcome the general approach to set out suitable land uses and general development parameters and principles without being overly prescriptive and impeding creative design solutions to address each site's constraints.

## 9. New Policy - Westbourne Park Bus Garage

We note that part H2 of the policy mentions exploring opportunities for a new pedestrian connection over the canal via a bridge. It is not clear whether this would be something the development itself would be expected to provide and to what degree this has been considered from a viability perspective. The development itself would unlikely generate demand for a bridge of this nature, particularly given the proximity to the existing A4207, and it may be hard to incorporate this infrastructure into the site given its size and dimensions. However, it is recognised that the wording seeks exploration of this potential opportunity only, rather than anything more certain, and this wording is considered suitable to reflect the significant constraints to delivering this.

In paragraph 9.4 there is reference to TfL and Network Rail. There should also be mention of Tower Transit Operations given they are the other relevant landowner here.

## 10. New Policy - Land adjacent to Royal Oak Underground Station

Places is assessing the feasibility of a housing-led, mixed-use development on this site with Barratt London, our West London Partnership (WLP) partner. We intend to engage formally with Council officers and Members later this year to discuss viable options for development. Following this we will engage with the wider community in this part of Westminster.

### *Vision*

In principal we welcome the *Vision* for a mixed-use scheme, although in practice WLP believes that the site is more suitable for a housing-led scheme that will address severe housing needs in Westminster and deliver a significant amount of affordable housing. The balance is therefore likely to be weighted towards new homes. A mix of commercial uses, which might include workspace, light industrial and/or logistics, would likely be suitable on the lower floors which may be more constrained in terms of adjacency to the railways and Westway (including noise, air quality and natural light). Well-designed residential will be suitable on the upper floors where we can best address these amenity issues.

Therefore, we suggest that the *Vision* makes clear that the site is suitable for mixed-use development, with the balance of housing and commercial uses being informed by considerations including: the design-led process, environmental conditions and suitable mitigation to ensure satisfactory residential amenity, local needs and demand, and, importantly, viability and deliverability.

### *Core Principles*

On this basis, Core principal A should reflect the severe need for new homes in this location and the site's suitability for housing development. We therefore suggest the following amendments:

- A. The viable delivery of improvements to the access of Royal Oak station and its surrounds, and permeability through the site for pedestrians, alongside the delivery of a mix of uses, which may include commercial ~~land~~ (potentially including office-workspace, and / or light industrial and / or logistics) uses and / or new homes to positively contribute to the needs of the local area;

The suggested restriction of height on this site to "grade down significantly from the buildings at Kingdom Street" is unacceptable. We do not believe that there is a heritage or townscape basis to restrict development potential in this way adjacent to the Paddington Opportunity Area. Height should be informed by a design-led, contextual approach to optimisation of development densities, which promotes excellent place-making. This approach would be consistent with the

advice provided by the *Westminster Design Review Panel* regarding the draft site allocation; their representation concluded, amongst other things, that the policy should not be “overly specific on height”.<sup>1</sup>

It is also highly relevant that our initial feasibility work shows that tall buildings on this site are necessary for a deliverable scheme. The policy, as drafted, could make it more difficult for the Council to appropriately balance the full range of planning considerations relevant to making the planning case for a deliverable scheme. The approach to height should be based on a designed, site-specific approach to development optimisation and may require an overall balanced planning judgement. In short, the draft allocation’s approach to height risks undermining the planning case for a viable scheme and may jeopardise the delivery of new homes and jobs and other important public benefits, including station and access enhancements. As a key development site in the draft City Plan, the site allocation should support development and allow sufficient flexibility in the policy wording to respond to specific development scheme proposals as they come forward.

The draft site allocation should make clear that tall buildings may be appropriate on this site. Therefore, we suggest the following amendments:

- B. The optimisation of development densities across the site, **potentially including tall buildings, and in a manner that responds to local ~~its~~ heritage and townscape context value and the integrity of the** adjacent tall building cluster, ensuring that building heights, **form and design relate appropriately to existing tall** ~~grade down significantly from the~~ buildings at Kingdom Street **and within the wider Paddington Opportunity Area;**

This approach enables appropriate consideration to be given to all relevant factors to inform decisions on the appropriate height of buildings as part of development proposals for the site.

In addition, draft Policy 46 (Building height) part C (Locational principles) should include reference to the site allocation at Royal Oak, in the context of the Paddington Opportunity Area. This would be appropriate given the site location and its status as a key site allocation in the draft City Plan. Therefore, we suggest the following amendments:

- 46. C. Development of tall buildings may be acceptable within the Paddington Opportunity Areas **(and adjacent Royal Oak site allocation (Policy 10))**, Victoria Opportunity Areas, Marylebone flyover / Edgware Road junction and the Housing Renewal Areas.

Regarding New Policy 10’s Principle C, we have previously requested (and still request) that the last sentence should be deleted and that a new paragraph should be inserted between C and D to protect existing access routes:

- D. **The existing vehicular route to the Elizabeth Line portal must be maintained unless TfL agrees that it is no longer required. Access to rail infrastructure and its security (Network Rail, London Underground and Elizabeth Line) must be taken in to account in development proposals;**

We agree with (existing) paragraph D that sustainability and biodiversity should be at the heart of proposals.

The draft allocation already recognises that the site is suitable for “*well designed residential*” and therefore the first two words of (existing) paragraph E are superfluous and should be deleted for the sake of clarity. We suggest further changes to improve clarity:

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<sup>1</sup> Letter dated 18 January 2024, Westminster Design Review Panel – Royal Oak Draft Site Allocation Policy workshop

- E. ~~Where provided:~~ Any new residential development should secure high quality living conditions - including through the provision of ~~high levels of~~ sound insulation and ~~ventilation necessary to mitigate given~~ the noise associated with ~~the hard~~ transport infrastructure, and measures to prevent overheating.

We have no objections to (existing) paragraph F.

#### *Supporting Text*

The supporting text on page 70 will need to be updated to reflect the suggested changes above. Importantly, in the third paragraph it should be noted that while we are certainly open to considering non-conventional housing typologies (including student housing), this is likely to be no more than a small component of the housing offer. We are confident that we will be able to mitigate environmental issues on this site to provide high quality homes suitable for a range of household types and sizes. We are unlikely to seek to deliver live-work accommodation as part of the development on this site.

#### *Future Work*

WLP has appointed a design team who will be working up options for the delivery of the housing and commercial floorspace required for viable development. This will include height and massing studies; heritage, townscape and views analysis; and improving access and permeability, as well as ensuring residents' amenity and engineering solutions. We hope to be able to share this with the Council in the run up to EiP and it is intended that it will help to shape a viable and deliverable site allocation that optimises the delivery of new homes and jobs.

### **13. New Affordable Housing Policy**

Places supports the London Plan strategic target for 50% affordable housing delivery across London. This is a key driver of our housing delivery programme and we report on how we are performing against the 50% requirement on a Quarterly basis via the Mayor's Homes for Londoners Board.

#### *Public Land Portfolio Approach*

Paragraphs B2 and 3 of the proposed new policy are not in conformity with the London Plan because they seek to restrict application of our portfolio agreement with the Mayor to sites within Westminster only. These paragraphs must be amended to be in conformity with the London Plan and we suggest the following amendments:

2. On public sector land, the requirement increases to 50% affordable housing;
3. Where a portfolio ~~agreement with the Mayor is in place, public sector landowners may provide 50 per cent affordable housing across their portfolio of sites in London provided at least 35 per cent affordable housing is provided on each site;~~ approach to delivery on public sector land is proposed in agreement with the Mayor of London, ~~all the portfolio sites will be located in Westminster.~~

Our suggested approach is enshrined in the London Plan Policy H4 (Delivering affordable housing) measures to achieve the strategic target of providing 50% affordable housing across London. The measure in paragraph 4, relating to public sector land, is clear in respect of the portfolio approach, stating:

*"public sector land delivering at least 50 per cent affordable housing on each site and public sector landowners with agreements with the Mayor delivering at least 50 per cent affordable housing across their portfolio"*

This 'portfolio approach' to the delivery of affordable housing on public land is explained in Paragraph 4.4.7 of the London Plan:

*"Public sector land represents an opportunity to deliver homes that can meet the needs of London's essential workers who maintain the function and resilience of the city. The Mayor expects that residential proposals on public land should deliver at least 50 per cent affordable housing on each site. Public sector landowners with an agreement with the Mayor may provide 50 per cent affordable housing across a portfolio of sites provided at least 35 per cent affordable housing is provided on each site, with the required affordable housing tenure split on the initial 35 per cent."*

The flexibility provided by the 'portfolio approach' to affordable housing provision is essential for a public sector land owner / developer such as Places, which has a current housing programme encompassing more than 100 sites across London. It enables us to take land and development values into account in order to optimise affordable housing provision across our portfolio, and it also provides the flexibility we need to balance affordable housing provision across the capital, taking account of borough and site specific circumstances at each site.

It is also important to note that the current drafting of Policy I3's paragraph B3 is also faulty because Places currently has only one site within its portfolio in Westminster: Royal Oak ie. at the present time and for the foreseeable future Places does not have a 'portfolio' of sites located in Westminster. The abnormal costs associated with addressing the engineering challenges of building above the Elizabeth Line tunnels in this location, as well as adjacency to mainline railways and the Westway, and also the requirement to maintain access to the Elizabeth Line portal, mean that viability is already under intense pressure at this site. To effectively remove the site from our portfolio and require 50% affordable housing jeopardises the viability and deliverability of the site and therefore the important provision of new homes and the other substantial public benefits. It may require us to take a viability tested route, which could result in less than 35% provision, should the financial viability assessment submitted with a planning application indicate that only a lower level of provision can be supported.

For these reasons, supporting text paragraph I3.4 does not conform to the London Plan portfolio approach and it should be deleted.

#### *Threshold Approach*

City Plan policies should also reflect London Plan Policy H5's threshold approach to planning applications, which requires 50% affordable housing on public sector land "where there is no portfolio agreement with the Mayor". Where a public sector body (such as Places / TfL) does have a portfolio agreement with the Mayor, paragraph 4.5.6 confirms that: "Where there is an agreement with the Mayor to deliver at least 50 per cent across the portfolio of sites, then the 35 per cent threshold should apply to individual sites".

Subject to making our suggested changes to Paragraphs B2 and 3 of the proposed new policy HI3, this approach would be enabled via draft paragraph F and would be in conformity with the London Plan.

#### *Measuring the Amount of Affordable Housing*

In conformity with the London Plan's preference, (paragraph 4.5.3), the percentage of affordable housing should be calculated based primarily on habitable rooms. Paragraph I3.6 should be amended to reflect this.

#### *Islington Local Plan Inspectors' Report*

Similar issues concerning the public land portfolio approach have recently been considered at EiP. The Regulation 19 version of Islington Council's draft Local Plan, like Westminster's, sought

to disable the portfolio approach in the Borough. In their [5 July 2023 report](#), following the EiP examination hearings, the examination inspectors stated: "... we are mindful that there is an acute need for affordable housing across London and if other Boroughs took a similar approach, it could significantly undermine the intentions of Policy H4 of the London Plan". It is worth including the inspectors' comments in full:

42. The London Plan allows public sector landowners with agreements with the Mayor to deliver at least 50% affordable housing across their portfolio. This would allow some developments to deliver less than 50% (as low as 35%) if the deficit is made up from their other developments across London. Policy H3 and its supporting text does not allow such an approach and the Council is of the view that the pressing need for affordable housing in Islington should mean that all developments within the Borough should maximise affordable housing in line with Policy H3. However, we are mindful that there is an acute need for affordable housing across London and if other Boroughs took a similar approach, it could significantly undermine the intentions of Policy H4 of the London Plan. Therefore, to ensure conformity with the London Plan, **SDMM22** is necessary to allow the London Plan's portfolio approach within Islington.

The Inspectors were very clear that "to ensure **conformity** with the London Plan" [our emphasis], it was necessary to make a 'main modification' (in that case SDMM22) to allow the London Plan's portfolio approach to apply within the borough.

#### *Conclusions on Affordable Housing*

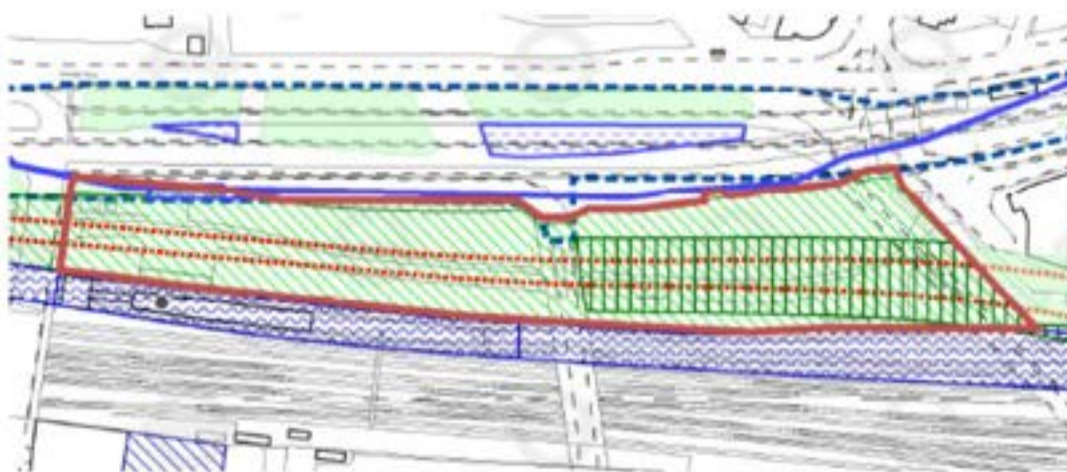
To be in conformity with the London Plan, the draft affordable housing policy I3 must be modified to enable the portfolio approach to public sector land to apply within Westminster and across London and, on each site, enable the provision of 35% or more affordable housing, subject to viability.

#### **43. New Retrofit First Policy**

While Places strongly supports policies to optimise sustainability and the reduction of carbon emissions within the development process, we would caution that this policy needs to be carefully worded to ensure that this does not constrain major projects such as Victoria Station and surrounding land where there is the opportunity for major improvements to national and London transport infrastructure and interchange, as well as providing new homes and jobs.

#### **Schedule of Changes to Westminster's Spatial Designations and Policies Map**

The proposed site boundary for the Royal Oak draft site allocation is inconstant with ownership and physical boundaries on the site. We suggest that it is updated to correctly reflect these:



## Concluding Remarks

We trust that we have provided sufficient information for the Council to be able to consider these representations and submitted sites. However, if you require any additional information, please do not hesitate to contact me or my colleague Rosanna Sterry.

Yours faithfully



**Brendan Hodges**  
Planning Manager (Residential and Commercial)  
Places for London

cc.

Patricia Cazes-Potgieter -	Places for London
Matt Doman -	Places for London
Rosanna Sterry	Places for London
Victoria Shin -	Places for London
Lindy Howard -	Places for London
Max Smyth -	Barratt London
Martin Scholar -	Barratt London
Peter Hopson -	Network Rail
Craig Tab -	DP9
Oliver Jefferson -	Turleys

encs.

TTLP (now Places for London) representations on the Reg 18 draft dated 25 November 2022

<b>ID/ Our reference</b>	021/ EXT021
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>JONES LANG LASALLE LIMITED (JLL)</b>
<b>Type of respondent</b>	Developers, landowners and real estate company



25<sup>th</sup> April 2024

**Westminster City Council**  
Planning Policy Team

**City Plan Partial Review**  
**Representations from Jones Lang LaSalle Limited**

Dear Madam

These representations to the City Council's partial review of its City Plan at 'Regulation 19' stage are made to assist in the drafting of a workable retrofit policy. JLL is favourable to planning policy that assists in the creation of a built environment that is more sustainable, alongside achieving economic goals and other important considerations and outcomes.

JLL is aware of, has contributed to, and fully supports the Westminster Property Association representations made on behalf of the wider group. We do not seek here to repeat the excellent points made in those well-conceived representations.

**Soundness**

We share the Association's concerns about soundness, which are perhaps accentuated by supporting paragraphs 43.9 and 43.10; during the discussion held between WPA members and the City Council's officers on 9<sup>th</sup> April, officers admitted what is shown by these two paragraphs: that the targets might not be achievable for some time, but that it is hoped they will become achievable during the plan period. We cannot see that this is a sound approach – to prepare a planning policy that it is acknowledged cannot be achieved in the first years of the plan period and based on the hope that technical capabilities can catch-up to the aspiration. As this goes to the heart of the policy, WCC should proceed warily. A large number of short to medium term projects will be unable to meet the policy if adopted in its current form. We recommend the policy is amended as a minimum to make it clear that the aspirational targets will only come into force at a future date in the medium term when an evidenced review makes it clear that they are achievable, so that the policy is realistic.

The Association's representations present a good deal of evidence and sound thinking around the LETI targets. The rule of thumb for commercial development is that band A is unachievable and band B is very challenging. Hotels and many other land uses, which Westminster is rich in, are not covered by the evidence in the Regulation 19 consultation and it is therefore entirely unclear how this policy would be applied to a wide variety of typologies. The WCC evidence base is limited and given the very great

importance of this policy going forwards, which will become the flagship policy of the plan, it is considered highly desirable for the City Council to assess the broad ramifications of the policy on as many land uses and development typologies as possible and not only on offices and residential. We urge the City Council to reopen its evidence base assessment for another stage of policy production and strategic thinking.

There are many buildings which even through retrofit will still require a high amount of embodied carbon and yet due to their fundamental nature will still have high operational carbon emissions post-retrofit. We encourage the City Council to allow as much flexibility in its policies as possible to achieve the desired overall outcome of a more sustainable city.

### **Pre-application process**

It is very unclear to us how, at pre-application stage, any applicant, or indeed planning officer, would establish whether or not a proposal has a likelihood of meeting the policy, especially with LETI band A embodied within it. The Association highlights the complexities in its consideration of Part A and diagram 6.1. It is really only at RIBA Stage 2 that it is understood where a development will sit against the LETI band, or equivalent alternative measures.

### **Operation of the policy**

We raised at the 9<sup>th</sup> April meeting that the policy catches all major planning applications, including ones which are changes of use – for example, a 1,001sqm shop on Oxford Street needing a sui generis use for a new type of public-facing use would need a whole life carbon assessment as a validation requirement, and likely have technical conditions added and no doubt other development management complexities as yet unforeseen – adding to the constraints on officer resourcing. We strongly request that the trigger for the policy in part B is raised substantially, and to exclude unnecessary applications. Part B1.d. is also problematical in this regard.

We find it difficult to understand what is intended by the trigger at parts A&B “...all development involving total or substantial demolition of a building which has more than a single storey”. It isn't entirely clear if this is intended to catch works to two storey houses, mews houses, dwellings in St John's Wood etcetera, or something else. We suggest that for clarity of operation, the better wording employed in supporting paraphing 43.6 where it advises “*Where the demolition of an existing building occurs and where the development is a major scheme...*” be considered to be substituted.

We question whether in a ‘plain English’ sense, the use of “*suitably*” in part A.1. and A.2. in conjunction with “*comparable*” adds to the meaning of the policy and propose it is removed leaving the serviceable “...*delivered through a comparable retrofit option*”.

We would support the inclusion of “bespoke operational requirements” in Part A.3, should Part A be adopted. This is an important element of the policy, as Westminster as a location attracts a very broad range of uses and development typologies. It is also important, so that the policy is consistent with other policies in the whole development plan, that where a land use is acceptable in principle, such as through the operation of Policy 2 or SD4&SD5, that land use is not then precluded by an over-bearing interpretation of Policy 43 (please see comments below on paragraph 43.5).

We welcome the use, though cumbersome, of independent assessments by structural engineers that is embedded into Part A.4, in a similar fashion to affordable housing viability assessments, given the naturally limited capacity in this expertise within the City Council. It will be helpful to consider whether this can be undertaken upfront, prior to submission of an application, to assist the City Council in meeting its determination targets.

It would perhaps be more workable, both for applicants but also for the City Council, if the “exceptional circumstances” test at Part B.1.e is amended to a more discretionary test, given that limited development typologies have been assessed in drafting the policy. We suggest instead “*Where it is agreed by the council that there are site specific circumstances...*” This is an appropriate alternative given part B.1.e goes on to agree an offset payment will be acceptable and appropriate in demonstrable circumstances.

At part D, we think there could easily be circumstances where appropriate intervention into a building to achieve retrofit aims causes harm to heritage assets. Indeed, it is possible for ‘harm’ in a conservation sense to also be beneficial in conservation-terms. Therefore, we suggest that the final policy test in Part D requiring such harm to be “*avoided or minimised*” does not as drafted quite allow all appropriate circumstances, and propose the text be amended to “*avoided or minimised where possible*”.

## **Policy order**

We thought it was a curiosity of the drafting, given the title of the policy is ‘Retrofit First’, that the part supporting retrofit schemes is set out towards the end of the policy, at Part C, rather than as Part A.

## **Supporting text**

There are elements in supporting text that take on, in the operation of a policy at development management, crucial importance akin to policy working. We therefore suggest the following changes:

43.2 – amend “*sustainable*” to “*beneficial*” in the final sentence, which is less narrow and will remind all parties that planning outcomes are to be assessed, including heritage outcomes, which are of ‘great weight’ in the NPPF planning balance. This is important for consistency with broader policy and alignment with the NPPF.

43.4 – we suggest that meeting housing targets is added in to the (admittedly non-exclusive list) in the first sentence of this paragraph. We note in support of this that Councillor Barraclough quotes in the Foreword to the Regulation 19 draft City Plan that “Being a city where people want and can afford to live is at the forefront of our agenda”.

43.5 – we consider this paragraph to be an example of ‘policy creep’ whereby Part A.3., which we consider is important to allow for untested and unforeseen typologies, is undermined. The paragraph introduces a statement which is somewhat akin to a retail sequential assessment. Retail sequential assessments are carefully controlled through long practice, through national policies and through numerous legal and inspectorate decisions. ‘Site Selection Statements’ will immediately interfere with the requirement in London Plan Policy SD4A to promote and enhance “*the unique*

*international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses...*". Policy SD4 goes on to reinforce this requirement in Parts B, E, F, G. Policy SD5 works in tandem with SD4, further stating the appropriate uses in the CAZ and it is not for a 'Site Selection Statement', created by supporting text, to override such crucial strategic policy. The invention of this novel statement is also an example of additional over-complexity within the planning system, which the Government is seeking to counter. Paragraph 43.5 should be deleted in its entirety.

The table in supporting text, which might become a useful shorthand summary of targets, should therefore acknowledge at row five '*exceptions*' that there will be myriad exceptions, through the simple use of '*etcetera*' in column one.

We wonder whether officers have assessed draft conditions that might be added to planning permissions, through the operation of Policy 43? Conditions can be a very important matter for the viability of completing a development, but the supporting text is largely silent, except at 43.8.

Paragraph 43.14 introduces a planning application validation requirement – for all applications increasing floorspace – to be supported by a Sustainable Design Statement. Therefore, applications for small and very small extensions to buildings would need to be supported by such a requirement. Whilst it is expected that development management officers will be overburdened by such an addition, it will also be an inappropriate burden on many applicants, particularly small businesses and householders.

## **Summary**

We are concerned that the outcome of the policy will be the sterilisation of the West End's stock of commercial buildings; whilst it is perhaps idly expressed on social media that a building in the West End will always find a tenant and that a city of highly affordable workspace no longer competing with World City peers might have social outcomes, employers are seeking workspace which enhances the health and well-being of their staff. Occupiers require better air quality, access to natural light, fully ambulant environments etc., none of which goals will be possible in the retention of substandard buildings necessitated by a strict interpretation of a highly complex policy, choking off investment for both retrofit and renewal. The net outcome could easily be sacrificing workers' health and well-being for bricks and mortar.

Yours faithfully,

Jones Lang LaSalle Limited

<b>ID/ Our reference</b>	022/ EXT022
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>JOHANNA HICKS</b>
<b>Type of respondent</b>	Individual

[REDACTED]

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**From:** Joanna Hicks [REDACTED]  
**Sent:** 25 April 2024 12:17  
**To:** Planning Policy: WCC  
**Subject:** City Plan Partial Review - Royal Oak

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Caution: This email originated from outside of the organisation. Do not click links, open attachments or reply, unless you recognise the sender's email address and know the content is safe.

Dear Westminster Planning

I have only just learned that there is a consultation on the proposed development of the site beside Royal Oak tube station, and hope I am responding in time. It is disappointing that residents have not been made more aware of this consultation as this site is extremely important to all those who live locally.

As a long time resident near the Royal Oak site, I would like it recorded that my wish is for the area to be developed mainly as a green space and planted with trees and shrubs. We have increasing evidence of the serious level of pollution affecting the health of the local population, and it would be surely be inappropriate and negligent to increase the density of the built environment and volume of traffic at this site. The creation of a 'green lung' at this site would improve air quality and help absorb heat and noise, all for the better health of the local population.

Please note in particular that if there is any prospect of the plan to place a coach station at the site being revisited, I would once again object very strongly.

Many thanks for giving me the opportunity to comment.

Kind regards  
Joanna Hicks

[REDACTED]

<b>ID/ Our reference</b>	023/ EXT023
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>LONDON HERITAGE QUARTER (THE NORTHBANK BID)</b>
<b>Type of respondent</b>	Business and trade association

By Email [REDACTED]

25 April 2024

City Planning Policy, Innovation and Change,  
Westminster City Council,  
17th Floor, 64 Victoria Street,  
London, SW1E 6QP

Dear Officers,

**Westminster City Plan Partial Review – Regulation 19 Consultation  
Response from the London Heritage Quarter**

London Heritage Quarter (LHQ) is the collective of four Business Improvement Districts which cover South Westminster - Victoria, Victoria Westminster, Whitehall and Northbank. Stretching from Belgravia through to Parliament Square, Strand and on to the Royal Courts of Justice, the BIDs cover some of central London's most iconic locations and visitor destinations. The BIDs represent thousands of businesses, from major employers and FTSE 100 companies to smaller creative businesses and start-ups, across a diverse range of sectors. *(A map showing the respective BID footprints is enclosed for information).*

LHQ are members of Westminster Property Association, Business London, London & Partners and New London Architecture. LHQ fully supports the response submitted by Westminster Property Association to this Regulation 19 City Plan consultation.

LHQ is pleased to respond to the City Council's current policy consultation at Regulation 19 stage and offers the following comments and observations on the proposed draft new City Plan policies (including accompanying Policies Map) and site allocation for Grosvenor Sidings, Victoria.

The LHQ is supportive of the City Council's ambition to achieve a Fairer Westminster and in maintaining an up to date City Plan and related planning policy guidance. LHQ supports the aspiration to create mixed and balanced communities and maintain buildings in active use, reducing the negative impacts of building vacancy. The four BIDs collectively are keen that the City's planning policies promote a positive environment to stimulate economic growth and bring forward a strong, resilient environment to support workers and the wider community of Westminster.

London Heritage Quarter (London HQ)

[REDACTED]  
[REDACTED]  
W [london-hq.co.uk](http://london-hq.co.uk)



The LHQ footprint is covered by a variety of planning policy designations including the CAZ; the Victoria Opportunity Area; the Westminster World Heritage Site, CAZ retail frontages; local shopping frontages; West End Special Retail and Leisure Policy Area; Strategic Cultural Areas – Millbank and West End; numerous Conservation Areas; Protected Views; the Thames Policy Area; Archaeological Priority Area; and Crossrail Line 2 Safeguarding Direction. Some parts are designated as deficient in open space and nature.

The Victoria BID footprint includes the designated Victoria Neighbourhood Area and part of the designated Belgravia Neighbourhood Forum Area, now subject to the Belgravia Neighbourhood Plan

The LHQ responds as follows to the Regulation 19 consultation -

#### Draft Policy 43 – Retrofit First

LHQ understands and supports the City Council’s aspiration behind the introduction of the proposed draft policy and the importance to address the global impacts of climate change.

LHQ covers some two square kilometres and comprises a mixed building stock, of varying age, architectural design, and materials. This diversity of stock provides employers, investors and developers with a range of buildings for commercial use. Any potential restrictions placed on the quality, format and availability of commercial stock would be viewed as unhelpful as the City recovers from the pandemic.

LHQ is supportive of the City Council’s vision for a sustainable borough, to be realised through good planning and design, and clear achievable targets around environmental performance and carbon reduction. LHQ has recently convened a Sustainability Steering Group with members drawn from the business membership, many of whom have direct experience of retrofitting their buildings. The group oversees sustainability projects and research in order to enhance and optimise the sustainability credentials of each BID so that, collectively, they remain healthy, resilient and inspiring places in which to live in, work in and visit.

The City’s planning policies have long achieved a good balance between sustainable, viable reuse of sites and older and heritage buildings through a combination of refurbishment and partial renewal or more comprehensive redevelopment dependent on the individual building and site circumstances.

London Heritage Quarter (London HQ)



W [london-hq.co.uk](http://london-hq.co.uk)

This approach has realised a legacy of well-designed new commercial buildings, offering best in class Grade A office spaces designed to the highest environmental credentials while at the same time bringing forward a range of benefits including new public realm, routes and spaces.

In the Victoria and Victoria Westminster BID footprints, part of which is included within the strategically designated London Plan Victoria Opportunity Area, such examples include creating new public routes, public spaces and active ground frontages on Victoria Street, within the Nova and Orchard Place developments. The public benefits now enjoyed by many in Nova and Orchard Place would not have been achievable through retrofitting existing buildings, due to internal limitations such as the position of structural cores, internal and underground infrastructure.

LHQ understands and supports the City Council's desire to ensure newly available commercial space achieves the highest environmental standards and for development to be assessed against recognised and consistently applied industry standards and benchmarks. This is however a fast-moving policy area with guidance evolving continually at different paces within different local authorities but within a vacuum of national policy and guidance.

We would urge caution around this draft policy so as not to inadvertently stymie or delay commercial and office development in the Central Activities Zone or to divert investment and development outside Westminster.

It is worth acknowledging that Westminster's Central Activities Zone is unique, benefitting as it does from extensive heritage designation and conservation presumptions (Conservation Areas, Listed Buildings, Areas of Archaeological Priority, Strategic Views, etc.) which already places restrictions on the design, development envelope both below and above ground, including the ability to increase building heights. Additionally, the ability for existing roofscapes to accommodate external services and mechanical equipment is often constrained as is the ability to accommodate new external terraces or green biodiverse roofs which can be limited by amenity considerations.

Applicants also face a significant amount of up-front cost associated with the preparation and design of scheme proposals and planning documentation, both pre and post submission leading to a lengthened overall planning decision period. The scope of information required to support the discharge of planning conditions both before implementation and whilst on site is also complex, intensive and time consuming.

LHQ considers that the draft policy as currently drafted is overly complex and has the unintended potential to create further cost, delay and uncertainty around application proposals, leading to sites

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not coming through the planning process thereby reducing delivery pipelines for all types of development over the medium to long term.

We submit that the Council might wish to consider employing a more pragmatic approach to retrofit whilst still retaining its ambition in order to ensure development is not held up or not carried out at all on older buildings. Applicants would benefit from very early pre-application indication as to what the City Council's preferred approach is likely to be, possibly with Design Review Panel where appropriate to avoid significant abortive costs as the proposals progress through the planning process and well in advance of being presented to planning committee.

LHQ considers the draft policy to be potentially overly restrictive or prohibitive or both and have unintended effects that will restricts new commercial development suited to contemporary occupier requirements. This will make the City less competitive with its international comparators or other boroughs.

We would recommend and support policy complementarity among the Central London Boroughs covering the CAZ on retrofit policy. The draft policy could bring about unintended consequences leading to an overall reduction in net floorspace leading to lower CIL receipts for strategic and neighbourhood investment and S106 contributions.

While LHQ strongly supports the principle of retrofitting we suggest that the draft policy wording should be modified to reduce the emphasis on a Retrofit First approach to enable application proposals to be considered case by case, on a merits and site circumstances basis as has been the case for many years in the CAZ and City of Westminster.

Sustainable, technical and competent retrofit should be a key consideration for bringing forward commercial office development but it should not become the *preferred* or *only* method of development permitted by City Council policy.

Specifically, we submit that the Council might also wish to clarify further what it considers 'public benefits as set out at A (1) of the New Policy 43 - Retrofit First on page 174 of the current draft might be. We note that social and economic benefits are not currently acknowledged by the draft policy, regenerative renewal in all forms is essential to achieve good growth and a fairer city for all.

LHQ welcomes the City Council's proactive approach to address the climate and ecological emergency and provision of early guidance for developers as part of the pre- application process. The BIDs looks forward to working with the City Council on the formulation of the new City Plan in the coming years.

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## Draft Site Allocation and Policies Map – Grosvenor Sidings, Victoria

The LHQ and the Victoria BID specifically offers the following comments on the proposed draft policy wording and welcomes this first step in realising a future development vision on the Grosvenor Sidings site, in the context of the Future Victoria vision - a long term masterplan for the regeneration and revitalisation of the major transport hub, its surrounding public realm and environmental quality.

We note that the proposed site allocation sits outside of the Victoria Opportunity Area, designated by the London Plan in 2008 and LHQ would support a review of the VOA.

The Grosvenor Sidings site running down to the Thames riverside is positioned just outside the Victoria BID boundary.

Victoria BID acknowledges that the draft site allocation has been developed with the benefit of advice from the newly established Westminster Design Review Panel and evidence base including Heritage, Townscape and Visual Impact Assessment and Initial Viability Testing.

The operational land offers a substantial development opportunity, and one that will contribute to the regeneration of the wider area with Victoria Transport Interchange at its centre. It provides a unique and now rare opportunity to reconnect the City core with direct access to the riverside.

Victoria BID is supportive of the release of the site for new land uses and broadly agrees with the vision set out within the draft policy allocation to bring forward high quality sustainable mixed-use development, integrated within the Victoria and Pimlico neighbourhoods.

As former locks and docks of the River Thames, and then later railway and industrial operational land the associated and likely high costs of archaeology, site decontamination, new flood protection measures, and land remediation must be acknowledged by the draft policy. This is especially pertinent having regard to the proposed revision to the City Plan which will require 50% affordable housing on publicly owned land.

Victoria BID would strongly advocate for a prioritisation of the public benefits to be achieved by the redevelopment to ensure scheme viability, and so as not to overload the related costs of redevelopment.

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In responding to the declared climate and ecological emergencies, the Victoria BID supports the policy ambition to place sustainability at the heart of any development proposals.

The BID considers that the draft site allocation wording would benefit from minor modification -

#### 11.5- Proposed Use

The draft policy advocates a residential led scheme with opportunities for affordable workspaces explored. The BID would encourage the City Council to be bolder in its ambition to seek a greater proportion of floorspace for commercial uses including affordable workspace, supported and substantiated by local market evidence to complement the wider office and employment market.

A focus on creating the right ground floor usage should be encouraged so as not to impact on the existing vitality and offer of nearby local retail centres, or create unlettable retail spaces in the long term. The VBID supports the inclusion of an element of community/social use to strengthen local facilities.

#### 11.7 Sustainability and Environmental Considerations and 11. 15 – Permeability, public realm and open spaces

The scheme proposals should seek to deliver a sustainable, green and biodiverse response to this urban site within the Central Activities Zone. Local area wayfinding should be intuitive and integrated into the urban and architectural design, with public routes well designed, secure and of human scale.

The scheme proposals should be designed to seek to maximise the opportunities for aligned social and environmental/ecological value and be responsive to local circumstances at the point of development and implementation in response to the declared climate and ecological emergencies.

In overall conclusion, LHQ is pleased to support Westminster City Council on the development of new City planning policy (Partial Review) in advance of the Full City Plan Review and respectfully requests to be kept informed of the future progress of the City Plan Partial Review.

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Yours sincerely,



**Ruth Duston, OBE, OC**

Chief Executive | **London HQ** (The Northbank, Victoria, Victoria Westminster and Whitehall Business Improvement Districts)



[www.thenorthbank.london](http://www.thenorthbank.london) / [www.victoriabid.co.uk](http://www.victoriabid.co.uk) / [www.victoriawestminsterbid.co.uk](http://www.victoriawestminsterbid.co.uk) / [www.whitehallbid.co.uk](http://www.whitehallbid.co.uk) / [www.london-hq.co.uk](http://www.london-hq.co.uk)

Enc. LHQ Map

London Heritage Quarter (London HQ)

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<b>ID/ Our reference</b>	024/ EXT024
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>CHURCH COMMISSIONERS FOR ENGLAND</b>
<b>Type of respondent</b>	Charity, campaign groups and other clubs/association



City Planning Policy, Innovation and Change  
Westminster City Council  
17<sup>th</sup> Floor  
64 Victoria Street  
London  
SW1E 6QP

Laura Whyte  
Senior Asset Manager  
(Residential)

25 April 2024

Dear Sirs,

**City Plan Partial Review – response to Regulation 19 consultation (March 2024) Representations on behalf of the Church Commissioners**

We are writing on behalf of the Church Commissioners for England to submit representations in response to the City of Westminster's Regulation 19 Publication Draft of the City Plan 2019-2040 (March 2024).

When adopted, the final version of the City Plan, along with the current adopted London Plan will form the Development Plan for the City of Westminster. As such, the City Plan must be in broad conformity with the current London Plan, which itself in turn, must be in conformity with the National Planning Policy Framework (as amended 2023).

The consultation is currently underway, closing on 25 April 2024. We welcome the opportunity to comment on the draft publication.

**The Church Commissioners for England**

The Church Commissioners for England are a major landowner within Westminster. The Hyde Park Estate is one of the largest residential estates in central London still in single ownership. The Estate is located to the north-west of Marble Arch and to the north of Hyde Park. The Estate is bounded by Edgware Road to the east, Bayswater Road to the south and Sussex Gardens to the northwest. The Estate covers 90 acres.

The Church Commissioners have been responsible for the development and management of the residential properties on the Estate since 1836. The Estate's dedicated team manages over 1,700 residential properties, alongside the shops and services in Connaught Village. The team also manages the parks and gardens located within the Estate. Many of the

Church House, Great Smith Street, London [REDACTED]



Church Commissioners assets are listed buildings and the Estate lies within Bayswater Conservation Area.

The Church Commissioners actively manage and invest in the Estate to upgrade and maintain its properties and to ensure that it is an attractive and vibrant residential area, in the heart of the City. The Church Commissioners also work to ensure a balanced mix of commercial uses across the Estate in appropriate locations.

As part of its approach, the Church Commissioners work in partnership with Westminster City Council, the Marble Arch Business Improvement District, the Portman Estate and the Hyde Park and Paddington Neighbourhood Forum to promote development and investment in Edgware Road.

## **Regulation 19 City Plan**

### Policy 13 - Affordable Housing

Draft Policy 13 if considered sound will replace adopted Policy 9 with regards to affordable housing.

Part D introduces delivery mechanisms for affordable housing and sets out a requirement for small-scale residential developments (those providing fewer than 10 homes) to provide affordable housing. The policy sets out that developers are not required to deliver affordable housing on-site but instead must provide this off-site or via a payment in lieu.

We recognise the Council's priority for capturing additional affordable housing and delivery across the Borough. However, request further clarification on the proposed wording of draft Policy 13 Part D, particularly with regards to the definition of a 'home'.

The Planning Obligations and Affordable Housing SPD, adopted in March 2024, defines 'new homes' as those that are providing a new form of housing supply that caters to a different market or level of housing need compared to the homes that previously existed on site. Any judgement on whether the refurbishment or reconfiguration of existing stock counts as new housing supply and should therefore contribute to affordable housing requirements will be based on an assessment of the extent of changes proposed to the existing building, with regard to changes to:

- The size of individual dwellings (the number of bedrooms, floorspace, or floor to ceiling heights);
- Communal areas (the provision of stairs, lifts, circulation space, and any new on-site amenities);
- The external appearance of the building (including matters such as re-siting of windows and provision of balconies); and
- Whether any existing dwellings are single or dual aspect.

The wording set out within draft Policy 13 is based on the provision of 'homes', further clarification is required on whether this is the same

definition as that provided within the Planning Obligations and Affordable Housing SPD, or whether it is referring to the number of units created.

We have concerns that the requirement for affordable housing on small-scale residential developments, of fewer than 10 homes, will have add a further constraint to the conversion and extension of properties to residential across the Hyde Park Estate and more widely across the Borough and could reduce the number of small-scale sites coming forwards which in turn would increase the difficulty for Westminster to reach its housing targets.

Whilst the reference to financial viability testing is welcomed, this is likely to prolong the planning process whilst viability assessments are prepared by the Developer and reviewed by the Council's advisors, in addition to adding extra costs to both parties. We are concerned with regards to the impact this would have on timescales for planning applications and in turn the wider delivery of housing within the City.

The Affordable Housing and Planning Obligations SPD sets out that a scheme should deliver at least the relevant threshold level of affordable housing (35% or 50%). If affordable housing is applied to small-scale sites, these, like with larger schemes, would be based on a fixed rate of £16,000 per sqm of floorspace in Zone A. Whilst we welcome the opportunity to make a payment in lieu, based off the formulae set out in the SPD a 100sqm residential dwelling would therefore be required to pay £560,000 as a payment in lieu to the Council as part of the planning process. This would add significant costs to the conversion of properties to residential and the creation of new residential units and would likely restrict the number of residential schemes coming forwards. We urge the Council to reconsider the wording of this policy to lessen the impact on the delivery of housing.

#### Policy 43 – Retrofit First

Policy 43 introduces Westminster's prioritisation of the retrofit and refurbishment of existing buildings to meet future needs over demolition and redevelopment, with an aim to reduce the impact of development on climate change.

We support the introduction of appropriate targets and aspirations within planning policy, which can both provide clarity and guidance to applicants and facilitate innovation within the construction industry. However, the extent to which demolition and redevelopment contribute to the overall scale of Westminster's annual carbon emissions is not sufficiently demonstrated within the evidence base provided. It is therefore not clear the impact the proposed retrofit policy would have on reducing Westminster's annual carbon emissions. We are concerned that the policy would cause a considerable hold up in development timescales whilst the construction supply chain attempts to catch up. This is likely to be exacerbated by the introduction of a policy which is not yet supported at a national or regional level.

Part A of the policy is too complex in its current form to operate as sound in plan-making terms and would likely prolong the planning application process and lead to a delay in developments coming forwards as a result. Moreover, the complexity of an optioneering exercise may skew decisions towards refusal of any proposal involving substantial demolition and is therefore not considered to be positively prepared.

Part B.1. requires the submission of a Whole Life-Cycle Carbon assessment for all major developments. The requirement for developments which, whilst defined as major applications, do not result in either substantial or full demolition to achieve upfront embodied carbon targets and submit Whole Life Carbon Assessments is disproportionate and not in keeping with the spirit of the objectives of the proposed retrofit policy. We would therefore request that the policy is clarified to exclude major development which does not result in substantial or full demolition.

We recognise the rationale behind the introduction in Part B of the policy of upfront embodied carbon targets in principle and acknowledge that several Local Planning Authorities are seeking to introduce similar policies which set restrictions on upfront embodied carbon emissions. The policy is not clear in terms of the technical deliverability of achieving the proposed LETI figures, nor the impact this would have on the viability of schemes. The proposed targets are not comparable with other London boroughs. The policy is therefore unlikely to be sound in plan-making terms because the effect of its complexity will be to prevent proposals coming forwards.

## **Conclusion**

The Church Commissioners welcome the opportunity to respond to the Regulation 19 Publication Draft of the City Plan 2019-2040 (March 2024). Having regard to the above commentary, it is clear that overall whilst the principles of capturing additional affordable housing, and encouraging retrofit are supported, further clarification and modifications to the proposed policies are required prior to the plan being considered sound.

The key points made in these representations can be summarised as follows:

- Additional consideration should be given to the wording within the Regional and National guidance and frameworks to ensure that the City Plan aligns with that wording
- Clarification on the definition of 'homes'
- A further review should be undertaken on the impact of viability of the small scale payment in lieu
- Evidence base should be expanded to look at the impact the proposed retrofit policy will have on carbon emissions
- Further consideration should be given to the impact of the optioneering exercise
- Further consideration should be given to the impact of the policy on the construction industry and supply chain

- Rewording of Policy 13 Part B to redefine the requirements to provide a whole life carbon assessments

We welcome ongoing communication with Westminster City Council as the Local Plan review progresses.

Yours faithfully



Laura Whyte  
Church Commissioners for England

<b>ID/ Our reference</b>	025/ EXT025
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>NETWORK RAIL</b>
<b>Type of respondent</b>	Statutory consultee



Network Rail

[Redacted address information]

Via email: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

25 April 2024

Dear Sir/Madam

**NETWORK RAIL RESPONSE TO WESTMINSTER CITY COUNCIL CITY PLAN PARTIAL REVIEW (REGULATION 19)**

Thank you for providing Network Rail Infrastructure Limited (NRIL) with the opportunity to comment on the Regulation 19 version of the City Plan partial review. The railway network is a vital element of the country's economy and a key component in the drive to deliver the Government's sustainable agenda.

In addition, Network Rail is a statutory undertaker responsible for maintaining, operating and developing the main railway network and its associated estate. Our aim is to protect and enhance the railway infrastructure.

Network Rail is supportive of the Council's decision to review the City Plan and to include additional site allocations within this. Additionally, the Council's intentions to achieve a fairer Westminster including access to more affordable housing should be commended. Network Rail, as one of the largest landowners in the country, are working to support the provision of more homes often near public transport, to promote a greener agenda. As such, Network Rail is in the position to help unlock development opportunities and support sustainable growth and benefits in infrastructure.

Westminster supports four main rail station termini with Marylebone, Paddington, London Victoria and Charing Cross providing significant opportunities to travel in and out of the City. All four stations see significant commuter and leisure travel across all seven days of the week and Network Rail seek to ensure that these stations remain fit for purpose to

support traveling by rail. However, current and future growth means that in some cases improvements to these stations are required to ensure access remains. Network Rail, as a publicly funded body, have limited finances to implement the improvements required to support growth. As such, it is important that the Council is supportive of Network Rail's pursuit of developer and third party contributions to re-invest into the rail network. This will benefit current and future residents of Westminster and continue to provide a high quality experience for passengers visiting London. Encouraging of the rail network and investment into it will also support working towards achieving the Council's objectives.

### **3. Spatial Development Priorities: Paddington Opportunity Area (POA)**

Considering the above, Network Rail is supportive that the wording remains in the POA regarding the importance of Paddington station and its links to the west, Heathrow and the London Underground. The reference to the Station being continuously adapted to accommodate additional use is also supported.

#### **New Policy 8: St Mary's Hospital**

Network Rail notes the proposed site allocation within the POA and its proximity to Paddington Station. Para 8.13 includes reference to the need for improving permeability and access at the station as promoted by NRIL through the Infrastructure Delivery Plan (IDP). Network Rail remains supportive of these improvements and wish to continue to work with the Council in securing these because of this draft site allocation, alongside other cumulative development nearby. Network Rail believe that wording which makes explicit reference to improving access at Paddington Station be included within the Paddington Opportunity Area policy. The addition of reference to developer and other third party financial contributions being secured to fund access improvements at the Station would also be welcomed and would make the Policy sound by being effective at highlighting essential infrastructure needed to support the Plan. Paras 3.2 and 3.3 of the POA provides the opportunity to include this additional wording to proving contextual clarity.

### **4. Spatial Development Priorities: Victoria Opportunity Area (VOA)**

The VOA identifies Victoria as being one of best connected locations with access to the mainline rail station, bus and coach terminal and London underground. It also notes how congested this area is as well and the opportunities around public realm improvements. Para 4.10 sets out the opportunity at Victoria Station and this is supported. There are several significant development sites coming forward around the Station which lends itself to re-imagining access to the station and its public realm. Improvements to the gate lines at the main line railway station platforms will allow for increased use and reduce congestion, especially in peak travel times. However, access into the station and around the outside remains limited with busy roads and numerous bus movements making this challenging. Additional entrances to the Station and a holistic approach towards public realm improvements will help to alleviate these issues. These are identified as part of the Infrastructure Delivery Plan.

Within the context of increasing development around the Station, this presents an opportunity to consider the Station itself as a key site providing for mixed use development. Network Rail wish to continue to work with the Council to appraise development opportunities at the Station, which can be residential-led, alongside identified improvements to the Station.

## **New Policy 11 – Grosvenor Sidings**

Network Rail supports the inclusion of this draft site allocation within the City Plan. The re-development of the Sidings provides the opportunity to deliver a large site for a mixed use, residential-led scheme. This would provide for an efficient use of land and allow for the bringing of a relatively inaccessible part of Victoria into a more public environment and increase permeability towards the River Thames. Grosvenor Sidings will play a key role in delivering sustainable development as part of the City Plan. However, given the current railway use of the site, the draft allocation should not preclude the removal of buildings and existing structures that are not suitable for retention to make the site safe for alternative uses.

Where possible, existing buildings and structures can be retained and re-used providing there is no conflict with the overall safety of the site to align with the Plan's vision on embodied carbon. The design review panel report on the draft site allocation sets out key parameters for the site which have been considered. Maximising development, particularly on the western side of the draft allocation, will make a significant contribution towards meeting housing need.

At para 11.6, the word exiting in the first sentence should be amended to existing.

Further to the above, additional representations are submitted on Grosvenor Sidings by DP9 on behalf of Network Rail. This provides further information regarding detail of the proposed allocation, delivery and any further matters needed to be considered.

## **30. Public transport and infrastructure**

Network Rail supports the Policy particularly para A1, which supports investment in mainline termini. Network Rail requests that the improvements set out in the Infrastructure Delivery Plan for the mainline stations within Westminster are taken into account and funding contributions secured towards realising these. Network Rail believe that reference should be made to the up to date IDP within this Policy to ensure delivery of these schemes are pursued.

## **New Policy 43 – Retrofit first**

Network Rail are supportive in principle of enhancing sustainability within the built environment and the reduction of carbon emissions, to promote development that is environmentally, socially and economically sustainable. The importance of the 'retrofit first' approach is recognised, however this does need to be balanced against other social and economic objectives set out within Paragraph 8 of the NPPF (the three overarching objectives for achieving sustainable development).

Planning policies should take a proactive role in identifying and helping to bring forward suitable sites for meeting development needs in order to make the best use of the land and be applied pragmatically by decision makers. A retrofit first approach is not always the most effective use of land. Deliverability and financial viability need to be considered in the context of the overall scheme proposals and individual site priorities.

Network Rail endorses WCC's aims to reduce carbon emissions arising from development but does consider the retrofit policy unsound regarding the national tests for plan making. New Policy 43 is inherently complex, it is of critical importance, and should be proportionately justified and allow for sufficient clarity of application in practice. There is a challenging optioneering exercise required and the targets set may be unachievable. This



could prevent development sites from coming forward and cannot be viewed as being positively prepared.

## Rail Network

In the case of the rail network, the current CITY Plan demonstrates the importance of the major rail stations, in connecting Westminster with the wider network. Each development that comes forward within Westminster, especially those that are car-free, will likely add further users to the rail network resulting in greater pressures on platform capacities and gatelines, as well as increasing footfall through station entrances. This should be reflected in the City Plan review to give increasing importance to the rail network.

## Infrastructure Delivery Plan

Network Rail is pursuing several infrastructure enhancements that have been submitted to update the IDP previously. These schemes include the following:

### Paddington Station

Infrastructure required	Estimated cost	Requirement
Replacement of footbridge at north west end of platforms 1-8	£3,000,000	Accommodate growth of new users and those using Elizabeth Line - Essential
London end concourse congestion relief	£3,000,000	Ease congestion issues due to increased use - Desirable
Formalised access/egress from taxi deck on London Street/Tanner Lane	TBC	Formal access to aid movement from St Marys Hospital re-development - Essential

### London Victoria Station

Infrastructure required	Estimated costs	Requirement
New station entrances and public realm	£3,000,000	Improved access and place-making - Desirable
Extension of platforms	£4,000,000	Allow 12 car trains and remove significant constraint to service provision - Essential
Re-development of London Victoria	TBC	Improved station to meet demand and support new housing - Essential

### Charing Cross station

Infrastructure required	Estimated costs	Requirement
Re-design of station forecourt and new public realm	£10,000,000	Improved access and place-making - Essential
Re-location of existing station facilities and improved access	£2,5000,000	To make station more accessible - Essential
Improvements to station frontage and key features	£1,000,000	Support improvements along the Strand and

		improve experience for visitors and others - Essential
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Network Rail would appreciate the above being included within the latest draft of the IDP to support the Review of the City Plan. The identified infrastructure improvements are linked to support draft allocations within the City Plan and to accommodate growth proposed within Westminster. Improving access in and around the stations will aid in the Council achieving their aim of having a Fairer Westminster.

Additionally, improvements to the stations will have significant, positive local benefits on the economy and overall experience of those living nearby. Network Rail would like to continue to work with the Council to deliver these improvements and to ensure the benefits of these are felt for all within Westminster.

In addition to the above, further representations are included as an appendix for a proposed development site at 'land north of Marylebone station'.

I trust that the above is clear, should you require additional information or to have a meeting to discuss the above then please do not hesitate to contact me.

Kind regards,

**Craig Hatton MRTPI**  
**Senior Town Planner**

<b>ID/ Our reference</b>	026/ EXT026
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>MAIDA HILL NEIGHBOURHOOD FORUM</b>
<b>Type of respondent</b>	Neighbourhood Forum, Amenity Society or Resident's Association

**From:** MHNF Information [REDACTED]  
**Sent:** 25 April 2024 15:34  
**To:** Planning Policy: WCC  
**Cc:** salesmastery02; Biljana Savic; Elaine Arthur; Neil  
**Subject:** City Plan Partial Review – response to Regulation 19 consultation

Caution: This email originated from outside of the organisation. Do not click links, open attachments or reply, unless you recognise the sender's email address and know the content is safe.

Dear Westminster City Council,

Maida Hill Neighbourhood Forum is a neighbourhood forum in the City of Westminster.

Our views on the City Plan partial review are as follows.

- In relation to the Chapter on Site Allocations, we have worked with Westbourne forum in relation to a response on New Policy 9 "Westbourne Park Bus Garage". We confirm that we fully endorse their response on that agenda.

- In relation to the section of the Chapter on Design relating to Retrofit, we would state that we find the policy to be both sound and an important policy in combatting climate change. We confirm that the consultation has complied with the duty to co-operate.

- In relation to the section of the Chapter on Housing relation to Affordable Housing, we would state that we find to be both sound and an important policy in addressing the immense problems on housing and housing affordability within the City of Westminster. We confirm that the consultation has complied with the duty to co-operate.

Yours sincerely,

Vonley Joseph, chair, Maida Hill Neighbourhood Forum

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<https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.maidahillneighbourhoodforum.org.uk%2F&data=05%7C02%7Cplanningpolicy%40westminster.gov.uk%7Cb0df51fc35b048d9d05508dc6534b5d1%7C50d8c115b77f4395a3ba3b407caf0d88%7C0%7C0%7C638496524277516492%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=W2cQgHxh9KNG%2BgbwzpOCmuZPmkca8QfRQ%2BcgfD6muio%3D&reserved=0>

<b>ID/ Our reference</b>	027/ EXT027
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>DP9 LTD</b>
<b>Type of respondent</b>	Consultancy firm and professional network

25<sup>th</sup> April 2025

City Planning Policy  
Innovation and Change  
Westminster City Council  
17<sup>th</sup> Floor  
64 Victoria Street  
London  
SW1E 6QP

DP9 Ltd



www.dp9.co.uk

Via email: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

Dear Sir/Madam,

#### **CITY PLAN PARTIAL REVIEW 2024 – REGULATION 19 CONSULTATION**

Thank you for providing us with the opportunity to comment on Westminster City Council's (WCC's) draft City Plan Partial Review (2024) through the current consultation. These reps are made in relation to the new retrofit policy that is proposed as part of the draft City Plan Partial Review.

It is noted that the partial review relates to a new retrofit policy, a new replacement affordable housing policy and four new site allocations. These representations relate solely to the new retrofit policy proposed.

The aim of the policy is to reduce embodied carbon impacts, however there are concerns about the current wording and how this may impact future development in WCC.

Part A states that development involving total demolition of a building which has more than a single storey will generally be resisted, unless it can be demonstrated through an options appraisal (of refurbishment, retrofit, deep retrofit or newbuild options) that:

1. *"The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and*
2. *The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or*
3. *The proposed development has bespoke operational requirements which could not be provided through a retrofit option; or*



4. *It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.”*

Part A of the policy as currently worded does not take into account social and economic considerations in relation to proposals and would result in applications being refused that are otherwise in accordance with the development plan. The policy as worded is in conflict with strategic planning policies and could impact future development within WCC.

Part B of the policy includes substantial demolition.

*B. All development involving total or substantial demolition of a building which has more than a single storey, and all major developments are required to:*

- 1. Submit a Whole Life-Cycle Carbon assessment, which demonstrates how the development will achieve:*

- a. For new non-residential buildings a target upfront embodied carbon equivalent of London Energy Transformation Initiative (LETI) band “A”, with an absolute minimum rating of “B”.*

The LETI benchmark targets that are identified in the proposed policy, are considered to be hugely ambitious without sufficient justification or reasoning. Further detailed evidence would be expected to demonstrate how development proposals would be expected to achieve the minimum target rating of ‘B’. These aspirational targets are substantially higher than the current benchmarks for office development identified by the GLA in the Mayors Whole Life Carbon Assessment Guidance March 2022.

It is considered that the wording of the policy should provide more scope for site specific circumstances where it can be robustly justified that an upfront rating of A or B is not achievable.

Furthermore the policy states that where the benchmark targets can’t be achieved a financial contribution will be sought to offset any shortfall. In order to make this policy sound, a detailed understanding of the formula for calculating the shortfall amount needs to be understood. WCC’s current rate of £880 per tonne of carbon is significant and is likely to have implications in relation to the viability of proposals coming forward. It is noted that these details may come forward as part of an update to the Planning Obligations and Affordable Housing SPD and therefore it is considered appropriate to review this in future when the details become available before this element of the policy is adopted.



## **Conclusion**

As currently worded it is considered that the new policy is prohibitive in reality and could result in reduced growth and development in WCC, which will have planning benefit consequences outside of environmental protection. At present there is not enough evidence to support the onerous targets proposed and as a result it is considered that the policy as worded fails to meet the test of soundness as set out in the NPPF.

We trust the above comments are helpful and look forward to hearing further in relation to whether WCC will continue to pursue the policy as currently worded or propose further amendments.

Yours faithfully



**DP9 Ltd.**



<b>ID/ Our reference</b>	028/ EXT028
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>LANDSEC</b>
<b>Type of respondent</b>	Developers, landowners and real estate company



**Landsec**



landsec.com

**Private & Confidential**

Councillor Barraclough  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

25 April 2024

Dear Councillor Barraclough,

**City Plan Partial Review: retrofit first policy response**

In May 2022, our Chief Executive wrote to the Leader of the Council to congratulate the Labour Group on its success in the election, and set out our commitment to working with you to deliver on your ambitions.

From achieving net zero, enhancing social mobility and bringing communities closer to the decision-making which impacts them, we were encouraged by the areas of alignment between the Council and the big challenges we want to help solve as a business.

And this has been about actions, not words. In 2022, we updated our sustainability strategy to set even more ambitious expectations of both our business, customers and supply chains – and we're on course to hit net zero by 2040. In just two years, our £20m Landsec Futures Fund has supported 500 people within the City through employability partnerships and grants, on top of providing scholarships to two real estate students at the University of Westminster. And we launched our Community Charter, which has challenged both us, and those living and working around our assets, to come together to shape the future of our places.

Our commitment to working in partnership with you, and the strides we've taken since, were based on what we felt was a shared understanding of shaping truly sustainable places. Places which balance the numerous and competing demands associated with development, to unlock the best possible outcomes for our communities, natural environment and local economy.

We support the fast, wide-ranging action your administration is taking to create a fairer, more sustainable Westminster. Landsec is at the forefront of our sector on this issue. We were the first real estate company in the world to set Science Based Targets and have a validated net zero carbon target in place. Since then, we have both completed and commissioned new developments which set leading standards in operation and construction.

However, we're very concerned about the Council's New Policy 43, Retrofit First, in the partial review of the City Plan and associated evidence base and Topic Paper. As it stands, it risks undermining the sense of partnership and collaborative enterprise we believe has been instrumental to building good, sustainable and inclusive growth in Westminster.

The Council has received detailed representations setting out the concerns around the proposals, including from the WPA. We are broadly aligned with this response, though we wish to highlight several points that we believe merit greater focus:

1. Westminster's position as an exceptionally carbon efficient location.



2. The inappropriate targets set in Part B for embodied carbon.
  - a. Proposed amendments
3. The complexity and difficulty in meeting the requirements of Part A.
  - a. Proposed amendments

We address each of these points in our response below.

### **1. Westminster's carbon efficiency**

Westminster benefits from all the necessary characteristics to deliver good growth. Its mix of cultural and commercial spaces, complemented by an exemplar public transport system, make it a popular place to live and work and a significant contributor to both London and the UK economy. Taken together, these characteristics mean, in carbon per job or value created terms, Westminster is a very efficient location.

However, this position cannot be taken for granted. Space for wholly new development in Westminster is significantly constrained, and unlike other boroughs, delivering the new homes and workplaces of the future requires long-term, careful planning and investment to negotiate the challenges of limited land supply, sensitivity to heritage assets and much more.

### **2. Inappropriate targets**

We have analysed some of our most significant developments in Westminster, London and the UK, many of which are industry-leading projects.

Strikingly, if the carbon offset policy is adopted in its current form, all but one of these proposals – Thirty High (Portland House) – would simply be unviable.

Across the River in Southwark, we're bringing forward a cluster of sustainable developments, including Timber Square: the largest commercial development using cross-laminated timber in Europe. The project is seeing us retain 85 per cent of an existing building, and through innovations in construction, we're achieving a 50 per cent reduction in emissions when compared to a typical project of this scale. It's also showing how timber can be used safely and sustainably in construction – something which would make a significant dent in our sector's carbon emissions were it to be rolled out more broadly.

If Timber Square or a similar project were to be proposed in Westminster, the carbon offset tax – even at the lower £330/tonne rate – would render it unviable, adding just over £2 million to the development costs. And even as Timber Square continues to reduce its overall carbon impact through the use of modern construction methods and other innovations post-planning, the Council's proposals would mean this exemplar scheme could not get off the ground in Westminster.

Over recent years, we've made huge strides in our net zero plan, delivering new build schemes at 700kgCO<sub>2</sub>e/sqm. We are striving to go further, but the requirements set out in your proposals are a bridge too far, for even the leading sustainable developer.

#### *2a. Proposed amendments*

We believe the minimum target should be set at 600kgCO<sub>2</sub>e/sqm for commercial and 500kgCO<sub>2</sub>e/sqm for residential, to ensure these thresholds – though extremely challenging – can be met by harnessing the latest sustainability technologies.

### **3. Part A**



The proposed Part A elevates carbon to the most important consideration in development. Everything else will become secondary. It starts from a premise that all buildings within Westminster are worth keeping, and therefore any demolition or replacement is a bad outcome.

We understand the Council might believe this to be the case, but our view is that the critical question facing our sector and civic leaders in the capital isn't just limited to carbon. Instead, we should be focused on how to shape a truly sustainable city. This will involve a series of complex trade-offs, balancing at times competing interests.

Embodied carbon and heritage are important factors – but so too are carbon in operation, the role of nature, the economic and social value of job creation, the civic impact of creating more desirable and inclusive places, as well as the scheme's overall viability.

Sometimes these things align nicely but often they don't, which is why a balanced assessment of what delivers the most sustainable, long-term outcome for places, communities and business is so important. Part A starts with a specific outcome in mind, which limits the flexibility and thoughtfulness we believe are crucial to shaping truly sustainable cities.

If you reduce decision-making in a field this complex into a flow chart, you will lose the nuance and you will restrict the realisation of the outcome you want to deliver.

It will also be incredibly difficult and costly to review all the requested permutations (refurbishment, retrofit, deep retrofit and new build) at this early stage. Firstly, development proposals are unlikely to fit neatly into these categories and an applicant could be required to consider a never-ending list of permutations.

Secondly, the policy would require an unfeasible amount of design work, consultation and engagement to properly assess the carbon cost and public benefits of each option under consideration. It is also worth remembering that this additional burden on applicants will extend to your officers. Already significantly overstretched as a consequence of under-resourcing, the huge amount of up-front analysis for each permutation would add to their casework, slowing down the planning process across the board.

In short, the policy – as currently worded – is unworkable and likely to put off potential investment into the City.

### *3a. Proposed amendments*

For these reasons, we would suggest the omission of the Part A requirements, focusing instead on the application of an amended Part B, as set out in section 2 of our response. In our view, this is the simplest and most effective method of addressing the major concerns.

However, should a test of demolition remain in some form at Part A, we strongly recommend that the following amendments be reflected:

- The options to be considered must be pre-agreed in early pre-application consultation with officers and limited to those most relevant to the site's development potential
- The reference to public benefits in the policy be expanded to reflect all the other considerations that are relevant to good sustainable development, from nature, to social value, economic benefits, and viability



We know you are making progress on your economic objectives. But a pipeline of development isn't something that can simply be turned off and on at will. Sustainable development, which has the long-term interests of our places and communities at its heart, is incredibly complex and expensive. It needs ongoing confidence, engagement, partnership to unlock the environmental and social benefits you rightly expect of our sector.

Having carefully reviewed your proposals, we are concerned that they would remove any flexibility for us to develop truly sustainable places within Westminster. As it stands, the policy would effectively prohibit any form of new build development that does not involve significant structural retention.

Put simply, this policy will lead to retrofit only, not retrofit first.

This might well be the policy's desired outcome but this, in our view, will stymie good, sustainable and inclusive growth in Westminster, ceding ground to others, both across London, the UK's core cities, and international competitors. And as a sector leader in sustainability, if we can't make the economics stack up, we struggle to see how our peers will either.

## **Summary**

This year, we celebrate 80 years of Landsec. The City of Westminster has been our home for most of those eight decades, and our success is in no small part down to the collaborative relationship we've had with the Council. The regeneration of Victoria Street, for instance, has required ongoing and active curation of the place as its needs have changed over the decades of our stewardship.

We want to work with you to ensure the continued success of Westminster. And as a partner to the City, we feel it is incumbent on us to be frank when we have serious concerns. In an increasingly challenging macro-economic environment, development investment decisions are more marginal than ever. With such restrictive conditions, we are likely to invest less in Westminster than other places in London, and other cities across the UK.

We remain hopeful that we can work with you and your officers to refine the proposals, and ensure good, sustainable growth continues in Westminster to achieve your administration's ambitions.

Yours sincerely

**James Rowbotham**

Head of Workplace Development

*Enc. Figure 1: embodied carbon figures on Landsec developments*

Figure 1: Embodied carbon figures in red would be liable for the carbon offset charge. Based on current margins, this would effectively preclude these developments from taking place in Westminster.

Development	Location	Description	Retrofit or new build	% of existing building retained as part of new proposals	Green Building Certifications	Key Dates	Embodied Carbon KG CO2e/m2
Portland House	Victoria, Westminster	30 storey office tower, c.400,000 sq ft GIA	Retrofit	100%	BREEAM Outstanding, WELL Platinum, NABERS UK 5*	Planning Submitted: Aug-22 Planning Approved: Dec-22 Construction start (or projected to start): Oct-23 Construction completion (or projected to complete): Aug-25	347
Timber Square	Southbank, Southwark	2 office campus, c.800,000 sq ft GIA, lightweight hybrid steel and timber structure.	New build	85% of structure of one building (Print)	BREEAM Outstanding, WELL Platinum, NABERS UK 5*	Planning Submitted: Mar-20 Planning Approved: Jun-21 Construction start (or projected to start): July-22 Construction completion (or projected to complete): Dec-25	522
22-24 Southwark Bridge Road	Southbank, Southwark	Retention of and extension to office in Southwark—c.200,000 sq ft GIA	Deep retrofit with new build extensions	85% retention of 22SBR	BREEAM Outstanding, WELL Platinum, NABERS UK 5*	Planning Submitted: Target date Jun 24 Planning Approved: Target Feb 25 Construction start (or projected to start): 2025 Construction completion (or projected to complete): 2027	522
Red Lion Court	Southbank, Southwark	10 storey office, c.370,000 sq ft GIA	New build	6% (retaining part of basement)	BREEAM Outstanding, WELL Platinum, NABERS UK 5*	Planning Submitted: Apr 22 Planning Approved: Mar 23 Construction start (or projected to start): April 24 Construction completion (or projected to complete): Oct 27	584
The Liberty (Office building)	Southbank, Southwark	Mixed use campus with c.265,000 sq ft GIA office	New build	N/A – clear site	BREEAM Outstanding, WELL Platinum, NABERS UK 5*	Planning Submitted: Sept-23 Planning Approved: May-24 (subject to s106) Construction start (or projected to start): Oct 24	601



Development	Location	Description	Retrofit or new build	% of existing building retained as part of new proposals	Green Building Certifications	Key Dates	Embodied Carbon KG CO2e/m2
						Construction completion (or projected to complete): Dec-27	
Hill House	City of London	19 storey office, c.620,000 sq ft GIA	New build	60% (primarily substructure incl. basement & piling)	BREEAM Outstanding, WELL Platinum, NABERS UK 5*	Planning Submitted: Sept 23 Planning Approved: Targeting Jun 24 Construction start (or projected to start): Aug 26 Construction completion (or projected to complete): Jul 29	656
55 and 65 Old Broad Street	City of London	23 storey office tower, c.410,000 sq ft GIA	New build	28% (primarily substructure)	BREEAM Outstanding, WELL Platinum, NABERS UK 5*	Planning Submitted: Apr 23 Planning Approved: Targeting Jun 24 Construction start (or projected to start): Oct 25 Construction completion (or projected to complete): Sept 28	714

<b>ID/ Our reference</b>	029/ EXT029
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>VALOURAN LTD</b>
<b>Type of respondent</b>	Consultancy firm and professional network





25 April 2024

City Planning Policy  
Innovation and Change  
Westminster City Council  
17th Floor 64 Victoria Street  
London  
SW1E 6QP

By email: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

Dear Sir/Madam

**CITY PLAN PARTIAL REVIEW – RESPONSE TO REGULATION 19 CONSULTATION  
REPRESENTATIONS ON BEHALF OF VALOURAN LTD**

These representations are provided in response to the Westminster City Council (WCC) consultation on a new City Plan for Westminster in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('Draft City Plan'). They have been prepared on behalf of Valouran Ltd who have an interest in several development sites within the borough.

These representations consider the 'soundness' of the Draft City Plan with particular regard to paragraph 35 of the National Planning Policy Framework as updated in 2023 ('NPPF'), which states that plans are 'sound' where they are:

- Positively prepared
- Justified
- Effective
- Consistent with national policy

The representations address the following draft policies:

- **Draft Policy 43 – Retrofit First** and the approach towards prioritising retrofit of buildings; and
- **Draft Policy 13 – Affordable Housing** and the approach to the provision of affordable housing.

Overall, whilst Valouran is supportive of the ambition and scope of the Draft City Plan, it is requested through these representations that changes are made to both of the above draft policies and the general approach to ensure the plan is sound and consistent with national policy, and to ensure that the policies support primary aim of sustainable development in Westminster.

**Draft Policy 43 – Retrofit First**

Valouran support the aim of enhancing sustainability through innovative re-use of existing building stock, where feasible. Valouran support a retrofit first approach to redevelopment – but not a 'retrofit only' approach.

Our view is that Policy 43 would compromise, rather than support ongoing development in Westminster by preventing continued innovation and investment in Westminster's building stock. The



drafting of Policy 43 is extremely complex and would be difficult to implement in an efficient and proportionate manner. Due to the difficulty of carrying out the optioneering exercise in Part A, the structure of this part of the policy is likely to skew decisions toward the refusal of any proposal involving the substantial intervention to a building. We also highlight the limitations of pursuing retrofit schemes instead of new build schemes in that this often results in a compromised end product with reduced floorspace – and the flow on effects of a reduced floorspace in terms of reduced Community Infrastructure Levy charges and Council tax.

We acknowledge that there is an identified need at a national planning policy level for the planning system as a whole to support the transition to a low carbon future, as reflected in paragraph 152 of the National Planning Policy Framework (NPPF). This is reflected in the London Plan 2021 through Policies D3, S12 and S17 and is further supplemented by Mayor of London’s Circular Economy Statements Guidance (March 2022) and the Whole Life-Cycle Carbon Assessments Guidance (March 2022). The provision of Circular Economy Statements and Whole Life Carbon Assessments to support major scheme has become an accepted part of planning submissions.

However, we note that while the initial Regulation 18 drafting of the proposed retrofit policy sought to account for whole life carbon emissions, the current wording as drafted relates solely to upfront embodied carbon emissions. We highlight that there are currently no adopted upfront embodied carbon targets in planning policy at a local, regional or national level, and instead these relate to operational performances of buildings. The introduction of upfront embodied carbon emissions through the LETI figures included in draft Policy 43 presents a challenge future potential development within Westminster.

The definitions of ‘substantial demolition’, ‘total demolition’ and ‘retrofit’ are not included within the City Plan text. Based on the Topic Paper, there is a lack of clarity if a scheme which only retains two of the specified retrofit elements i.e. foundation, core, and floor slabs, but does otherwise retain at least 50% of the existing building would constitute a retrofit scheme or substantial demolition scheme, which would therefore be required to undertake the identified optioneering exercise in Part A. Valouran request that these definitions be clarified to ensure that it is clear when this policy is engaged.

The inclusion of reference to public benefits in Policy 43(A)(1) is welcomed. However, the emphasis on public benefits, and the weight they are given within the operation of the policy, is currently unclear and should be strengthened to avoid the aforementioned likelihood of the policy to skew decisions toward the refusal of any proposal involving the substantial intervention to a building.

The Policy will artificially limit development in Westminster including the prospective delivery of commercial floorspace, delivery of affordable housing and the necessary growth in jobs identified within the City Plan itself. Delivery of the stated 229,944 - 322,286 sqm additional retail floorspace (adopted Policy 18, new City Plan Regulation 19) would be unattainable in conjunction with draft Policy 43. Given that 76% of the Borough is within a Conservation Area, the proportion buildings within the Borough which can be significantly adapted internally in response to draft Policy 43 is already limited, such that redevelopment of existing building stock within Westminster will become unviable.

Noting this, our view is that the drafting of Policy 43 has not been positively prepared as it does not provide a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs.



### **Draft Policy 13 – Affordable Housing**

Valouran support the retention of the London Plan policy position for 35% overall affordable housing delivery on private land (Policy 13(B)(1)). We view the change in the tenure mix to increase the quantum of social rent units as challenging given the nature of social rent units often rendering developments unviable. We request that further consideration is given to this tenure mix noting the overall quantum of affordable homes (and homes generally) that the City Plan intends to deliver over the plan period.

Draft Policy 13 maintains this option for the delivery of off-site affordable housing and is supported in this basis. However, the benefits of providing off-site affordable housing should be acknowledged in Policy. We consider that off-site provision of affordable housing should be expressly encouraged in Policy 13 rather than being required to be justified through complex viability work (as currently required under both current and proposed policy). We note that by enabling the delivery of additional private homes on a site equates to an opportunity to deliver a greater number of affordable homes off-site. These homes can then be optimised and developed alongside a Registered Provider. This is a positive pathway for the delivery of affordable homes that will enable Westminster to deliver on the current unmet affordable housing need for 6,437 households (supporting text 13.1).

Overall, Policy 13 is supported in our view subject to further consideration with respect to tenure mix and the delivery of off-site affordable housing.

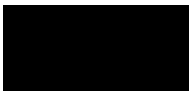
### **Conclusion**

It is our opinion that draft Policy 43 will prevent innovative and sustainable development occurring from within Westminster due to its complexity and unclear drafting. This, combined with the limitations already placed on development through the application of Conservation Areas throughout the borough, will result in Westminster being unable to successfully deliver commercial floorspace, delivery of affordable housing and the necessary growth in jobs identified within the City Plan itself.

These representations issues in relation to the soundness, accuracy and transparency draft policies 43 and 13 and the evidence base that supports them. It is considered that updates and clarifications are necessary in order for the City Plan to be positively prepared, justified, effective and consistent with national policy.

We trust our comments will be acknowledged in progressing the Draft City Plan, and we would welcome the opportunity to further engage in the plan making process in the future. If you have any questions on this letter please contact Susie Clemens or David Shiels of this office.

Yours faithfully,



**DP9 Ltd.**

<b>ID/ Our reference</b>	030/ EXT030
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>ELLIOTTWOOD</b>
<b>Type of respondent</b>	Consultancy firm and professional network

Central London

Wimbledon

Nottingham

elliottwood.co.uk  
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**Date**  
25—04—2024

**Subject**  
City Plan Partial  
Review 2024 –  
response to Regulation  
19 consultation

City Planning Policy  
Innovation and Change  
Westminster City Council  
17<sup>th</sup> Floor, 64 Victoria Street  
London, SW1E 6QP

### **Proposed new Policy 43 Retrofit First**

To whom it may concern,

I am writing, on behalf of Elliott Wood Partnership Ltd, to express our support for the proposed new Policy 43 Retrofit First, within the revised Westminster City Plan (Regulation 19 process).

Elliott Wood is a purpose driven engineering consultancy, specialising in structural and civil engineering, sustainability consultancy, digital engineering and transport planning. We aim to inspire clients and organisations to think differently about their spaces – not just aesthetically and commercially – but for the benefit of the planet and people who use them every day.

We have worked on numerous projects within Westminster, including several major reuse schemes, such as the Ritz, Nomad London, King's College Quad Building, 55 Regents Street, and the Old War Office.

Whilst we also work on new build schemes, we fully support the principle and ambition of the new policy and believe it is critical that retrofit should be carefully considered at an early stage and that developers are encouraged to take a more detailed approach to justifying demolition within the borough.

On subsequent pages of this letter we have provided specific comments on each of the proposed policy sections.

**Certified**



**Corporation**

Elliott Wood Partnership Ltd.  
Consulting Structural and  
Civil Engineers. Elliott Wood  
Partnership is a Limited  
company registered in  
England & Wales  
no.09877061. Registered

## PRIORITISING RETROFIT OVER DEMOLITION

### Section A

*Development should adopt a retrofit-first approach, where options for retrofitting and retention of existing buildings are considered before demolition. Where substantial or total demolition is proposed, this should be fully justified through an appraisal of the construction options, assessing the carbon cost and public benefits of refurbishment, retrofit, deep retrofit or newbuild options. Development involving total demolition of a building which has more than a single storey will generally be resisted, unless demonstrated through the appraisal that...*

#### Point A1:

*The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and...*

- We would welcome more guidance on the definition of 'public benefits'.
- Whilst we recognise this is addressed in paragraph 43.4 we believe the policy would benefit from additional guidance on how this should be demonstrated within a planning application.

#### Point A2:

*The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or...*

- In our experience it is not possible to justify demolition over new build purely based on whole lifecycle carbon; therefore, this point is redundant. Further clarification should be provided on the definition of 'suitably comparable'.
- This policy would benefit from a target to reuse a set percentage of demolition waste. In our experience a target of ~10% of demolition materials to be directly reused (on- or off-site) or shared via a second-hand salvage/reuse marketplace is a reasonable starting point (this could be increased over time).
- By introducing this requirement within the policy the Council will be increasing the supply of materials into the second-hand marketplace.
- Careful consideration should be given to how the Council will assess, verify and approve WLC calculations submitted at planning. The Council should publish detailed guidance (similar to that produced by the City of London) outlining how they would like whole life carbon calculations to be carried out. This should include set requirements for the assumptions that will be used within the calculations at planning stage (e.g., industry average carbon intensities for concrete and steel). This will allow WLCAs to be compared by the Council on a like-for-life basis.
- All projects must meet the targets set in the upcoming UKNZC Building Standard. If the project does not pursue a retrofit approach, and does not demonstrate a level of material reclamation, then the project's upfront carbon should meet aspirational requirements beyond NZCBS levels (e.g. 15% better). Offset payment benefits should only apply to further savings beyond this aspirational value.

#### Point A3:

*The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s); or...*

- The Council should consider how this point will interact with existing policies. For example, *Policy 17 Supporting economic growth* supports knowledge and research-based sectors, which require lab-enabled spaces.
- The Council should be aware that it is extremely difficult to repurpose existing buildings for use as lab-enabled space. This is due to the specific requirements of this type of building use (e.g. vibration levels and floor-to-ceiling heights).

- As such, providing high quality lab enabled space within the Borough will almost certainly involve demolition.
- In certain instances this may be an acceptable justification for demolition. We are raising this point so that the Council are aware that it may be used within future planning applications.
- Please also consider our response to Point 4, below, regarding existing structural grids and floor-to-ceiling heights.

#### Point A4:

*It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.*

- Further clarification is required on the definition of 'independently verified structural engineers report'.
  - Would this require the appointment of a third-party engineer who has not been involved in the scheme design?
  - How should this appointment be made to ensure that independence is achieved?
  - Does the Council envisage this appointment will be made in a similar way to other independent reviews of planning applications (e.g. whole life carbon calculations)?
  - Will the Council expect applicants to arrange this third party review themselves or will this be commissioned by the Council?
- Further guidance should be provided on achieving BCO compliance within retrofit projects.
- From our experience column spacing and floor to ceiling heights are often cited as a key justification for demolition.
- We would welcome more definitive guidance on this from the Council (e.g. a formal statement from the Council confirming it is not necessary for refurbishments to achieve full BCO compliance and/or that failure to meet new build BCO standards is not a sufficient justification for demolition).

## REDUCING EMBODIED CARBON EMISSIONS

### Section B

*All development involving total or substantial demolition of a building which has more than a single storey, and all major developments are required to...*

- The wording of this section should be amended to make it clearer that point 1a does not apply to bespoke buildings (e.g. hotels).
- The current wording of this section does not make it clear that there is a choice between items 1a, 1b, 1c and 1d.
- Westminster should back the UKGBC's recent proposal that we need an accreditation for whole lifecycle carbon assessors to upskill the industry and improve consistency and accuracy of assessments.

#### Point B1(a-d):

*Submit a Whole Life-Cycle Carbon assessment, which demonstrates how the development will achieve:*

- For new non-residential buildings a target upfront embodied carbon equivalent of London Energy Transformation Initiative (LETI) band "A", with an absolute minimum rating of "B".*
- For new residential buildings, including mixed-use over 18 metres in height, a target upfront embodied carbon equivalent of LETI band "C", with an absolute minimum rating of "D". Where development is proposing the delivery of policy compliant levels of affordable housing (35% for private sector land, and 50% for public sector land), applicants should demonstrate the maximum embodied carbon reductions deliverable without affecting the viability of affordable housing delivery.*

- c) *For new residential buildings, including mixed-use below 18 metres in height, a target upfront embodied carbon equivalent of LETI band “B”, with an absolute minimum rating of “C”. Where development is proposing the delivery of policy compliant levels of affordable housing (35% for private sector land, and 50% for public sector land), applicants should demonstrate the maximum embodied carbon reductions deliverable without affecting the viability of affordable housing delivery.*
- d) *For developments involving the construction of bespoke buildings which do not have a recognised LETI benchmark, or self-build or custom-build homes, applicants should achieve the maximum reductions in upfront embodied carbon deliverable, and these should be fully justified...*

- We have found that recent changes to the calculation of whole lifecycle carbon (including the update to the RICS Professional Statement and the CWCT methodology for calculating the embodied carbon of façade systems) have resulted in a significant uplift in embodied carbon on most schemes.
- There is, therefore, a misalignment between the LETI targets (which were published in 2019/20) and the current calculation methodologies.
- Whilst we agree that the targets specified by LETI are required to meet the UK’s carbon reduction trajectory, in practice they are becoming difficult to achieve for the majority of developments. For example, utilising the CWCT methodology has resulted in a doubling of embodied carbon being reported for facades.
- Space, or flex, should be provided within the policy for alignment with future targets within the upcoming UK Net Zero Carbon Buildings Standard.
- Further information should be provided on point 1d, with regards to setting bespoke targets for typologies not covered by LETI.

**Point B1(e):**

- e) *In exceptional circumstances where there are site specific constraints which make the benchmarks undeliverable, any shortfall against the minimum embodied carbon targets will be offset through a financial contribution towards the council’s carbon offset fund.*

- We have received several comments from clients with regards to offset payments in general. We recommend the Council is more transparent with the use of funds raised by carbon offset payments as there is a perception that these are not being used effectively.
- Furthermore, we would like to see further clarification on developments that intend to procure certified 100% renewable energy. There is a general sense of unfairness with these schemes as they are often paying a premium to be zero carbon in operation but are also required to pay a substantial offset payment to the Council.
- We welcome and support the proposal to allow applicants to credit embodied carbon reductions below the minimum benchmarks to the total project carbon offset payment. However, this does require the embodied carbon assessments to be consistent across developments, and interrogated sufficiently to ensure this system is not open to abuse.

**Point B2:**

*Where substantial or total demolition is proposed, applicants must:*

- a) *Submit a Circular Economy Statement including a pre-redevelopment, and pre-demolition and reclamation audit which demonstrates how materials will be reused and repurposed; and*
- b) *Design any new structures to ensure the longevity of the building, easy adaptation, and with easily re-usable materials.*

- We welcome and support the requirement for consideration of circular economy principles.
- Further guidance should be provided by the Council on the role of the ‘pre-redevelopment audit’. We acknowledge that the GLA has provided some guidance on this but we feel this is by no means clear.



- Does the Council envision that the 'pre-redevelopment audit' will form the main document providing a justification for demolition?
- We support the requirement for a Circular Economy Statement for all larger projects (over 1,000 m<sup>2</sup>), irrespective of the level of demolition proposed.
- Many schemes that are classed as reuse will include substantial strip-out and demolition works. An example being retention of a building's structural frame but removal and replacement of internal walls and finishes, façade and MEP equipment.

## UNLOCKING AND PROMOTING RETROFITTING

### Section C

*Proposals involving responsible retrofitting, which result in energy, performance, and climate adaptation upgrades, will be supported in principle.*

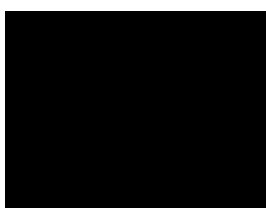
- We welcome this and have no further comments on Section C.

### Section D

*When considering the townscape, heritage or design impacts of extensions or alterations, which are demonstrated through the appraisal of the construction options as necessary to viably achieve a wider retrofit of a building, regard will be had to the desirability of securing the retention and retrofit of the building, including improvements to its environmental performance, building longevity and climate change adaptation. Applicants should demonstrate in a Sustainable Design Statement or Retrofit Plan how technical risks have been addressed and how harm to heritage assets has been avoided or minimised.*

- We welcome the requirement to provide further, detailed justification for design impacts of extensions or alterations, which are necessary to secure the viability of the retention and retrofit of buildings.
- The proposed policy would be strengthened by additional supplementary planning guidance on the proposed 'Sustainable Design Statement' and/or 'Retrofit Plan'.

Yours faithfully,



Gary Elliott  
Founder and CEO



Ben Holmes  
Associate Director, Sustainability



Penny Gowler  
Director and Head of Sustainability



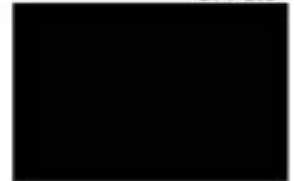
Louisa Treadwell  
Associate, Sustainability

<b>ID/ Our reference</b>	031/ EXT031
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>SAVILE ROAD 1 LTD</b>
<b>Type of respondent</b>	Business and trade association

25<sup>th</sup> April 2024

City Planning Policy  
Innovation and Change  
Westminster City Council  
17<sup>th</sup> Floor  
64 Victoria Street  
London  
SW1E 6QP

DP9 Ltd



[www.dp9.co.uk](http://www.dp9.co.uk)

Via email: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

Dear Sir/Madam,

#### **CITY PLAN PARTIAL REVIEW 2024 – REGULATION 19 CONSULTATION**

Thank you for providing us with the opportunity to comment on Westminster City Council's (WCC's) draft City Plan Partial Review (2024) through the current consultation. These representations are being submitted on behalf of our client Savile Row 1 Ltd.

It is noted that the partial review relates to a new retrofit policy, a new replacement affordable housing policy and four new site allocations. The policy of most relevance to our client's current development proposals is the draft retrofit policy, which is the subject of the comments herein.

Our client's site (27 Savile Row, located within Mayfair in the West End, "the Site") is currently vacant brownfield land occupied by a bespoke police station designed and built in the 1930s and altered over the years. The police sold the Site to our client, a developer, in 2021 and they are now trying to find an alternative use to bring the Site back into use. Our client has explored a wide range of potential retrofit options but has had to discount these for a variety of reasons. There is not a retrofit option for the Site that would deliver a building that meets the Site's requirements and would be fundable/deliverable. They are therefore proposing full demolition and redevelopment of the Site (reusing materials where feasible) for an office led development, which is currently pending the Council's consideration (ref. 22/07647/FULL). Within this context the draft retrofit policy is of particular interest.

In drafting these representations, we have carefully considered whether the proposed policy would meet the NPPF requirements for soundness, but conclude that it would not:



- a) We do not consider that the policy has been **positively prepared** as it prioritises only one limb of sustainable development at the expense of others. It also introduces inconsistency, not only within the City Plan, but also with the London Plan; and would impose significant time and additional cost requirements on schemes of a far smaller scale than otherwise required. Rather than encouraging and prioritising retrofit in a positive and sustainable manner, the draft policy could be interpreted as inherently negative in how it seeks to resist demolition.
- b) Whilst a detailed retrofit policy is supported, we do not consider that the specific wording proposed is **justified**; and we are concerned that it could have unintended consequences with negative repercussions not only for development in Westminster, but for land of strategic and national importance within the Central Activities Zone. Westminster's role in further development of the CAZ is significant, but this does not appear to be reflected in the draft policy.
- c) We further do not consider that the policy is **consistent with national policy**. The proposed wording does not allow for the interdependence of the three overarching objectives of the planning system to be taken into account in mutually supportive ways, as required by NPPF paragraph 8. The policy also would not comply with paragraph 16 of the NPPF – whilst it is aspirational, we have concerns over the deliverability of the policy, long delays that are already being seen in decision making, inconsistency with other boroughs and we also consider that ambiguity is introduced by the supporting text that at times does not appear to align with the wording of the policy.

#### **DRAFT NEW POLICY 43: RETROFIT FIRST**

The draft retrofit policy's primary aim is to reduce embodied carbon impacts by prioritising the reuse or partial reuse of existing buildings where feasible over total demolition and redevelopment. Part A states that development involving total demolition of a building which has more than a single storey will generally be resisted, unless it can be demonstrated through an options appraisal (of refurbishment, retrofit, deep retrofit or newbuild options) that:

1. *“The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and*
2. *The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or*
3. *The proposed development has bespoke operational requirements which could not be provided through a retrofit option; or*



4. *It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.”*

As worded, these tests do not cover a sufficient range of scenarios (or provide a sufficient level of detail as to how they will be applied in practice) to allow for developments to come forward that are most suited to a site in planning policy terms. If adopted, this policy would therefore create direct conflicts with the Development Plan.

We are concerned the current policy wording is placing environmental considerations (the use of a certain amount of embodied carbon) above all other planning considerations including the other two pillars of sustainability – social and economic considerations. This could result in Westminster refusing redevelopment proposals that otherwise accord with the Development Plan even where all attempts have been made to explore retrofit options. Conversely it could also result in Westminster approving reuse/retrofit developments that would otherwise be unacceptable as they would be contrary to other Development Plan policies, including those that encourage the best and most sustainable use of brownfield land, optimisation, high quality design, improvements to social infrastructure and economic growth. This is likely to have a detrimental impact on Westminster’s (and in particular the West End’s) unique role in the success of London and the country as a globally important centre for investment, business and tourism.

The National Planning Policy Framework (NPPF) (2023) states at Paragraph 123 that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, while also safeguarding and improving the environment. It states that *“strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”* London Plan Policy GG2 requires developments to make the best use of land and directs growth towards the most accessible and well-connected places to achieve it. This national and strategic direction to growth is particularly relevant to Westminster, which has ambitious growth targets including 63,000 additional jobs by the end of the plan period and represents one of the most sustainable areas in London (and the country as a whole) by virtue of its highly developed central urban context. Planning policies should therefore take a proactive role in identifying and helping to bring forward suitable sites for meeting local plan objectives in order to make the best use of the land and should not only prioritise environmental considerations over securing social and economic inclusivity. A balanced approach is required.

As worded, in practice we anticipate the policy could result in a large amount of planning applications for total demolition/redevelopment being refused. Taking into account the



above this could be contrary to the following strategic planning policies in particular (inter alia):

1. London Plan Policy GG1
2. London Plan Policy GG2
3. London Plan Policy GG5
4. London Plan Policy D3

Detailed comments and suggestions for changes to the policies and supporting text are contained herein.

### **1. Tests for demolition – Part A Criteria 1 to 4 and supporting text paras. 43.3 to 43.6**

Of the four criteria identified in this letter, the current wording implies that the first is an absolute requirement (“*and*”) with only one of the remaining criteria needing to be satisfied (“*or*”) to justify demolition. We query whether this is intentional, but suggest that, if they are to remain in some format, the tests should each be drafted in the alternative, i.e. total demolition schemes would need to meet one of the tests rather than Criteria 1 and another as currently drafted.

#### *Criteria 1*

Criteria 1 requires “*public benefits*” which could not be delivered through a “*suitably comparable retrofit option*” in order to justify redevelopment (when paired with one or more of the other criteria). If the policy is adopted the supporting text must be clear that the examples of public benefits are not exclusive; and further guidance should be provided as to what constitutes a “*suitably comparable*” option.

The Mayor’s Circular Economy Statements Guidance (2022) already contains a test that encourages the reuse/retrofit of buildings rather than demolition. At Figure 4 it provides a decision tree which is used to help an applicant determine whether it is feasible to reuse an existing building (or parts of it) or not. The tree identifies that even if it is “*technically feasible*” (our emphasis) to retain an existing building (or parts), this may not be “*suited to the requirements for the site*”, in which case demolition is allowed and then the question becomes whether it is possible to disassemble or reuse the building elements/materials or if you need to demolish and recycle. “*Suited to the requirements for the site*” means suited to the requirements for the site in planning policy terms. The planning policy requirements for a site can include bringing a vacant site back into use and delivering the most appropriate land use, optimisation, good design, high quality, flexible and adaptable floorspace, economic growth, social infrastructure and urban renewal.



When evaluating a retrofit option a key consideration should therefore be whether it is suited to the planning policy requirements for the site. It is also crucial that a retrofit option is realistic and capable of being delivered. Even if a similar set of public benefits can theoretically be achieved by a retrofit option as a redevelopment option (which could make a redevelopment proposal fail the first, key criteria in Part A of the policy as worded), the retrofit option may not be suited to the requirements for the site in planning policy terms and/or deliverable. For example it might not deliver the most appropriate land use, or it might not optimise the site. It may deliver poor quality or substandard floorspace in a key location which may be unlettable or so far from market requirements or expectations for a specific area (for example, prestigious and economically important areas such as Mayfair,) that the development would be commercially unworkable/undeliverable.

Criteria 1 should therefore be reworded to ensure planning policy requirements are factored into the key test, to align with the Mayor's tests for demolition and to ensure only realistic retrofit options are pursued, as follows:

1. *"The proposed development will deliver the **planning policy requirements for the site and/or other** public benefits which could not be delivered through a ~~suitably~~ **comparable, deliverable** retrofit option; ~~and or~~"*

### *Criteria 2*

Criteria 2 requires the whole-lifetime carbon impacts of a new building to be less or similar to a suitably comparable retrofit option in order to justify a redevelopment. No definition is provided for "similar" or "suitably comparable". Therefore it is unclear how this policy will be applied in practice and clarification is requested before this policy can be considered to be sound.

We also request the following amends for the same reasons as outlined at Criteria 1:

2. *The whole-lifetime carbon of a new building would be less or similar to a ~~suitably~~ **comparable, deliverable** retrofit option; or*

### *Criteria 3*

Criteria 3 will allow redevelopments to come forward where the development has bespoke operational requirements which could not be achieved via a retrofit scheme. The supporting text at para. 43.5 sets out some examples of "bespoke" operational requirements, including "necessary design requirements without which the proposed use could not function" however the supporting text should be improved to clarify that it may not only be about functionality, but deliverability and such operational requirements may not always be "bespoke". As mentioned earlier, a retrofit scheme might result in such poor quality floorspace being



delivered that the scheme difficult to let, unlettable and/or commercially undeliverable. These instances could include where poor floor to ceiling heights are delivered below BCO guidance and/or market requirements, or poor internal space is compromised by column grids or poor light levels.

Whilst these requirements may not be considered “bespoke”, they are entirely relevant because functional, operational, or market requirements are an important part of determining the most appropriate form of development. We therefore request the test is reworded as follows:

3. *The proposed development has functional, ~~bespoke~~ operational or market requirements which could not be provided through a retrofit option; or*

We also consider that the supporting text should be revised accordingly. The list of operational requirements should be broadened and references to “bespoke” deleted.

#### *Criteria 4*

Criteria 4 recognises a retrofit option may not be possible or achievable due to structural constraints. The supporting text at para. 43.3 recognises there may be instances where it is technically feasible to retrofit a building, but the cost of doing so in structural terms will make the scheme unviable and in these cases a viability appraisal should be provided. Any viability assessment is inevitably time and cost intensive and there is currently no clarity as to how the viability report would be reviewed by the Council or at what level of viability it would be accepted that the retrofit option in question would be unlikely to be developed. Whilst the recognition that economic factors and viability will inevitably be an important part of any retrofit analysis is welcomed, further detail and clarification is required for this policy to be considered sound.

Whilst this supporting text recognises that a retrofit scheme might be financially unviable due to structural reinforcement works, it does not recognise that it may be unviable for a whole range of other reasons including those set out earlier in this letter which would make it unsuitable (and therefore justify redevelopment). In our view this should be explicitly recognised in the policy wording or supporting text.

Supporting text para. 43.3 also recognises that “*some purpose-built structures may pose technical challenges for retrofitting, such as multi-storey car parks, and single storey garages – and redevelopment may be acceptable in these instances.*” Purpose built civic or institutional buildings can also pose the same types of technical challenges for retrofitting. Therefore we request this sentence is updated to state:





*“Some purpose-built structures may pose technical challenges for retrofitting, such as multi-storey car parks, **civic or institutional buildings** and single storey garages – and redevelopment may be acceptable in these instances.”*

## **2. Further observations on paragraph 43.4**

Para. 43.4 identifies that “*public benefits*” include “*optimising the site capacity to achieve significant employment, jobs and investment opportunities*”. This is said to be “*in recognition of the global, national, and local economic importance of the West End Retail and Leisure Special Police Area*” as well as the Opportunity Areas and Northwest Economic Development Area. Applicants must demonstrate to WCC why these economic benefits could not be achieved by a retrofit option through a “*meaningful and honest comparison*”.

The wording of this paragraph should also recognise the Core Activities Zone (CAZ) in Westminster as of global, national and local importance. It is also important to acknowledge that for the reasons identified earlier within this letter, retrofit developments for office use may be unable to provide Grade A office floorspace. Providing high quality floorspace in the CAZ and West End in particular enables Westminster’s and London’s economy to remain competitive on a local, regional, national and global scale. Unless this is explicitly recognised as a public benefit in the policy wording or supporting text, there is a risk that this policy (as worded) could lead to an undersupply of appropriate quality floorspace in Westminster. This would inevitably push investment and major businesses into other parts of London at the expense of Westminster and particularly the West End, leading to knock on effects on local businesses, tourism and the nighttime economy in particular.

There are of course a wide range of other benefits that should be considered public benefits including townscape improvements, public realm or highway improvements, public art, exceptional design and other bespoke offers. The example list must be kept broad to avoid any implication that it is only the listed benefits that would be taken into account in decision making.

## **3. Definitions of “Substantial Demolition” and “Total Demolition”**

Part A of new Policy 43 requires development involving “*substantial or total demolition*” to be fully justified through an appraisal of the construction options, assessing the carbon cost and public benefits of various scales of intervention. The Glossary (pages 236-243) defines substantial or total demolition as follows:

Substantial demolition - “*Development consisting of the demolition of 50% or more of existing above ground structures, by area or volume, but not constituting total demolition*”.



Total demolition - “*The removal, deconstruction or demolition of an existing building, which will entail the removal of all of its fit out, superstructure, cores, and basement slab(s), but may involve the retention of the façade*”.

Part A then goes on to state that “Development involving **total demolition** of a building which has more than one storey will generally be resisted, unless demonstrated through the appraisal that...” (our emphasis) [then listing the four criteria to be met]. On this basis, it is assumed that any proposals involving substantial demolition do not need to comply with the optioneering and public benefit balance requirements of set out in the demolition tests of Part A.

The proposed trigger of “*total demolition of a building which has more than one storey*” is likely to capture a significant number of applications which WCC will be solely responsible to review and resource, as the GLA only require Whole Life-Cycle Carbon Assessments (WLCCA) and Circular Economy Statements (CES) for larger, referable schemes. This current definition of a building with more than storey is also likely to capture some householder applications, which should not be subject to the same level of technical and specialist requirements as major development schemes which have dedicated technical teams. The proposed trigger should therefore be reviewed to capture only major development schemes, in line with the remainder of the policy requirements.

#### **4. LETI Benchmarks and carbon offsetting (Part B)**

The LETI targets set out in the policy are significantly higher than the current GLA minimum and aspirational benchmarks for office development as set out in the Mayor’s Whole Life Carbon Assessment Guidance March 2022. Insufficient evidence has been provided to justify this approach. The policy wording should be revised to target the GLA benchmarks to align with the London Plan and Mayor’s Guidance.

The proposal to offset any shortfall against the minimum embodied carbon targets via a financial contribution at Part E lacks any detail in terms of how it will be calculated. Supporting text paragraph 43.11 states further details will be provided in an update to the Planning Obligations and Affordable Housing (POAH) SPD. In seeking to apply these proposed charges Westminster should be mindful of the financial constraints this would place on a development, noting WCC’s carbon offset fund was recently raised to £880 per tonne of carbon (for operational carbon) with a discounted rate for all-electric buildings. We reserve our judgment and comments on this policy until further details become available. Given the potential implications on development and scheme viability this should be consulted on alongside the City Plan partial review before any final policy is adopted.



## Conclusion

As worded the new retrofit policy could prevent the most suitable form of developments from taking place on each site and could even lead to sites being unable to be developed by preventing a redevelopment in the absence of a deliverable retrofit option. It would therefore harm the delivery of other key planning policy targets, goals and aspirations contained within the Development Plan. This could have harmful impacts on the urban context of Westminster and economic impacts that go beyond a local scale to affect London and even the country as a whole.

On this basis we do not consider the policy meets the soundness tests set out in the NPPF for plan-making for the reasons set out above. If the policy is to remain, it should be amended and further justified in the areas set out and contain further clarity on how it will be applied in practice. This should include detailed guidance on how other planning policy requirements will be weighed in the balance against the embodied carbon impacts of a proposed development and recognise explicitly that demolition redevelopments may be permitted in certain cases where they are better suited to the requirements of the site than a retrofit version of a development.

We respectfully request that WCC take the above into account into their considerations on whether to move forward with, or make any amendments to, the draft retrofit policy.

We further request to be notified of any further proposed changes to the wording of the draft retrofit policy following the close of the current Reg. 19 consultation; and the dates of the Examination in Public in due course such that we, or our clients, can request to appear before the Inspector to be heard on this issue should we/they wish to do so.

Yours faithfully



**DP9 Ltd.**

<b>ID/ Our reference</b>	032/ EXT032
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>BERKELEY ESTATE ASSET MANAGEMENT</b>
<b>Type of respondent</b>	Developers, landowners and real estate company



Berkeley Estate  
ASSET MANAGEMENT

City Planning Policy  
Innovation and Change  
Westminster City Council  
17<sup>th</sup> Floor, 64 Victoria Street  
London  
SW1E 6QP

By email: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

25<sup>th</sup> April 2024

Dear Sir/ Madam

#### **CITY PLAN PARTIAL REVIEW – RESPONSE TO REGULATION 19 CONSULTATION**

I am writing on behalf of Berkeley Estate Asset Management Limited (BEAM).

As you may know, BEAM is an asset management and development company that manages a substantial portfolio of property on behalf of our client, the majority of which is located within the West End. We are responsible for the Berkeley Square Estate, as well as significant other assets within Westminster.

We are active members of the Westminster Property Association and we endorse the detailed representations submitted by WPA on this topic.

Our client is a long-term owner and investor in this area and we are committed to reduce the carbon emissions from its portfolio. We are leading innovators in this area – we are responsible for the first cross-laminated timber office building in the West End, currently being built at 38 Berkeley Square, and we are also bringing forward significant, sustainable, developments at 206 Marylebone Road and 1 Knightsbridge Green, amongst others.

We have considerable experience in this area, working with leading design teams on our buildings and we therefore feel well placed to offer our advice to the City Council in relation to net zero development in a Central London context.

BEAM has set ambitious and measurable targets at both a corporate level and for each asset under management, with a clear pathway to being Net Zero Carbon by 2030. To achieve this, BEAM has created a framework of guiding principles, to ensure it minimises the impact of its actions, improves wellbeing and delivers desirable, highly efficient buildings that are environmentally future-proofed.

## BEAM's Response to Draft Policies

### Policy 43 – Retrofit First

We share the City Council's objective to achieve a net zero Westminster by 2040 and agree with the general principles of the proposed policy approach. We do however have serious concerns regarding some of the details of the proposed policy given its potential implications and likely "unintended" consequences, and we set out our further thoughts below:

1. We are firmly of the view that the approach taken to embodied carbon standards is simply not achievable with existing technologies, construction techniques and materials. We are very concerned the current targets are so onerous that in practice they will effectively represent a "retrofit only" rather than a "retrofit first" policy.

In our experience, achieving less than 600kgCO<sub>2</sub>e/sqm for new commercial and workspace developments is exceptionally challenging. Achieving 475kgCO<sub>2</sub>e/sqm, let alone 350kgCO<sub>2</sub>/sqm, is simply not possible at present. We have discussed these targets with design teams across our projects and this reflects their opinion as well. The WSP report included within the evidence base also concludes that these targets are not currently achievable.

Whilst we understand a desire to be ambitious in order to bring about change, we believe that the suggested targets have gone far beyond the realms of aspirational and would in practice amount to a 'de facto' prohibition on new buildings. We do not believe that this is the City Council's true intention, and we would not advocate this approach as sound policy-making.

We believe that an ambitious, but achievable, target of 600kgCO<sub>2</sub>/sqm would be more appropriate as a basis for inclusion within this policy. BEAM would be supportive of a principle of working towards a target 500kgCO<sub>2</sub>e/sqm by 2030, in line with our own sustainability and net zero objectives, as and when the technology, knowledge and viability allow. If moving forward, progress has been made in these fields, the market would in any event ensure effective early adoption.

In BEAM's experience, tenants desire the very highest performing assets from a carbon perspective and such buildings will command the highest rents, all other considerations being equal. Developers such as BEAM are therefore already sufficiently motivated to drive the carbon agenda.

2. We do not agree with the removal of the reference to 'whole life', rather than 'embodied', carbon targets from the Regulation 19 version, compared with the version of the policy on which the City Council conducted informal consultation in November 2023. We suggest considering 'whole life carbon' would be a more appropriate metric given it takes a holistic and long term view of carbon over time.

3. The Evidence Base does not explicitly make reference to the way in which embodied carbon is calculated at planning stage. This is defined in more detail in the updated (and more onerous) RICS v2 guidance published in 2023 which also hasn't been reflected yet as part of this Policy making review and this will likely make it even more unrealistic to meet targets.
4. We understand from the draft City Plan that carbon offset payments will be required for any development unable to meet the minimum threshold (LETI B for offices). There is however no detail provided about what tariffs these payments would be set at, or credited back at, or how they would be aligned with current recognised industry standards for carbon offset funds (for example as defined by UKGBC in its 2023 guidance).
5. We consider Part A (Public Benefits and Options Testing) of policy 43 to be unsound as currently drafted and we believe it should be removed on the basis that the tests are too complex and do not consider whether alternative options are actually commercially deliverable in practice.
6. We are concerned that prioritising reduced embodied carbon emissions, to the extent suggested in the emerging policy, would inevitably lead to a serious diminution in design quality. Westminster's built environment is exceptionally valuable and the City Council rightly holds development to high design standards. At the same time, principles of people-centred design that seek to create very good quality buildings that people want to work in are vitally important in creating, and sustaining, a West End that is attractive to occupiers and employees alike. Seeking to reduce embodied carbon emissions by reducing design standards and providing poor quality buildings is not, in our view, in Westminster's long term interest and is not consistent with the City Council's other stated goals.

In conclusion, we ask the City Council, and Inspector, to carefully consider the proposed targets set out in Policy 43, as well as the potential complexity of this policy and the unintended consequences it may have on delivering other plan objectives.

In our experience, the targets currently proposed are not achievable, are inconsistent with promoting high standards of people-centred design, and will amount to an effective prohibition on new buildings.

We hope the above feedback is helpful in developing the partial review of the City Plan.

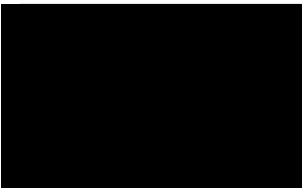
If you have any queries about our views or require any further information from us, please do not hesitate to get in touch.



Berkeley Estate  
ASSET MANAGEMENT

For example, we would be very happy to share the detailed technical information we have assembled on the performance of our proposed development projects if that would be helpful.

Yours faithfully,



**Peter Pulford**  
Head of Development

on behalf of Berkeley Estate Asset Management





<b>ID/ Our reference</b>	033/ EXT033
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>HYDROCK</b>
<b>Type of respondent</b>	Consultancy firm and professional network

Document ref: Westminster city council consultation letter

Westminster City Council Planning Policy

24 April 2024

City Plan Partial Review - response to Regulation 19 consultation

Dear Westminster planning policy team

We are in support the new retrofit first policy from Westminster City Council. It's a bold policy but bold polices are needed in order to tackle the climate crisis and effect change within the built environment sector by giving clear requirements and guidance to development proposals.

The position for retrofitting first is an important one that needs to be considered at the start of each project. Many buildings (or their component parts) still have longer usable lives and, in a world, where we have finite resources, retention and reuse where technically and commercially feasible, should be maximised.

Generally, the policy of retrofit first fits with circular economy principles but there doesn't seem to be significant recognition of the circular economy in this policy, and requirements to carry out a circular economy appraisal should be made in the cases of retrofit and retention, not just in demolition. Our experience has found that there are significant circular economy benefits and reuse opportunities on schemes where retrofit is taking place from the strip out of materials and from the minor alterations inevitable to meet new codes or enable usability of the building. This is also the case for retention, where there are often significant quantities of removed material for reuse. In both these cases there are also end-of-life scenarios that should be considered.

We are in support of the policy requirement to demonstrate and consider the opportunity for retrofit or retention versus a new build option. However, 'substantial' demolition should be quantified within the policy wording or supporting text (as a %) to ensure clarity is provided on where an appraisal of the construction options is needed for different development types. Consideration must also be given to other factors such as the building safety act and DDA requirements might conflict with retrofit and retention of certain elements. (43-A-1.2,3) or where higher-upfront embodied carbon options would result in a longer life span of a building or components (43-B).

43-B. The requirement to meeting LETI band A is very ambitious and is currently not achievable for new construction (particularly those over one storey) without retrofit/retention of 50% as outlined in the LETI documentation. Whilst ambitious targets are important, this might be difficult to meet in situations where retrofit is not possible or suitable or where longer-term building utility (WLC / Circular economy) is beneficial (LETI bands only consider upfront carbon A1-A5).

The different targets for residential and non-residential will favour the development of residential buildings within the borough (which is likely the intention) however could result in reduction of other use types of development and needed activation of communities and areas. It is unclear what proportion of mixed use will qualify for the different LETI targets.

The band A LETI target was developed for those buildings being designed in 2030, where buildings being designed in 2020 should be to C. Is the expectation of this policy then that designs should be

ahead of the pathway that LETI set out in their policy paper? A phased target approach from a minimum of LETI band C to A would therefore be more suitable to enable an appropriate market transition period.

More broadly, the LETI targets were developed circa 5 years ago, prior to having much of the information, case studies and assessments now in place. With a focus upon consistency in data and methodology to improve the accuracy and reporting of carbon assessments, it seems unwise to tie policy that will be in place for some time to targets that will be rapidly out-dated by recent and incoming guidance from a variety of industry bodies (CIBSE, IStructE, CWCT) including the imminent release of the Net Zero Carbon Building Standard (NZCBS) which has been developed through inputs from many of the leading construction industry bodies.

Following consultation, the policy should consider amendments to align with and draw upon relevant retrofit and fit out elements of the emerging NZCBS targets which are based on a thorough process which considers not only top down (like LETI) but also bottom-up data i.e. what is practically achievable?

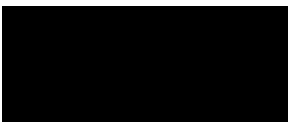
43-B-1-e. Clarity should be provided to outline what the carbon offset fund will be used to fund. Details should be provided on what the funding criteria are, and whether the fund will be available to funding applications of carbon reduction and/or removal measures, short- or long-term interventions. Including whether this fund is for council only buildings or a wider fund. Is this fund the same as the section 106 fund.

43-B. A suitable link or recognition of the impact of 43-B-2-b and the embodied targets in 43-B-1-a&b needs to be inserted within the policy wording. How the embodied carbon targets seek to address situations where more carbon would benefit the long-term use or reuse of a development - i.e. some aspects of the circular economy, where more carbon upfront would result in a longer life span or a building or components. For example enabling a change of use with larger floor to ceiling heights or demountable/ re-constructible components requiring more material or framing to enable durability and reuse.

43-B-1-d. "Fully justified". Expectations on how to fulfil "fully justified" needs to be outlined to ensure that there is a consistent interpretation and application of the policy requirement when determining applications (there has been a lot of creep and change requirements in recent policies in London).

In summary Hydrock is in support of the retrofit first policy set out by Westminster City Council and applauds its ambition as a leading policy in retrofit, however would encourage consideration of some of the specific elements and targets set and for the final policy wording upon to submission to capture the comments we have provided.

Regards



Phil Guthrie  
Associate Director

**M:** [Click here to enter mobile](#)

**E:** [Click here to enter email](#)

<b>ID/ Our reference</b>	034/ EXT034
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>TFL SPATIAL PLANNING</b>
<b>Type of respondent</b>	Statutory consultee



Planning Policy Team  
City of Westminster

[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

25 April 2024

Dear Sir/Madam,

**Re: Consultation on Westminster City Plan Partial Review (Regulation 19)**

*Please note that these comments represent the views of Transport for London (TfL) officers and are made entirely on a 'without prejudice' basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments are made from TfL's role as a transport operator and highway authority in the area. These comments do not necessarily represent the views of the Greater London Authority (GLA). A separate response has been prepared by Places for London to reflect TfL's interests as a landowner and potential developer.*

Thank you for giving TfL the opportunity to comment on the Regulation 19 version of the City Plan Partial Review.

The London Plan was published in March 2021. Local plan policies and site allocations should be developed in line with relevant London Plan policy which supports the implementation of the Mayor's Transport Strategy. In particular, it is important that local plans support the Healthy Streets Approach, Vision Zero and the overarching aim of enabling more people to travel by walking, cycling and public transport rather than by car. This is crucial to achieving sustainable growth, as in years to come more people and goods will need to travel on a relatively fixed road network.

We note that this is only a partial review and the only substantive change to policies are on retrofitting and affordable housing. We therefore provide comments only on the new site allocations and these are set out in the table in appendix A, below.

Yours faithfully

**Josephine Vos | Manager**  
**London Plan and Planning Obligations team | Spatial Planning**

Transport for London  
Spatial Planning

[tfl.gov.uk](https://tfl.gov.uk)

## Appendix A: Detailed comments and suggestions for amendments

Policy	Page	Amendment/comment
New Policy 8 – St Mary's Hospital	56-61	<p>The location is proposed for consolidated/re-provided hospital use with the addition of further mixed use development within an Opportunity Area. The site has a PTAL of 6b. TfL supports public realm improvements and opportunities that improve access to the Paddington Basin. Improvements should aim to address safety and the perception of safety at all times of day and night through design including lighting and passive surveillance. There are operational transport constraints that would need to be taken into account as part of any development. These include both access to the side of Paddington station (which is adjacent to the site) and the infrastructure protection (IP) requirements to build over the Bakerloo, Hammersmith &amp; City and Circle London Underground lines.</p> <p>Access for those with mobility impairments is particularly pertinent for the hospital – this means ensuring it is easy to navigate to/from entrances and exits to public transport services including buses and the station. The public realm should not prioritise access by taxi or car over people arriving by foot, although sensitively designed facilities for taxis and pick up/drop off will be required.</p>
New Policy 9 – Westbourne Park Bus Garage	62-66	<p>As noted in paragraph 93, this is the only bus garage in Westminster and its importance in providing successful and efficient bus services in this part of London should not be underestimated. Any redevelopment of the site will need to protect the continuity of bus garage operations, both during construction and in the end state, ensuring the final design is future proofed for growth and electrification of the bus fleet.</p> <p>Constraints should be more explicit in including reference to the retention of the bus garage on site and the need to ensure the type/use class of development is an appropriate neighbour for an operational bus garage and that the design mitigates the impacts of this established activity – as per London Plan Policy D13 (Agent of Change).</p> <p>Subject to the above, TfL Spatial Planning agrees that development provides opportunities to activate the site and provide a better public realm alongside active travel connections. Infrastructure and asset protection would be required for any development adjacent to the railway and Westway structures.</p>

Policy	Page	Amendment/comment
New Policy I0 – Land Adjacent to Royal Oak	67-70	<p>We welcome the acknowledgement that the surrounding strategic transport infrastructure will need to be carefully considered within development proposals including: the need to deliver permeability and better connections dealing with the level differences and providing high quality active travel routes; the need to design development in a way which mitigates the impacts on and proximity to existing surrounding transport infrastructure (as per London Plan Policy DI3 Agent of Change); and have regard to infrastructure protection requirements for building adjacent to and above the operational railway. TfL supports reference to the need to enhance access and the need to address the perception of safety at all times of day and night through design including lighting and passive surveillance.</p> <p>Given the size of the site and the opportunity presented, we would expect any future planning permission to contribute to/support the delivery of step-free access to Royal Oak LU station (alongside other contributions), alongside any station capacity enhancements identified by the Transport Assessment. In relation to active travel, development should support enhanced connections over the A40/Harrow Road, Westbourne Bridge and Lord Hill Bridge.</p>
New Policy II – Grosvenor Sidings	71-76	<p>The site has a PTAL of 3. Development proposals would need to include high quality and accessible active travel routes to link the site to public transport connections and amenities. Site opportunities to deliver public realm improvements and improve permeability and access to Victoria station, including via riverfront routes are strongly supported. TfL agrees that the constraints of building adjacent to the railway line will need to be mitigated in any proposals. It is suggested that the supporting text refers to the need to secure an alternative site for operational rail use and retention/replacement for British Transport Police building in line with London Plan Policy T3 on retaining transport uses and Sustainable Transport, Walking and Cycling LPG. The <b>Ebury bridge 7.5t limit should be noted.</b></p>

<b>ID/ Our reference</b>	035/ EXT035
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>COHORT LTD</b>
<b>Type of respondent</b>	Developers, landowners and real estate company



25<sup>th</sup> April 2024

Westminster City Council Planning Policy,  
Westminster City Council,  
64 Victoria Street,  
London,  
SW1E 6QP

DP9 Ltd



[www.dp9.co.uk](http://www.dp9.co.uk)

Sent: By Email

Dear Sir/Madam,

#### REPRESENTATIONS ON THE WESTMINSTER CITY PLAN PARTIAL REVIEW (REGULATION 19)

Thank you for providing us with the opportunity to comment on the Westminster City Council (WCC) City Plan partial review (Regulation 19) consultation. These representations are submitted on behalf of our client, Cohort Ltd in relation to their land ownership at the Imperial College Medical School, at Norfolk Place in Paddington.

#### Draft Policy 8- Allocation St Mary's Hospital

Cohort Ltd have engaged in detailed discussions with the Council's planning policy team regarding the draft site allocation. Our client supports the overall site allocation and the vision for St Mary's to deliver a world-class cityscape which incorporates a high-quality sustainable mixed-use development which contributes to the objectives of the Paddington Opportunity Area. We do however believe some further adjustment to the text is required in order to make the draft policy as clear as possible.

Part D states that:

*'Where any existing land is evidenced to no longer be needed for healthcare purposes, alternative uses such as commercial, community and/or residential will contribute to the objectives of the Paddington Opportunity Area, be designed to a high standard, and should not compromise the operational requirements of any new hospital.'*

Whilst the focus on the allocation is on the delivery of the new hospital, there are other parts of the wider allocation which are not within a healthcare use linked to the hospital. In the case of Cohort Ltd, Imperial College are vacating the existing building as part of their move to a new bespoke facility at White City. Whilst not in a health care use, the owners are considering the future of the site and the future opportunities it presents to introduce a commercial use- in this case clinical life sciences. We would therefore suggest that policy would be clearer if the following adjustments were made:



‘Where any existing land is evidenced to no longer be needed for healthcare purposes, alternative uses such as commercial...’

### **New Policy 43- Retrofit First**

#### Part A – Prioritising Retrofitting Over Demolition- Criteria 1 to 4

Part A of the draft policy sets out the criteria under which the total demolition of a building will be considered. Four criteria are set out. The first criteria is an absolute one which consider the public benefits which would be delivered through total demolition which could not be achieved through a suitably comparable retrofit option. Only one of the remaining criteria need to be satisfied. DP9 understand from a meeting with WCC Policy Officers and WPA Members on 9<sup>th</sup> April 2024 that in instances where more of the criteria under 2-4 are met, the less public benefits will be required under criteria one as part of the planning balance. This approach is not clear from the current draft wording or indeed the supporting text. This needs to be clarified through updated wording.

In addition, Part A excludes recognition of the need to meet the objectives of the Development Plan as a whole, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. For example, employment or housing need; design improvements; enhancing heritage settings; public realm improvements and/ or sustainability improvements – can sometimes only be achieved or maximised through redevelopment options. It is in these instances where the presumption in favour of sustainable development must apply and environmental considerations balanced against other social and economic objectives of the plan. This should be made clear as part of updated drafting.

We set out some more detailed points under these criteria below which require clarification.

*Criteria 1-The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and*

Whilst a range of potential retrofit options are frequently required to be explored, in seeking to establish ‘a suitably comparable retrofit option’ these also need to be deliverable and viable. These are important factors which form a fundamental part of whether a development would in reality be brought forward in moving from an isolated academic retro exercise in what could be retained versus whether a developer would in reality take such a scheme forward. For example, retrofit options are often not pursued by Applicants due to cost and practical implications, often resulting in compromised outcomes with lower yields and lifespans compared to new build schemes which render them undeliverable. We would therefore suggest that ‘deliverable and viable’ should be inserted into this category. This should also be reflected in the supporting text. We would suggest the criteria should be amended to say (our additions should in bold and underlined):

*‘The proposed development will deliver public benefits which could not be delivered through a suitably comparable, **deliverable and viable** retrofit option’*

*Criteria 4- It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.*

As explained under Criteria 1, draft policy needs to recognise that retrofit options should be realistic and deliverable. This should be reflected in this criterion, such as the following suggested wording (our additions should be bold and underlined):



*“It is demonstrated that a **comparable and deliverable** retrofitting option is not possible or achievable due to structural constraints....”.*

### Part B – Reducing Embodied Carbon Emissions

Part B, 1d sets out the suggested approach for developments of bespoke buildings which do not have a recognised LETI benchmark. Draft policy states that in promoting total or substantial demolition developments should achieve the maximum reductions in upfront embodied carbon deliverable. The current draft fails to recognise that viability is an important wider consideration in whether a development would come forward. The maximum reduction may render a development unviable and therefore not deliverable. This would forgo the wider benefits a scheme could deliver within a new energy efficient and sustainable building which would meet the objectives of the Development Plan a whole. We would therefore suggest the following adjustments are made (our additions should in bold and underlined):

‘For developments involving the construction of bespoke buildings which do not have a recognised LETI benchmark, or self-build or custom build homes, applicants should achieve the maximum reductions in upfront embodied carbon deliverable **and viable**, and these should be fully justified.’

### Part B (E)- Offset Payments

Part B (E) of the draft policy states that in exceptional circumstances where there are site specific constraints which make the benchmarks undeliverable, a shortfall can be offset through a payment. Paragraph 43.11 states that further details on how this is to be calculated will be provided in a future update to the Planning Obligations and Affordable Housing (POAH) SPD.

The detail of that payment needs to be shared as part of the review of the City Plan. Furthermore, it is not clear what the “minimum embodied carbon target” is in reference to. This needs to be clarified.

### Paragraph 43.3 – The tests for demolition

Paragraph 43.3 provides further guidance in relation to Whole Life-Cycle Carbon Assessment (WLCCA) optioneering. This explanatory text should apply to both retrofit and new builds in respect of realistic whole life cycles and lifespans of buildings. The current wording takes a retrofit only approach and does not acknowledge that new builds can often result in much extended lifespans and lower carbon emissions over their lifetimes.

### Summary

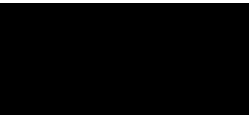
Planning policies should take a proactive role in identifying and helping to bring forward suitable sites for meeting development needs in order to make the best use of the land and be applied pragmatically by decision-makers. There are concerns regarding the introduction of the retrofit policy in this respect and how it may preclude development on certain sites which may have otherwise come forward and that would meet the wider development plan objectives. While our client endorses a retrofit-first approach where feasible, it is also recognised that it is not always technically achievable or the most sustainable outcome. Commercial deliverability and financial viability must also be considered in the context of the overall scheme proposals and individual site priorities. It is not considered that the policy meets the soundness



tests of the NPPF for plan-making for the reasons set out in these representations. The proposed new Policy 43 is inherently complex, is of critical importance, and should be proportionately justified and allow for sufficient clarity for practical application.

We trust our comments will be taken on board in progressing the City Plan review and we look forward to engaging further with you in the future.

Yours sincerely,



**DP9 Ltd**

<b>ID/ Our reference</b>	036/ EXT036
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>GROSVENOR PROPERTY UK</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

25 April 2024

City Planning Policy, Innovation and Change  
Westminster City Council  
17<sup>th</sup> Floor, 64 Victoria Street  
London  
SW1E 6QP

### Grosvenor – City Plan Partial Review

Dear Agnieszka,

I write to you in response to the City Plan Partial Review.

At Grosvenor we have some of the most stretching environmental sustainability targets and social impact commitments in our sector. We are highly aligned with the Council’s mission to build a Fairer Westminster, both through leading environmental standards but also through an ambitious approach to community, economic growth and housing.

Through a blend of energy efficiency investments, innovations in low carbon development and collaboration with partners, we ourselves are on track to deliver a 90% reduction in our carbon emissions across all scopes by 2040. We are proud that, since adopting our sustainability goals in 2019, we have not designed a development project requiring full demolition, have driven an increase in biodiversity across our portfolio and built an approach to social impact that focuses on driving tangible real-life outcomes for communities in the City.

While we are aligned on the kind of Westminster we want to support, we are concerned that the proposed amendments may take the policy environment to a place where the private sector will struggle to meaningfully contribute to the delivery of the Council’s goals.

Our own progress, made over a period of several years and requiring significant investment hasn’t been without its challenges. Today in the market, there are few examples of delivered buildings that meet the new build targets and even fewer able to do it in a way that will make development viable.

As a partner to the City of Westminster, we are keen to work with you on a pathway that maintains the exciting ambition and potential to drive innovation, but which balances this with the significant need for long-term investment in the borough and a deep and varied pool of aligned actors.

As drafted, the Retrofit First policy (Section 43), increases the risk of subjectivity in the planning process. The uncertainty that this creates, alongside the associated risk of delays and higher costs, will deter prospective investors.

I’d urge you to be as clear and simple as possible – this is in all our interests. Each time an application is delayed, overturned on appeal, or worse still, goes to court, it undermines confidence in the process. It is important to give clear and unambiguous guidance to project level decision makers, be they officers or planning committees, as well as investors and other parties affected by development.

Therefore, we recommend the Council reviews the policy to deliver:

- Stretching and clear targets for new build and deep retrofit projects but staggered in a way that provides clearer signals to the market and allows it time to adapt, ensuring that partnership led, responsible investors are encouraged to remain active in the borough.
- A policy that increases certainty about what will or won’t be approved including a more explicit

- methodology for Whole Life Carbon assessments and greater specificity on the definition of public benefit, including clearer recognition of economic benefits.
- articulation of the importance of sustainability, relative to other factors such as heritage and scale/mass, in considering extensions that facilitate viability for retrofit.
- approach to the implementation of extensions where they facilitate viability for wider retrofit (Part D). This would build on comments at a recent meeting where leadership indicated the intention was a more motivational approach towards retrofit – allowing densification to the support cost of undertaking works, but which is not present in the current drafting.

At Grosvenor we endorse and believe in the Council's mission – our concerns do not centre on the ambition itself; we are supportive of the trajectory.

However, as a part of the community we also recognise that our success is intertwined with Westminster. This success is predicated not only on environmental leadership, but also on investor confidence and the delivery of projects that maintain and enhance Westminster's status as an economic driver for London and the wider UK. For this reason, we encourage the Council to strike a balance between these objectives and design a retrofit first, not retrofit only policy.

We look forward to discussing this further with you.

Yours sincerely,



James Raynor

Chief Executive – Grosvenor Property UK

<b>ID/ Our reference</b>	037/ EXT037
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>NETWORK RAIL</b>
<b>Type of respondent</b>	Statutory consultee





HF/DP6744  
09.05.2024

City Planning Policy,  
Innovation and Change,  
Westminster City Council,  
17th Floor, 64 Victoria Street,  
London,  
SW1E 6QP.

Sent: By Email

Dear Sir/Madam

#### **CITY PLAN PARTIAL REVIEW – RESPONSE TO REGULATION 19 CONSULTATION MARCH 2024**

Thank you for providing us with the opportunity to comment on the Regulation 19 Partial Review of the City Plan 2019-2040 Consultation version (March 2024). These representations have been prepared by DP9 Ltd ('DP9') on behalf of Network Rail.

Network Rail is one of the largest landowners in London exploring development opportunities in Victoria, including land in around Victoria Station, Victoria Coach Station and Grosvenor Sidings.

Network Rail is committed to working collaboratively with Westminster City Council (WCC) to inform the preparation of the Partial Review to the City Plan. Alongside the Regulation 19 consultation, engagement with officers and all stakeholders in relation to the Sites will take place to ensure that a shared vision is realised for future development in Victoria.

In accordance with the requirements of the NPPF (2023), Network Rail supports Westminster's City Plan review to ensure that changing circumstances affecting the borough are taken into account, along with any relevant changes in national policy. The aspiration to make Westminster a fairer and more inclusive city, where residents benefit from the opportunities new developments bring, and workers and visitors from all backgrounds feel safe is welcomed.

#### **New Policy 11: Site Allocation**

Network Rail welcomes the inclusion of Grosvenor Sidings as a Site Allocation and supports the principle of a residential led mixed use development alongside complementary uses.

Figure 21 includes two separate redline boundaries with the key referring to it as 'Site Allocation boundary'. Supplementary text 11.1 explains that the Grosvenor Sidings allocation comprises land



including the existing Grosvenor Sidings to the east and the Pugs Hole sidings and Ebury British Transport Police site to the west. The text goes on to state that together it represents an area that provides opportunities for new development that can deliver high quality homes and supporting uses. Whilst it is recognised within the supplementary text that the sites include both Grosvenor Sidings and Pugs Lane, it is requested that the policy itself is explicit and clarifies that the Grosvenor Sidings allocation includes Pugs Lane. Due to the nature of the sites, it is likely that the two sites will come forward independently, within different timescales and be subject to different delivery timescales. It is therefore critical that this is reflected within policy to ensure that both sites can be brought forward together but also independently if required.

Network Rail agrees that sustainability should be at the heart of proposals. This does however, need to be balanced against other competing factors such as heritage constraints and transport infrastructure. A detailed response is provided to WCC 'New Retrofit First' policy later in this representation and this should be taken into consideration as part of this Site Allocation.

**Part D** of the policy states *"proposals should be designed in such a way that respects and responds to the local context, sustaining and/or enhancing views to adjacent heritage assets and Conservation Areas, along with strategic and local views. Proposals should also sensitively repurpose the on-site listed 123A Grosvenor Road building and adjacent workshop building."* We consider this wording to be more rigid than what is set out in the NPPF. Paragraph 201 of the NPPF refers to 'minimising' conflict and therefore we encourage WCC to include this reference within Part D of the policy in line with the NPPF.

**Part E** of the policy states that proposals will deliver enhanced permeability through the site and beyond *"providing access routes north to south from the River Thames to London Victoria Station and east to west through adjacent residential estates."* Whilst the principle of this is supported, at this stage until a design is proposed for the site, this cannot definitively be confirmed and it is suggested that the wording is amended for the opportunity to be explored as opposed to definitively delivered. It is suggested that Part E of the policy is updated as follows *"**Explore the opportunity** to enhance permeability through the site and beyond, providing access routes north to south from the River Thames to London Victoria Station and east to west through adjacent residential estates."*

#### Supporting Text to Policy

Within the supporting text to the policy, it notes that the site represents *" an area that provides opportunities for new development that can deliver high quality homes and supporting uses that meet a range of other policy objectives, including job growth, new public open and green spaces, enhanced permeability and improved public realm..."* Whilst we agree with this in principle, the existing transport infrastructure on Grosvenor Sidings is vital for current operations and the opportunity to make better use of land for development purposes is subject to a plan for consolidating / relocating critical transport infrastructure.

**Paragraph 11.4** refers to London Plan policy and the expectation to provide 50% affordable housing where the site is in public ownership. This will ultimately need to be balanced against the significant substantial infrastructure costs associated in order to facilitate future development on this site.

**Paragraph 11.6** states that *"Given the nature of the existing use in supporting the London train network and beyond, as well as being an operational transport police site, it is essential that these uses remain*



*operational during any construction phase.”* Further information is requested on this and what is intended by this statement.

### Building Heights

The Policy itself makes no reference to building heights. Only the supporting text at 11.12 makes reference to building heights in the context of impact on local views. Whilst the policy should not be prescriptive on heights or unduly or prematurely constrain the capacity of the site, by setting maximum heights in advance of further testing, we think that more detail should be included in the site allocation around the mechanism for tall buildings.

The London Plan (Policy D9) requires boroughs to identify locations that are appropriate for tall buildings. Network Rail encourages WCC to include Grosvenor Sidings as a location that could be appropriate for taller buildings but this will be informed by and subject to detailed masterplanning work.

Overall, Network Rail is supportive of the inclusion of Grosvenor Sidings allocation and the general principles set out in the Site Allocation. It is requested that further refinements are made to the policy in accordance with comments above.

### **New Policy 13: Affordable Housing**

The planning process is inherently one of balancing competing needs and priorities. It requires the decision maker to weigh policy requirements and material considerations against the overall merits of proposed development. Planning policies within Development Plans should be flexible in their wording and applied pragmatically by decision makers.

Policy 13 removes the previous threshold approach set out in currently adopted Policy 9 for delivering affordable housing. Under Policy 13, all residential development is required to provide affordable housing either on site or via payment in lieu. We would argue that removing all triggers could constrain the delivery of smaller scale schemes and will require financial contributions that are not commensurate with the scale of development proposed. It is suggested that a threshold approach is re-inserted back into Policy 13.

Policy 13 notes that Major residential development should deliver the affordable housing requirement on-site. In exceptional cases, affordable housing provision can be made off-site or via a contribution to the council's Affordable Housing Fund. Part H of Policy 13 sets out that *“Payments in lieu to the council's Affordable Housing Fund should be of a broadly equivalent value to the cost of meeting the affordable housing requirement on-site, and will be calculated following the methodology set out in the council's Planning Obligations and Affordable Housing SPD.”* The Planning Obligations SPD dated February 2024 has recently been adopted and has been drafted on the basis of the currently adopted affordable housing policy (9) in the City Plan . It is not clear within the policy if this document should be referred to or another document or update is going to be prepared. We consider an update is required for the evidence base to consider the updates to policy, confirm the amounts per sqm for the Payment in Lieu in relation to this policy and, be updated to reflect the removal of the triggers to affordable housing.

Part B (3) of Policy 13 states that *“Where a portfolio approach to delivery on public sector land is proposed in agreement with the Mayor of London, all the portfolio sites will be located in*



*Westminster.*” As currently drafted, this is in conflict with the London Plan and is not supported by any detailed evidence.

There is an existing affordable housing portfolio approach agreed with the Mayor of London. Network Rail would like to ensure that Draft Policy 13 of the City Plan is compliant with the London Plan in relation to the portfolio approach. Paragraphs B 2 and 3 of the proposed new policy restricts the previously agreed portfolio agreement with the Mayor to sites within Westminster only.

The agreed portfolio approach is set out London Plan Policy H4 (Delivering affordable housing). The measure in paragraph 4, relating to public sector land, is clear in respect of the portfolio approach, stating:

*“public sector land delivering at least 50 per cent affordable housing on each site and public sector landowners with agreements with the Mayor delivering at least 50 per cent affordable housing across their portfolio”*

This ‘portfolio approach’ to the delivery of affordable housing on public land is explained in Paragraph 4.4.7 of the London Plan:

*“Public sector land represents an opportunity to deliver homes that can meet the needs of London’s essential workers who maintain the function and resilience of the city. The Mayor expects that residential proposals on public land should deliver at least 50 per cent affordable housing on each site. Public sector landowners with an agreement with the Mayor may provide 50 per cent affordable housing across a portfolio of sites provided at least 35 per cent affordable housing is provided on each site, with the required affordable housing tenure split on the initial 35 per cent.”*

It is therefore recommended that the policy is updated to reflect conformity of the London Plan as follows:

### **Part 3**

**3. Where a portfolio agreement with the Mayor is in place, public sector landowners may provide 50 per cent affordable housing across their portfolio of sites provided at least 35 per cent affordable housing is provided on each site.** ~~approach to delivery on public sector land is proposed in agreement with the Mayor of London, all the portfolio sites will be located in Westminster.~~

The flexibility provided by the ‘portfolio approach’ to affordable housing provision is essential for a public sector land owner / developer. It enables public sector landowners to take land and development values into account in order to optimise affordable housing provision across its portfolio, and it also provides the flexibility they need to balance affordable housing provision across the capital, taking account of borough and site specific circumstances at each site.

For these reasons, paragraph 13.4 does not conform with the London Plan portfolio approach and it is requested that this is deleted.

### *Threshold Approach*

Policy 13 should also reflect London Plan Policy H5’s threshold approach to planning applications, which requires 50% affordable housing on public sector land *“where there is no portfolio agreement with the Mayor”*. Where a public sector body does have a portfolio agreement with the Mayor, paragraph 4.5.6 confirms that: *“Where there is an agreement with the Mayor to deliver at least 50 per cent across the portfolio of sites, then the 35 per cent threshold should apply to individual sites”*.



Subject to making suggested changes to Paragraphs B 2 and 3 of the proposed new policy H13, this approach would be enabled via draft paragraph F and would be in broad conformity with the London Plan.

Adoption of the Portfolio Approach within the London Plan followed a process of detailed consultation and engagement with public sector landowners, testing the effectiveness and viability of the increased threshold level for public land. Removal of a key part of flexibility threatens deliverability of the increased threshold and therefore risks a key priority of the London Plan; to increase affordable housing delivery on public land via the Fast Track route.

Part E (2) of Policy 13 relates tenure mix and size of affordable housing units. The policy requires that *“the size of the affordable homes, including the number of bedrooms required to meet need, will be provided in line with the council’s Annual Affordable Housing Statement.”* We are supportive of the provision of a mix of affordable housing to meet identified need, however we would argue that this part is not practical in reality. Firstly, it is queried why this needs to be updated yearly, do WCC consider that the mix requirements are going to change significantly? Further clarification from WCC is required on the scenarios where development schemes have been in pre-application discussions for 6-12 months and the mix has been agreed and viability assessment based upon, and a new Affordable Housing Statement is published by WCC - are these schemes then required to be updated to reflect the mix. This is ultimately going to elongate the programme of the development and jeopardise the development coming forward. It is requested that this is reviewed to take this into account or some text included within the supporting text in paragraph 13.5.

### **New Policy 43 Retrofit First**

Network Rail is supportive in principle of enhancing sustainability within the built environment and the reduction of carbon emissions, to promote development that is environmentally, socially and economically sustainable. Planning policy (within the London Plan and adopted Westminster City Plan) anticipates development intervention at Victoria and for this to be linked to the delivery of critical transport improvements and wider economic, social and environmental benefits. The importance of the ‘retrofit first’ approach is recognised, however this does need to be balanced against other social and economic objectives set out within Paragraph 8 of the NPPF (the three overarching objectives for achieving sustainable development). London Plan Policy GG2 recognises the need to make the best use of the land and directs growth towards the most accessible and well-connected places to achieve the benefits to achieve it.

Planning policies should take a proactive role in identifying and helping to bring forward suitable sites for meeting development needs in order to make the best use of the land and applied pragmatically by decision makers. We do have some concerns regarding the introduction of this policy and how it may preclude development on certain sites which may have otherwise come forward that would meet the wider development plan objectives. A retrofit approach first is not always the most effective use of land. Commercial deliverability and financial viability need to be considered in the context of the overall scheme proposals and individual site priorities.

Network Rail endorses WCC’s aims to reduce carbon emissions arising from development but does consider the retrofit policy unsound with regard to the national tests for plan making. Proposed new Policy 43 is inherently complex, It is of critical importance, and should be proportionately justified and allow for sufficient clarity of application in practice.



Policy 43 Part A is not 'positively prepared.' It set out a complex 'optioneering' exercise - "where substantial or total demolition is proposed, this should be fully justified through an appraisal of the construction options, assessing the carbon cost and public benefits of refurbishment, retrofit, deep retrofit or newbuild options". The policy goes on to state that "Development involving total demolition of a building which has more than a single storey will generally be resisted, unless demonstrated through the appraisal that:

1. The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and
2. The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or
3. The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s); or
4. It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report

Firstly, both parts 1 and 2 refer to 'suitably comparable retrofit scheme' but does not define anywhere what this actually constitutes. It is requested that further information is provided to clarify this point. Any additional text needs to ensure that the comparable schemes are realistic and can be delivered in practice.

Part A of the policy requires public benefits (part 1) and one of the following sub-parts 2-4, to be demonstrated together in order for developments involving total demolition to be supported. Within Part A, the '**and**' (our emphasis) following the elements of text referring to public benefits should therefore have been drafted as an 'or', to properly reflect the intention of the evidence on which the policy wording is based .

Within the 'test for demolition' supporting text 43.3 it states that " where retrofitting is unfeasible due to structural or safety concerns, applicants should demonstrate this through a structural statement from a suitably qualified engineer. Where structural reinforcement is possible, but the extent of which would make the development unviable to retrofit, this should be supported by a viability report."

Providing viability at this stage of the development creates another level of uncertainty for development. Viability assessments take time, require multiple inputs and often elongate programme delivery. The text also does not set out how this viability will be assessed or verified by the Council.

Further information is requested on 'public benefits' that have been referred to in Part 1 of the policy but also paragraph 43.4 of the supplementary text.

Paragraph 43.4 as currently drafted is as follows'

*"Newbuilds can bring opportunities for significant public benefits, such as the delivery of new public infrastructure, the provision of affordable workspace, significant uplifts in jobs, affordable housing and estate regeneration. Applicants for developments incorporating such benefits as a result of demolition should demonstrate how these benefits could not practicably or viably be realised through a retrofit scheme. In recognition of the global, national and local economic importance of the West End Retail and Leisure Special Policy Area (WERLSPA), the Paddington and Victoria Opportunity Areas and North West Economic Development Area (NWEDA), optimising the site capacity to achieve significant employment, jobs and investment opportunities may also be considered a public benefit justifying the*



replacement of a building. Any economic benefits would need to be fully justified and the applicant must demonstrate to the council's satisfaction why they could not be achieved through a retrofit option through a meaningful and honest comparison."

The underlined section (our emphasis) limits certain areas where benefits will be considered as public benefits. This is not supported as it fails to recognise the potential significant benefits arising from development outside of these locations in the wider Central Activities Zone and ignores the optimisation of other sites outside of these designated locations. Economic benefits should be included within the description of public benefits as this includes other significant benefits in addition provision of affordable workspace and significant uplifts in jobs as described.

### Part B – Reducing Embodied Carbon Emissions

The below section has been based on advice from an expert built environment consultancy who have reviewed the stated targets with Part B of the Policy and relevant supplementary text and we have included their assessment below.

Building type	LETI band equivalent
Non-residential buildings	Target A Minimum B
Residential (including mixed-use) under 18 metres in height	Target B Minimum C
Residential (including mixed-use) over 18 metres in height	Target C Minimum D
Exceptions (site constraints, fast track affordable housing schemes, custom-build and self-build homes)	Lowest deliverable embodied carbon without affecting provision of affordable housing

Figure 1: Extract from the draft City Plan summarising the proposed stretch and minimum targets by building type

The document further states:

*43.9 The use of LETI Band A is the current stretch target for non-residential schemes. The use of LETI Band B is the current stretch target for residential and mixed-use schemes below 18 metres. LETI Band C is the current stretch target for residential and mixed-use schemes above 18 metres. The targets differentiate heights buildings which include residential development to reflect the wider range of low-carbon materials that are available for use in residential buildings below 18 metres.*

*43.10 / It is expected that these benchmarks will likely become business as usual during the City Plan period as building standards improve and the push for sustainable development gains greater*



momentum. The Whole Life-Cycle Carbon assessment should provide detail on the measures taken to lower embodied carbon, including an assessment of the design performance against the target benchmarks.

And, for both of the housing targets:

Where development is proposing the delivery of policy compliant levels of affordable housing (35% for private sector land, and 50% for public sector land), applicants should demonstrate the maximum embodied carbon reductions deliverable without affecting the viability of affordable housing delivery.

### Key Challenges

We are supportive of addressing embodied carbon emissions in light of the climate change emergency and ensuring the impacts from both new development and refurbishment are minimised, adopting a retrofit first approach. However, we believe there may be some challenges associated with meeting New Policy 43. This may result in the payment of carbon offsets to WCC in the early years of its adoption. Currently, they do not apply to embodied carbon emissions.

**The proposed upfront embodied carbon LETI-based target values for non-residential development are challenging to achieve.**

### The Targets

The proposed target for new non-residential buildings is LETI band A for upfront embodied carbon emissions, with an absolute minimum rating of B, as shown above in Figure 2. The bands are shown as kgCO<sub>2</sub>e/m<sup>2</sup> values by sector in Figure 1.

**Upfront Embodied Carbon, A1-5 (exc. sequestration)**

Band	Office	Residential (6+ storeys)	Education	Retail
A++	<100	<100	<100	<100
A+	<225	<200	<200	<200
LETI 2030 Design Target				
A	<350	<300	<300	<300
B	<475	<400	<400	<425
LETI 2020 Design Target				
C	<600	<500	<500	<550
D	<775	<675	<625	<700
E	<950	<850	<750	<850
F	<1100	<1000	<875	<1000
G	<1300	<1200	<1100	<1200

**Figure 1. Current LETI Targets (units kgCO<sub>2</sub>e/m<sup>2</sup>)**

The LETI targets do not differentiate between new-build and retrofits and it is acknowledged by LETI that to achieve the higher bands an element of retrofit is required.

In relation to the Westminster City Plan, the Embodied Carbon Evidence Base for the City Plan also notes a combination of new build and retrofit will be required, see section below.

### Embodied Carbon Evidence Base for the City Plan<sup>1</sup>

It is noted within the Embodied Carbon Evidence Base for the City Plan that to achieve LETI band A or lower “would require higher levels of timber or recycled materials not currently available on the market at scale”. The executive summary of this document goes on to state that:

<sup>1</sup> Available from: <https://www.westminster.gov.uk/planning-building-control-and-environmental-regulations/planning-policy/city-plan-partial-review>





*“Even adopting good practice design and high levels of material substitution, each of the buildings still will not achieve carbon reductions in line with UK Net Zero Target, 1.5 degrees and The Paris Agreement (LETI Band A or below). Achieving further reductions is much more likely to be made possible by re-using structure and materials from existing buildings, by promoting retrofit and the circular economy.”*

The Embodied Carbon Evidence Base for the City Plan does however state that LETI band B would be achievable for the common building archetypes modelled, based on *“a moderate 2-8% uplift in cost for office and mixed use buildings”*. This said, the measures listed against non-residential buildings such as offices include the use of mass timber structures and Ground Granulated Blast-furnace Slag (GGBS). The use of mass timber for larger buildings is very challenging due to the additional fire and insurance limitations, in addition to challenges in procurement and constructability. Furthermore, utilising GGBS as a carbon reduction measure is advised against because the supply of GGBS is limited, meaning that any increase in GGBS use in one location, would result in a decrease elsewhere, balancing out global emissions. In addition, the local supply of GGBS is anticipated to become more constrained due to the closure of UK-based blast furnaces. It is therefore recommended, as per IStructE guidance<sup>2</sup>, that GGBS is only utilised whereby there is a technical requirement for its use, rather than as a mechanism for lowering carbon emissions.

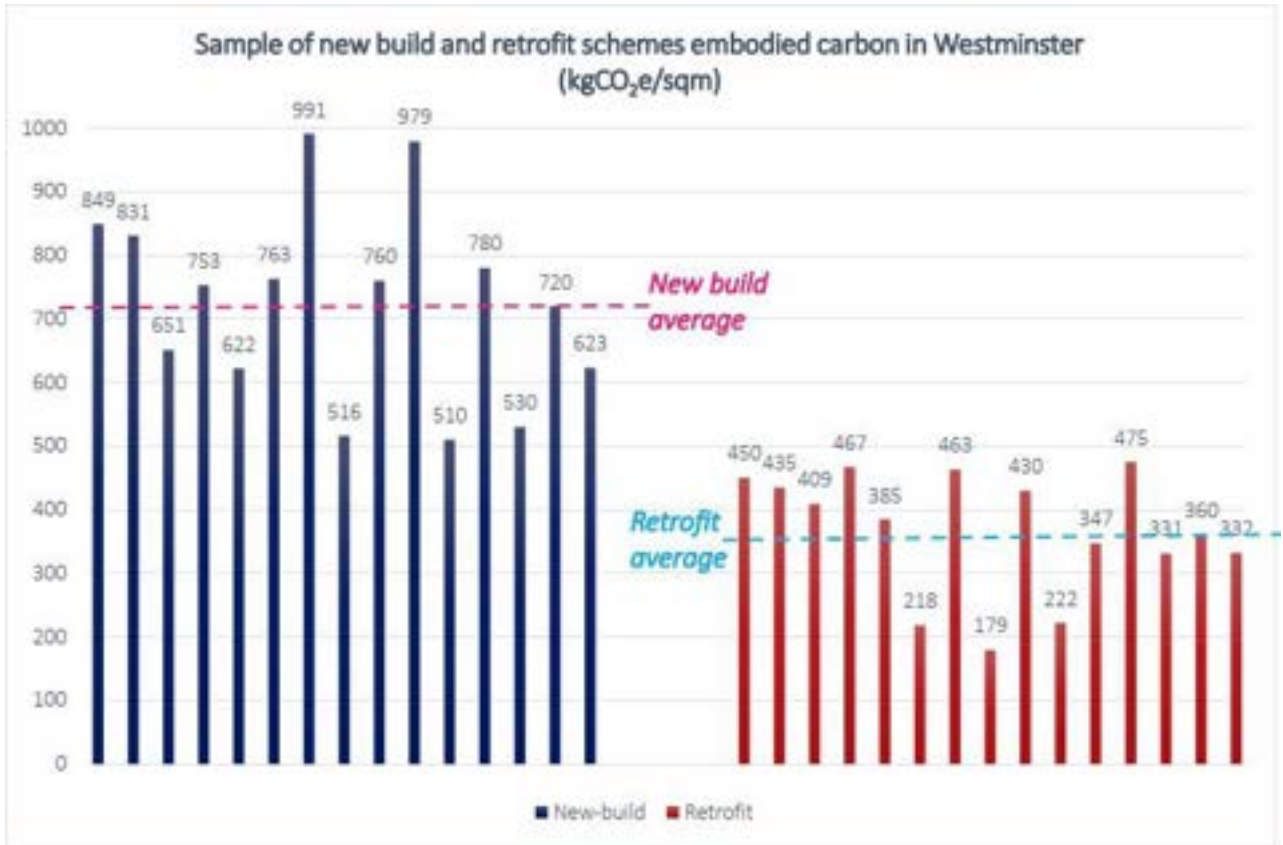
#### *City Plan Topic Paper: Retrofit First and Reducing Embodied Carbon*

A second document has been prepared, *“City Plan Topic Paper: Retrofit First and Reducing Embodied Carbon”*<sup>1</sup>.

This document shows that none of the current new-build developments within Westminster have an upfront embodied carbon of LETI band B or better, see Figure 3, highlighting the challenge of achieving these targets.

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<sup>2</sup> Available from: <https://www.istructe.org/resources/guidance/efficient-use-of-ggbs-in-reducing-global-emissions/>



**Figure 2. Screenshot from WCC Topic Paper: Retrofit First and Reducing Embodied Carbon Showing Current Trends in Westminster**

Evidence of achieved embodied carbon levels is also available via the UK Net Zero Carbon Building Standard (NZCBS) development work. As part of this project, upfront embodied carbon data was collected for a large number of buildings across the UK.

The current proposed Westminster City Plan target of LETI band A is *lower than the 25<sup>th</sup> percentile of all data collected for non-domestic buildings as part of the Net Zero Carbon Building Standard (NZCBS), as per the screenshot below. The 'absolute minimum rating of B', which is equal to 475 kgCO<sub>2</sub>e/m<sup>2</sup> for offices, 400 kgCO<sub>2</sub>e/m<sup>2</sup> for education, and 425 kgCO<sub>2</sub>e/m<sup>2</sup> for retail, is also not achieved for the 25<sup>th</sup> percentile of data collated for any these building types.*

Sector	All	Offices	Homes*	Commercial residential	Logistics / warehouses	Healthcare	Schools	Higher education	Culture and entertainment	Science and technology
Number of projects	499	41	204	79	20	9	40	10	21	16
Min	179	179	205	205	332	100	161	400	335	140
25th %ile	488	481	493	419	371	512	480	520	517	491
50th %ile (median)	561	502	566	464	480	589	579	616	600	569
Mean	568	618	574*	511	455	611	574	594	627	582
75th %ile	639	732	632	580	491	687	633	674	760	642
Max	1244	1344	1101	972	932	927	860	738	965	868

**Figure 3. Screenshot of Upfront Embodied Carbon Data Collated as Part of the Net Zero Carbon Building Standard (units kgCO<sub>2</sub>e/m<sup>2</sup>)**

Based on the above (Figures 3 and 4), the draft policy targeting LETI band A ratings for non-residential buildings is not achievable through solely new construction activities without at least some level of reuse (for example reuse of foundations). Reuse will likely support the minimum rating of 'B' being achieved but it will still be challenging to achieve the 'A' rating. Furthermore, it is noted that re-use of



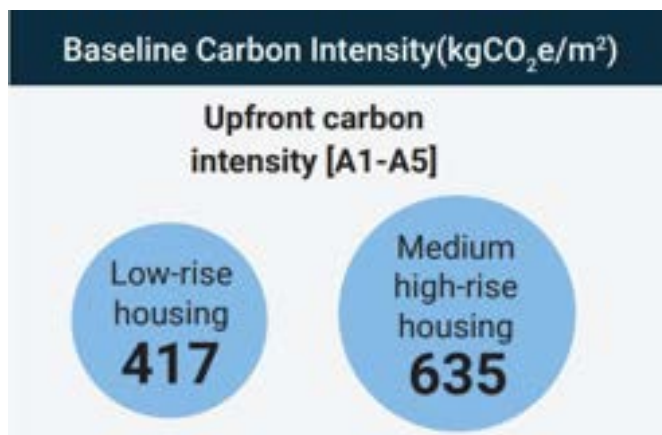
foundations is dependent on the site. As such it is likely to effectively mean that development is comprised of retrofits rather than new buildings until building technology advances sufficiently to be able to meet these targets for new buildings. However, the timescales for this are uncertain and based on myriad of factors. New builds may be possible if carbon offsets are paid.

### Residential and Mixed-Use Targets

The proposed residential embodied carbon targets are less onerous than the non-residential targets. The draft City Plan states that new residential buildings, including mixed-use, over 18 metres in height should target an upfront embodied carbon equivalent of LETI band C (less than 500 kgCO<sub>2</sub>e/m<sup>2</sup>) with an absolute minimum rating of band D (less than 675 kgCO<sub>2</sub>e/m<sup>2</sup>), see Figure 1.

For residential buildings, including mixed-use below 18 metres in height, a target of LETI band B (less than 400 kgCO<sub>2</sub>e/m<sup>2</sup>) and an absolute minimum rating of band C (less than 500 kgCO<sub>2</sub>e/m<sup>2</sup>) should be achieved.

**Analysis from the Future Homes Hub (FHH) demonstrates that these values are likely to be achievable for new-build residential development,** as shown below in Figure 5.



**Figure 4. Future Homes Hub Upfront Carbon Intensity Baselines for Residential Development**

It is noted that the targets within the draft City Plan are for residential and mixed-use development. This means that by combining retail or office with residential, these less onerous residential targets could be used. Therefore, this encourages developers to build mixed-use residential developments within Westminster, rather than solely non-domestic buildings.

### LETI Targets Only Address 4 Sectors

The LETI Targets only exist for four sectors: office, residential (6+ storeys), education, and retail. To address this, the draft City Plan states that:

*“For developments involving the construction of bespoke buildings which do not have a recognised LETI benchmark, or self-build or custom-build homes, applicants should achieve the maximum reductions in upfront embodied carbon deliverable, and these should be fully justified.”*

It is noted that this provides a level of ambiguity for developments that do not align with the LETI sectors. There is no guidance on how to evidence maximum reductions have been achieved, or from what baseline.

### Stage of Assessment

There is no clear guidance on the stage of assessment or recognition of how this may affect the upfront embodied carbon calculated values and therefore the LETI band. At early stages of assessment,



although there is the largest potential to reduce emissions, the results are the most inaccurate due to the number of assumptions required, and generic rather than “low carbon variants” of materials are typically modelled . Furthermore, the RICS 2<sup>nd</sup> Edition Guidance<sup>3</sup> includes a new methodology for adding contingency factors to results. Following the RICS approach could lead to adding contingency to upfront embodied carbon results of up to 26% depending on the stage of design, basis of information, and carbon data uncertainty. This will have implications for demonstrating achievement of targets and highlights the importance of the stage of assessment.

### Carbon Offset Payments

The Draft City Plan states that:

*“In exceptional circumstances where there are site specific constraints that make the benchmarks undeliverable, any shortfall against the minimum embodied carbon targets will be offset through financial contribution towards the council’s offset fund.”*

and

*“ 43.11 /... Where applicants fully demonstrate the embodied carbon benchmark is undeliverable due to site specific constraints or justified bespoke design parameters, payments are to be made to the carbon offset fund in lieu of meeting embodied carbon targets on site...”*

It is noted that the Council’s offset fund has an **offset cost of £880 per tonne of carbon**, meaning that this could be a significant cost impact for developments.

On the other hand, New Policy 43 notes:

*“43.11 / ...Applicants will also be able to credit embodied carbon reductions below the minimum benchmarks to the total carbon offset payment calculated in their energy statement. Further details are provided in Policy 40 (Energy). Further details on how this is to be calculated will be provided in the Planning Obligations and Affordable Housing Supplementary Planning Document (2024).....”*

This is also discussed within the Topic Paper. Here it is noted that there is the potential for embodied carbon reductions below the minimal benchmark set to be credited to the total amount of carbon to be offset in an applicant’s energy statement. An example of how this would work is displayed within the Topic Paper as below.

Example 10,000sqm building – powered entirely by electricity	
Energy Statement total carbon (t/CO <sub>2</sub> e)	80t X offset period (30 years) = 2,400t
Price (including electricity discount)	£792,000
Target total embodied carbon: 475kg/sqm (t/CO <sub>2</sub> e)	4,750t
Embodied carbon actual: 430kg/sqm	4,300t (difference: 450t)
Discount from offset payment	450t X £880 £396,000
<b>Total carbon offset payment</b>	<b>£396,000</b>

Figure 5. Example of Calculation for Offset Payment Based on Introduction of Draft Policy

<sup>3</sup> Available from: <https://www.rics.org/profession-standards/rics-standards-and-guidance/sector-standards/construction-standards/whole-life-carbon-assessment>



## Demolition and new construction is possible

The draft City Plan notes the following:

*“43.6 / .....Where the demolition of an existing building occurs and where the development is a major scheme, development should aim to meet the relevant target embodied carbon benchmark. Where the target benchmark is not possible, a minimum embodied carbon benchmark will still apply to limit the overall carbon footprint of the development....”*

We have noted above challenges with the minimum embodied carbon benchmark for new build non-domestic buildings.

*“43.7 / Where there are site specific constraints that make a benchmark unachievable, applicants should provide robust justification of the building design, and should include a breakdown of the embodied carbon in the structure, façade and MEP, demonstrating how these align with the relevant benchmark, and providing justification for features which cannot meet the benchmark.”*

The LETI Embodied Carbon Primer<sup>4</sup> and the GLA both contain assumed percentages for building element impact, although it is noted that the percentages given within the Embodied Carbon Primer are for cradle to gate carbon emissions (EN 19578 life cycle modules A1-A3) only, opposed to upfront carbon emissions (EN 19578 life cycle modules A1-A5) as per the LETI targets referred to within the Draft Policy. Based on experience, these percentages can vary greatly by development depending on the form and function of the building.

The City Plan notes the following:

*“43.3 / Where whole-life carbon assessments are relied upon to justify demolition and construction of a new building, these must follow the most up to date RICS methodology and the Mayor of London’s Whole Life Carbon London Plan Guidance (LPG) and be presented as an appraisal of the construction options for reuse, refurbishment, retrofit, deep retrofit and demolition. When presenting comparisons between retrofit and newbuild options, a realistic whole life cycle for a retrofit scheme should be used which accounts for the extended life of a building resulting from a high-quality retrofit; and how the material choices for a retrofit option and a newbuild both aim to deliver the lowest embodied carbon achievable.”*

The use of RICS guidance has implications for developers. The latest RICS guidance is the 2<sup>nd</sup> Edition WLCA Professional Statement (PS), which includes the requirement to account for:

***“Emissions from any demolition that has already occurred via a previous site owner or event must still be considered within the scope of the WLCA and be reported in A5.1, if demolition occurs within three years of the sale or new proposal.”***

This means that for a developer buying a recently demolished ‘virgin’ site, they would still be required to account for the impacts from the demolition despite not owning the site at that time.

## Points to Note

### Use of LETI Targets for Residential Buildings Under 18m

The LETI targets for residential buildings are solely in reference to developments above 6 storeys. This means that although they are applicable for the proposed policy for buildings above 18 metres, they are less applicable for the full range of residential buildings under 18 metres. The proposed WCC policy is currently targeting a LETI band ‘B’ (or minimum ‘C’) for these developments, which is the

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<sup>4</sup> Accessed from: <https://www.leti.uk/ecp>



equivalent of <400 or <500 kgCO<sub>2</sub>e/m<sup>2</sup> for upfront embodied carbon, respectively. Based on findings from the Future Homes Hub, this should be achievable for these building types, assuming buildings over 18 metres are “medium rise”.

### The Basis of LETI Targets is Limited

With regards to general use of LETI targets, these targets are currently based on a limited amount of data, as displayed below<sup>5</sup>. In addition, large quantities of this data pertains to structural only embodied carbon emissions, thereby creating uncertainty within how these figures have been scaled up to create targets covering the whole building. This is particularly of note for residential developments, where there are only 7 no. “whole” projects underpinning these benchmarks, and education, where there are only 4 no. projects underpinning these benchmarks.

UK building data only  
Removed data that does not declare of assessment  
153 data set of project data used for the benchmark update

Data sets	Cundall/ Targeting Zero	Arup	Price and Myers	Hilson Moran
Office	48	8	7	6
Residential	7	3	32	0
Education	3	0	28	1
Retail	6	0	6	2

\*Arup and Price and Myers only provided emission from structures

Figure 6. Basis of Data for LETI Targets<sup>5</sup>

### Alignment with LETI and UKGBC

The City Plan guidance states that

*“where subsequent benchmarks are established by other bodies, for example the UKGBC, these may be used where they have been aligned to LETI benchmarks”.*

It should be noted that LETI are involved in the development of the Net Zero Carbon Building Standard (NZCBS) referenced above, an industry initiative to align on net zero carbon targets and scope. Therefore, it is anticipated that LETI may align to this standard, rather than others aligning with LETI. It is also noted that the BREEAM guidance is updating and the new version 7 New Construction guidance anticipated to be launched in Summer 2024 will include embodied carbon targets, however it is unclear if or how these will relate to LETI.

### Format for Submission of Carbon Results

The format for submission of carbon results is not clear. LETI is referenced throughout, however it is not stated that LETI’s Embodied Carbon Reporting Template should be utilised. RICS 2<sup>nd</sup> Edition WLCA guidance is also noted and has its own reporting template which is more onerous to complete than the LETI reporting template. This is because the RICS 2<sup>nd</sup> Edition WLCA guidance reporting template separates results in much more detail than both LETI and the GLA’s WLCA reporting template.

<sup>5</sup> Extracted from the launch webinar: <https://www.leti.uk/carbonalignment>



### **Scope Differences Between LETI and GLA**

An applicant preparing embodied carbon calculations in support of a planning application will need to prepare a different summary for WCC (who reference LETI bands) and for the GLA because there are some scope differences between LETI and GLA. GLA request that all building elements are included within the scope of the assessment, whereas LETI targets do not require the reporting of renewable electricity generation (e.g. photovoltaics), external works, or non-fixed fittings, furnishing and equipment (FF&E). This said, there is still functionality to incorporate these within the LETI results tool.

### **Public Display of Total Embodied Carbon**

It is noted that:

*“43.8 / Following completion, major schemes will be required to publicly display the total embodied carbon associated with the development, ensuring the information is visible to visitors and occupants of a building.”*

Further details of the format are not provided. It is not clear whether this will be secured via a planning condition.

### **A new planning deliverable will be required.**

The draft City Plan states:

*“43.14 / ....A Retrofit Plan will be required in line with the Sustainable Design Statement to summarise how the retrofit policy has been complied with and any issues relevant to the proposal.....”*

### **Summary**

Overall, Network Rail is supportive of the inclusion of Grosvenor Sidings allocation and the general principles set out in the Site Allocation. It is requested that further refinements are made to the policy in accordance with comments above.

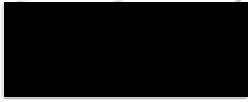
The planning process is inherently one of balancing competing needs and priorities. It requires the decision maker to weigh policy requirements and material considerations against the overall merits of proposed development. Planning policies within Development Plans should be flexible in their wording and applied pragmatically by decision makers.

Proposed Policy 43 sets unachievable targets which will result in the refusal of new build schemes on carbon grounds. This approach is inconsistent with the City Plan, and not in general conformity with the Good Growth objective of the London Plan. On certain sites, redevelopment options are more effective in order to meet the objectives of the Development Plan as a whole and environmental considerations should be balanced against other social and economic objectives.

We trust that the above representations are clear and that they will be considered when progressing with the Partial Review to the City Plan. We look forward to working with WCC on refining the Site Allocation and suggest that a further meeting would be helpful, in order for us to better inform the preparation of the next iteration of the City Plan.



Yours faithfully



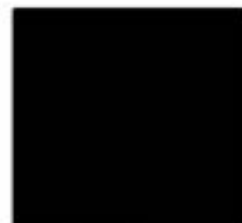
**DP9 Ltd**



<b>ID/ Our reference</b>	038/ EXT038
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>ALDERSGATE INVESTMENTS LTD</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

25<sup>th</sup> April 2024

**Westminster City Council Planning Policy,**  
Westminster City Council,  
17th Floor, 64 Victoria Street,  
London,  
SW1E 6QP



[www.dp9.co.uk](http://www.dp9.co.uk)

Sent: By Email

Dear Sir/Madam,

#### **REPRESENTATIONS ON THE WESTMINSTER CITY PLAN PARTIAL REVIEW (REGULATION 19)**

Thank you for providing us with the opportunity to comment on the Westminster City Council (WCC) City Plan partial review (Regulation 19) consultation. These representations are submitted on behalf of Aldersgate Investments Ltd.

#### **New Policy 13- Affordable Housing**

Draft Policy 13 has been updated to remove the threshold after which affordable housing needs to be considered. All residential development is required to maximise the provision of affordable housing. In the adopted City Plan that threshold is defined as:

- 1. have a site area of 0.5 hectares or more; or*
- 2. are proposing ten or more residential units; or*
- 3. are proposing 1,000 sq m or more residential floorspace (for sale or rent).*

We believe that the removal of this threshold will have a negative impact on the delivery of residential floorspace within the borough.

Part D of the draft policy deals with small-scale residential developments which are defined as 'those providing fewer than 10 homes'. It directs developments within that category as able to move straight to a payment in-lieu. It is unclear whether the lowest threshold is therefore set at one home, or any residential development which is captured as set out in Part B of the draft Policy. This could potentially capture extensions to existing residential dwellings as needing to contribute to affordable housing. Setting such a low threshold will likely disincentive individuals from bringing forward small-scale residential development or indeed extensions given the additional financial burden placed on them. It also introduces the potential for financial viability reports to be submitted for even the smallest application. This will place a massive burden on those types of applications if a policy compliant payment cannot be afforded. It will



also hugely increase the burden on the Council on reviewing that information. We believe this lower threshold should be removed as it could prejudice the delivery of additional housing within the borough.

In calculating the potential payment in lieu, the draft City Plan under part H of the draft policy states the payments will be calculated using the methodology in the council's Planning Obligations and Affordable Housing SPD. Clarity needs to be provided if this is referring to the document which was formally adopted in February 2024. In addition, it is unclear if this document will be updated given the indication to change policy to remove the affordable housing threshold. Should the Council take forward the removal of the affordable threshold and seek a payment on any residential development, it is unclear if a stepped approach would be adopted which might increase as more residential floorspace or units are created.

Part E (2) of Policy 13 relates tenure mix and size of affordable housing units. The policy requires that *"the size of the affordable homes, including the number of bedrooms required to meet need, will be provided in line with the council's Annual Affordable Housing Statement."*

We are supportive of the provision of a mix of affordable housing to meet identified need, however as currently drafted this could indicate that the overall mix which needs to be provided is updated on a yearly basis. Such regular shifting in the mix would be hard for those bringing forward residential development to react to. Given the length of time proposals are developed in pre-application discussions and then considered post-submission, this could lead to the mix requirements changing during the planning process. This would introduce uncertainty and potentially require wholesale adjustments to scheme which would be costly both from a time and cost perspective. We question whether the Council's overall requirements for a particular mix of affordable units would change on such a regular basis. The draft City Plan should include the overall mix requirements within policy.

### **New Policy 43- Retrofit First**

#### Part A – Prioritising Retrofitting Over Demolition- Criteria 1 to 4

Part A of the draft policy sets out the criteria under which the total demolition of a building will be considered. Four criteria are set out. The first criteria is an absolute one which consider the public benefits which would be delivered through total demolition which could not be achieved through a suitably comparable retrofit option. Only one of the remaining criteria need to be satisfied. DP9 understand from a meeting with WCC Policy Officers and WPA Members on 9th April 2024 that in instances where more of the criteria under 2-4 are met, the less public benefits will be required under criteria one as part of the planning balance. This approach is not clear from the current draft wording or indeed the supporting text. This needs to be clarified through updated wording.

In addition, Part A excludes recognition of the need to meet the objectives of the Development Plan as a whole, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. For example, employment or housing need; design improvements; enhancing heritage settings; public realm improvements and/ or sustainability improvements – can sometimes only be achieved or maximised through redevelopment options. It is in these instances where the presumption in favour of sustainable development must apply and environmental considerations balanced against other social and economic objectives of the plan. This should be made clear as part of updated drafting.



The proposed trigger of “total demolition of a building which has more than one storey” is likely to capture a significant number of applications which WCC will be solely responsible to review and resource, as the GLA only require Whole Life-Cycle Carbon Assessments (WLCCA) and Circular Economy Statements (CES) for larger, referable schemes. This current definition of a building with more than storey is also likely to capture some householder applications, which should not be subject to the same level of technical and specialist requirements akin to major development schemes with dedicated technical teams. The proposed trigger should therefore be reviewed to capture only major development schemes, in line with the remainder of the policy requirements.

We set out some more detailed points below under Part A of the draft policy and the criteria which require clarification.

*Criteria 1 The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and*

Whilst a range of potential retrofit options are frequently required to be explored, in seeking to establish ‘a suitably comparable retrofit option’ these also need to be deliverable and viable. These are important factors which form a fundamental part of whether a development would in reality be brought forward in moving from an isolated academic retro exercise in what could be retained versus whether a developer would in reality take such a scheme forward. For example, retrofit options are often not pursued by Applicants due to cost and practical implications, often resulting in compromised outcomes with lower yields and lifespans compared to new build schemes which render them undeliverable. We would therefore suggest that ‘deliverable and viable’ should be inserted into this category. This should also be reflected in the supporting text. We would suggest the criteria should be amended to say (our additions should in bold and underlined): *‘The proposed development will deliver public benefits which could not be delivered through a suitably comparable, **deliverable and viable** retrofit option’*

*Criteria 4- It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.*

As explained under Criteria 1, draft policy needs to recognise that retrofit options should be realistic and deliverable. This should be reflected in this criterion, such as the following suggested wording (our additions should be bold and underlined):

*“It is demonstrated that a **comparable and deliverable** retrofitting option is not possible or achievable due to structural constraints....”.*

## Part B – Reducing Embodied Carbon Emissions

Part 1A sets out upfront embodied carbon targets for development involving total or substantial demolition of a building greater than one storey and all major development for new non-residential buildings, with a minimum requirement to achieve an equivalent LETI Band A with absolute minimum of B.

These targets are significantly higher than current GLA minimum and aspirational benchmarks for office development as set out in the GLA WLCCA LPG Guidance March 2022:

- GLA minimum benchmark - <950 kgCO<sub>2</sub>e/m<sup>2</sup> GIA
- GLA aspirational benchmark - <600 kgCO<sub>2</sub>e/m<sup>2</sup> GIA



- LETI B benchmark - <475 kgCO<sub>2</sub>e/m<sup>2</sup> GIA
- LETI A benchmark - <350 kgCO<sub>2</sub>e/m<sup>2</sup> GIA

While we are fully supportive of minimising embodied carbon emissions, we question whether the benchmarks proposed are justified. Firstly, LETI targets do not differentiate between new-build and retrofits and it is acknowledged by both LETI and the WCC Evidence Base that an element of retrofit is required to achieve these aspirational targets. This is not a 'retrofit-first' approach, rather a 'retrofit-only' one.

Insufficient evidence has also been provided by WCC to demonstrate the achievability of these targets to ensure this policy test is fully evidenced and justified. The supporting Topic Paper in the evidence base show that none of the latest new-build developments being brought forward in WCC have an upfront embodied carbon of LETI Band B or better, emphasising the challenge of achieving these proposed targets.

On this basis, the proposed LETI Targets as minimum benchmarks are not considered to be *justified* or *effective* when considered against reasonable alternatives and the evidence base provided. This points to a scenario where you have demonstrated an existing building can be demolished under Part A of the draft policy, but then a new build scheme cannot achieve the LETI target under Part B.

Draft policy should therefore be updated to reflect the minimum benchmarks as outlined in the latest GLA Guidance or the forthcoming agreed industry standard to avoid the policy becoming out of date soon after adoption.

#### Part B (E)- Offset Payments

Part B (E) of the draft policy states that in exceptional circumstances where there are site specific constraints which make the benchmarks undeliverable, a shortfall can be offset through a payment. Paragraph 43.11 states that further details on how this is to be calculated will be provided in a future update to the Planning Obligations and Affordable Housing (POAH) SPD.

The detail of that payment needs to be shared as part of the review of the City Plan. Furthermore, it is not clear what the "minimum embodied carbon target" is in reference to i.e does the new carbon offset have to achieve LETI A or B. In addition, for the reasons outlined above, it is likely that the majority of schemes will be pushed to provide a payment if the currently proposed standards are adopted which means it will not be 'exceptional'.

#### Paragraph 43.3 – The tests for demolition

Paragraph 43.3 provides further guidance in relation to WLCCA optioneering. This explanatory text should apply to both retrofit and new builds in respect of realistic whole life cycles and lifespans of buildings. The current wording takes a retrofit only approach and does not acknowledge that new builds can often result in much extended lifespans and lower carbon emissions over their lifetimes.

#### Supporting Text 43.4 – Economic benefits

Supporting text 43.4 recognises the opportunities for significant public benefits that new builds can bring, and how applicants should demonstrate how they cannot be practically or viably be achieved through retrofit. It then goes on to state:



“In recognition of the global, national and local economic importance of the West End Retail and Leisure Special Policy Area (WERLSPA), the Paddington and Victoria Opportunity Areas and North West Economic Development Area (NWEDA), optimising the site capacity to achieve significant employment, jobs and investment opportunities may also be considered a public benefit justifying the replacement of a building. Any economic benefits would need to be fully justified and the applicant must demonstrate to the council’s satisfaction why they could not be achieved through a retrofit option through a meaningful and honest comparison”.

This supporting text implies that economic benefits can only be realised in sites located within the WERLSPA, NWEDA and Opportunity Areas. While these are of global, national and local economic importance, the vast majority of WCC falls (with the exception of a small section to the south-west) within the CAZ. The CAZ, and consequently Westminster as a whole, therefore has a borough-wide potential to realise economic benefits which could potentially justify the replacement of a building, and this should be recognised in supporting paragraph 43.4.

#### Summary

Planning policies should take a proactive role in identifying and helping to bring forward suitable sites for meeting development needs in order to make the best use of the land and be applied pragmatically by decision-makers. There are concerns regarding the introduction of the retrofit policy in this respect and how it may preclude development on certain sites which may have otherwise come forward and that would meet the wider development plan objectives. While our client endorses a retrofit-first approach where feasible, it is also recognised that it is not always technically achievable or the most sustainable outcome. Commercial deliverability and financial viability must also be considered in the context of the overall scheme proposals and individual site priorities. It is not considered that the policy meets the soundness tests of the NPPF for plan-making for the reasons set out in these representations. The proposed new Policy 43 is inherently complex, is of critical importance, and should be proportionately justified and allow for sufficient clarity for practical application.

The current drafting in terms of affordable housing is also of concern given the implications it could have for the delivery of housing within the borough.

We trust our comments will be taken on board in progressing the City Plan review and we look forward to engaging further with you in the future.

Yours sincerely,

**DP9 Ltd**

<b>ID/ Our reference</b>	039/ EXT039
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>GREAT PORTLAND ESTATES PLC</b>
<b>Type of respondent</b>	Developers, landowners and real estate company



Ezra Wallace  
Director of Policy  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Date: 25 April 2024

Dear Mr Wallace

**Westminster City Plan 2019-2040  
City Plan Partial Review Regulation 19**

I am writing on behalf of Great Portland Estates Plc to respond to the formal consultation on the Regulation 19 Partial Review of the City Plan.

GPE is a leading investor, developer and provider of workspace. Our portfolio is exclusively based within central London, with the majority located in the West End, over 70% by value. We are committed to shaping our products and our services to meet the rapidly changing needs of our diverse customer base, to sustain our contribution to the economy of central London.

We unlock potential, creating sustainable space for London to thrive. We believe in the power of innovation and partnership to deliver a greater choice of adaptable, climate resilient places fit for London's future, creating space for every London story. Adopting a customer first approach is one of the four pillars that support this vision.

We anticipate two key areas of investment and growth in our portfolio. First, the repositioning of headquarters office buildings by transforming existing buildings, often with poor sustainability credentials, into very high quality, best in class new space. Second, the development of flex space which provides smaller, fitted units, that can be provided on a fitted or fully managed basis. Our on-site and near-term developments have c.£700m of committed capital, to deliver close to 700,000 sq. ft. of new space.

Creating sustainable spaces is at the heart of our business. Our approach to sustainability is set out in our Statement of Intent, "The Time is Now". We are working to decarbonise our business and are in the process of revising our Roadmap to Net Zero. As part of this work, we are seeking to reduce our carbon intensity across our occupied portfolio and reduce embodied carbon across new build developments and major redevelopments by 52%, when compared to our 2020 baseline. We are also targeting a reduction of 90% of our total carbon footprint by 2040 to reduce our reliance on offsetting.



Our development at 50 Finsbury Square in the City of London was our first net zero carbon building. At 2 Aldermanbury Square, also in the City of London, we have focused on circular economy principles, including the dismantling and reuse of over 1,500 tonnes of structural steel in our new build development in Westminster (30 Duke Street, St James's). We undertake third party verified embodied carbon analysis for all projects over £5m. Where required we offset remaining embodied carbon as part of our net zero commitments under verified schemes such as Gold Standard.

GPE is an active member of the Westminster Property Association. We strongly support and endorse the content of WPA's detailed representations on the Partial Review. In addition to the comments with that document, GPE wishes to emphasise the following points.

### **Retrofit First (Policy 43)**

GPE has a proven track record of delivering a wide range of developments within Westminster, the majority of which involve retaining buildings. However, there is a concern that the benefits which can be delivered through a new build scheme such as the delivery of new Category A office floorspace have been de-valued and underrepresented. GPE believes that the fundamental success of Westminster and the economic benefits that brings not only for the Borough but also the country as a whole are best served through a 'retrofit first' not 'retrofit only' approach to policy.

#### Part A – Prioritising Retrofitting Over Demolition- Criteria 1 to 4

Part A of the draft policy sets out the criteria under which the total demolition of a building will be considered. Four criteria are set out. The first criteria is an absolute one which consider the public benefits which would be delivered through total demolition which could not be achieved through a suitably comparable retrofit option. Only one of the remaining criteria need to be satisfied. GPE understands from a meeting with WCC Policy Officers and WPA Members on 9th April 2024 that in instances where more of the criteria under 2-4 are met, the less public benefits will be required under criteria one as part of the planning balance. This approach is not clear from the current draft wording or indeed the supporting text. This needs to be clarified through updated wording.

In addition, Part A excludes recognition of the need to meet the objectives of the Development Plan as a whole, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. For example, employment or housing need; design improvements; enhancing heritage settings; public realm improvements and/ or sustainability improvements – can sometimes only be achieved or maximised through redevelopment options. It is in these instances where the presumption in favour of sustainable development must apply and environmental considerations balanced against other social and economic objectives of the plan. This should be made clear as part of updated drafting.

The proposed trigger of "*total demolition of a building which has more than one storey*" is likely to capture a significant number of applications which WCC will be solely responsible to review and resource, as the GLA only require Whole Life-Cycle Carbon Assessments (WLCCA) and Circular Economy Statements (CES) for larger, referrable schemes. This current definition of a building with more than storey is also likely to capture some householder applications, which should not be subject to the same level of technical and specialist requirements akin to major development schemes with dedicated technical teams. The proposed trigger should therefore be reviewed to capture only major development schemes, in line with the remainder of the policy requirements.

We set out some more detailed points below under Part A of the draft policy and the criteria which require clarification.

*Criteria 1 The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and*

Whilst a range of potential retrofit options are frequently required to be explored, in seeking to establish 'a suitably comparable retrofit option' it also needs to be deliverable and viable. These are important factors which form a fundamental part of whether a development would in reality be brought forward in moving from an isolated academic retro exercise in what could be retained versus whether a developer would in reality take such a scheme forward. For example, retrofit options are often not pursued by Applicants due to the time, resources, and cost implications, often resulting in compromised outcomes with lower yields and lifespans compared to new build schemes which render them undeliverable. We would therefore suggest that 'deliverable and viable' should be inserted into this category. This should also be reflected in the supporting text. We would suggest the criteria should be amended to say (our additions should be bold and underlined):

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Part 1A sets out upfront embodied carbon targets for development involving total or substantial demolition of a building greater than one storey and all major development for new non-residential buildings, with a minimum requirement to achieve an equivalent LETI Band A with absolute minimum of B.

These targets are significantly higher than current GLA minimum and aspirational benchmarks for office development as set out in the GLA WLCCA LPG Guidance March 2022:

- GLA minimum benchmark - <950 kgCO<sub>2</sub>e/m<sup>2</sup> GIA
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- LETI A benchmark - <350 kgCO<sub>2</sub>e/m<sup>2</sup> GIA

While we are fully supportive of minimising embodied carbon emissions, we question whether the benchmarks proposed are justified. Firstly, LETI targets do not differentiate between new-build and retrofits and it is acknowledged by both LETI and the WCC Evidence Base that an element of retrofit is required to achieve these aspirational targets. This is not a 'retrofit-first' approach, rather a 'retrofit-only' one.

Insufficient evidence has also been provided by WCC to demonstrate the achievability of these targets to ensure this policy test is fully evidenced and justified. The supporting Topic Paper in the evidence base show that none of the latest new-build developments being brought forward in WCC have an upfront embodied carbon of LETI Band B or better, emphasising the challenge of achieving these proposed targets.

On this basis, the proposed LETI Targets as minimum benchmarks are not considered to be *justified* or *effective* when considered against reasonable alternatives and the evidence base provided. This points to a scenario where you have demonstrated an existing building can be demolished under Part A of the draft policy, but then a new build scheme cannot achieve the LETI target under Part B.

Draft policy should therefore be updated to reflect the minimum benchmarks as outlined in the latest GLA Guidance or the forthcoming agreed industry standard to avoid the policy becoming out of date soon after adoption.

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The detail of that payment needs to be shared as part of the review of the City Plan. Furthermore, it is not clear what the “minimum embodied carbon target” is in reference to i.e does the new carbon offset have to achieve LETI A or B. In addition, for the reasons outlined above, it is likely that the majority of schemes will be pushed to provide a payment if the currently proposed standards are adopted which means it will not be ‘exceptional’.

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### **Affordable Housing (Policy 13)**

GPE also has some concerns about the direction of travel on affordable housing policy and the interaction between the newly proposed Policy 13 and the Planning Obligations and Affordable Housing SPD.

GPE recognises the need for affordable housing but is concerned that seeking affordable housing from residential development under 10 units will add a significant constraint to smaller scale residential proposals, many of which would be under this threshold. We note concerns raised about the viability evidence that supports this topic by WPA and others, and are also concerned that the suggestion that viability testing should be used for smaller-scale developments would potentially add disproportionately to the timescales, costs and risks associated with planning applications for smaller developments.

This is potentially compounded by the interaction with the Planning Obligations and Affordable Housing SPD, which gives guidance on the treatment of existing residential accommodation and seeks to apply affordable housing policy to proposals that lead to the reconfiguration or alteration of existing residential.

In our view, seeking affordable housing contributions at 35% even from the smallest scale residential proposals, which could entail simply adding a few square meters of accommodation to existing units, is unnecessarily onerous and some form of reductions should be applicable, so as not to prevent development coming forwards or rely extensively on viability evidence. A sliding scale of payments, similar to the approach adopted in Camden, could address this.

### **Conclusion**

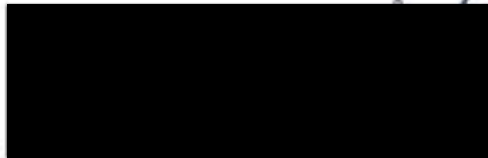
Planning policies should take a proactive role in identifying and helping to bring forward suitable sites for meeting development needs in order to make the best use of the land and be applied pragmatically by decision-makers. There are concerns regarding the introduction of the retrofit policy in this respect and how it may preclude development on certain sites which may have otherwise come forward and that would meet the wider development plan objectives. While GPE endorses a retrofit-first approach where feasible, it is also recognised that it is not always technically achievable or the most sustainable outcome. Commercial deliverability and financial viability must also be considered in the context of the overall scheme proposals and individual site priorities. It is not considered that the policy meets the soundness tests of the NPPF for plan-making for the reasons set out in these representations. The proposed new Policy 43 is inherently complex, is of critical importance, and should be proportionately justified and allow for sufficient clarity for practical application.

The current drafting in terms of affordable housing is also of concern given the implications it could have for the delivery of housing within the borough.

I trust that our comments will be given due consideration by both the City Council and Inspector. I would be happy to meet with officers to discuss these matters in more detail, and to contribute to the content of pre-submission modifications should any be proposed.

If you have any questions relating to this letter, please do not hesitate to contact me.

Yours sincerely



**Andrew White**  
Development Director

<b>ID/ Our reference</b>	040/ EXT040
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>KNIGHT FRANK</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

Planning Policy  
Westminster City Council  
City Hall  
64 Victoria Street  
London  
SW1E 6QP

Date: 25 April 2024

***Issued by email only***

Dear Policy Team,

## Re: Westminster City Plan Partial Review – Regulation 19 Consultation

Knight Frank would like to take this opportunity to comment on the City Council's proposed Partial Review of the City Plan (Regulation 19). This letter focuses on the proposed retrofit policy only (Policy 43: Retrofit First).

Knight Frank previously issued comments in December 2023 in relation to the Retrofit and Embodied Carbon informal consultation outlining concerns on the emerging retrofit policy.

### WPA Representations

Knight Frank is a member of the Westminster Property Association ('WPA') and broadly endorses the detailed representations submitted by the WPA on this consultation. We also support the WPA's initiative of 'retrofit first, not retrofit only' approach recognising that opportunities to retrofit buildings should be explored, albeit only where it is economically and structurally feasible to do so.

### Implications

#### **Investment & Growth**

We are concerned that the proposed retrofit policy will act as a block on investment and regeneration in Westminster. Given the uncertainty associated with the policy, investors and occupiers may look to develop schemes in alternative locations outside of Westminster. Commercial landlords in Westminster could be left with significant voids as they may struggle to re-purpose and redevelop existing assets to meet the needs of current and future occupier demand. This is likely to result in a higher number of vacant properties in Westminster and a reduced retail and service spend. In its current form, the policy is also likely to result in job leakage to other areas of the Central Activities Zone ('CAZ') and beyond as occupiers look to other areas for suitable space.

#### **Pre-Application Stage**

The emerging policy will require applicants to undertake extensive retrofit options analysis at pre-application stage. This will require significant design input and preparation time which represents a significant cost for an applicant. For larger and more complex schemes, multiple pre-application meetings are likely to be required to discuss and refine the retrofit options. This is a clear risk for an applicant given there is no certainty that the preferred development option/s will be supported by Officers. This uncertainty at pre-application stage is likely to restrict applicants' ability to secure funding and commit to an extensive and potentially uncertain planning process. This is likely to result in less planning applications being submitted to Westminster.

**Knight Frank**  
[Redacted]  
[Redacted]

**[knightfrank.co.uk](https://www.knightfrank.co.uk)**

Your partners in property

Knight Frank LLP is a limited liability partnership registered in England and Wales with registered number OC305934. Our registered office is at 55 Baker Street, London W1U 8AN. We use the term 'partner' to refer to a member of Knight Frank LLP, or an employee or consultant. A list of members' names of Knight Frank LLP may be inspected at our registered office.

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## **Deliverability**

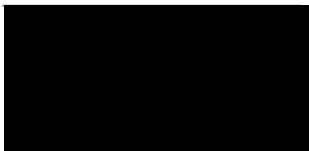
We are concerned that the embodied carbon targets are too onerous when compared with calculations for recent retrofit and new build schemes. Whilst we appreciate that local planning authorities should be ambitious in pursuit of carbon reductions, we are not convinced that the technology and materials yet exist to achieve the proposed targets in a viable way. The policy targets should be in accordance with the ability of the construction industry to deliver in Westminster.

## Summary

Through Knight Frank's experience advising a range of asset managers, developers and landowners in Westminster, the industry is increasingly focused on delivering sustainability goals and meeting net-zero targets in the built environment. However, if adopted in its current form, the policy approach to retrofitting buildings may deter investment in the City. This may result in more existing building stock becoming vacant or under-used if planning policies do not enable existing buildings to be replaced, where appropriate. This is likely to result in a leakage of employment to other areas.


Thank you for providing the opportunity to comment on both the informal and regulation 19 consultations, we welcome the opportunity to engage further on the emerging retrofit policy.

Yours faithfully,



**Stuart Baillie**

Partner, Head of Planning

A black rectangular redaction box covering contact information.



<b>ID/ Our reference</b>	041/ EXT041
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>NICKY HESSENBERG</b>
<b>Type of respondent</b>	Individual

[REDACTED]

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**From:** Nicky Hessenberg [REDACTED]  
**Sent:** 25 April 2024 16:45  
**To:** Planning Policy: WCC  
**Subject:** City Plan Partial Review 2024 - response to Regulation 19 consultation - site allocations

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Caution:** This email originated from outside of the organisation. Do not click links, open attachments or reply, unless you recognise the sender's email address and know the content is safe.

Dear Policy Planners

I am writing as a very long term resident of Bayswater and also a member of Clean Air Bayswater to protest about the proposed plans for the north currently green space opposite the Royal Oak tube station. I was a fierce opponent to the plan nine years ago, for many reasons when we were told that the Victoria Bus Station could be built there, in a place which was and still is totally inappropriate. It will require a huge amount of building works to accommodate a large number of buses, our conservation area being totally incapable of coping with the increased number of very large coaches at all times of day and late nights etc. And although I am very well aware that this plan was dropped then, it has come to the attention to all we local residents that WCC was considering resurrecting this plan, much to our horror.

I have been reassured by our prospective Labour candidate Joe Powell that he has been in contact with WCC and that this plan had been dropped. But we have been promised this before and suddenly the whole business has been resurrected and was being discussed, if not for the entire bus station but maybe a regional one.

You will have received by now a very full and detailed response from John Walton of PRACT who is well acquainted with the problems of this area and who has written extensively and coherently about the impossibility of this plot of land being used for the bus proposal because of where it is, the near impossibility without a huge amount of rebuilding of roads and bridges over the railway lines in order to enable any coach to get on to and to exit this site., which in itself is not big enough to take in more than a few in number of coaches at any one time because of the shapes of the particular plots of land being researched.

Nobody appears to know who owns these plots of land which run alongside the railway into Paddington, and this goes back to the first time the plots were being discussed. Our domestic roads in this area would not be able to carry any more large coaches - there are times when one comes down the street in which I live in Westbourne Park Villas and possibility of any other vehicle approaching from the opposite end of the street being able to pass these coaches is virtually impossible. The bridges over the railway lines are in a really bad state of rust and rot, with bits of metal periodically falling off them - they have enough difficulty with London buses and the rest of the traffic they have to carry .

As a member of the Clean Air Bayswater campaign, I would ask WCC to seriously consider leaving the area as a green spot to help with the air pollution which is already so high because of Westway and the Harrow Road, both going in two different directions and meeting the Edgware Road at the roundabout making the air for residents in the area - and there are many council flats and as well as private ones in the local high blocks - really bad to breathe. Not to mention the extra noise in an area which already has trains, tubes, buses and countless builders lorries and commercial delivery vehicles driving through it. It may sound fanciful, but to take away our patch of green opposite the station would be a violation to we residents who live in the middle of a really busy vehicular series of routes in and out of the centre of London.

I always have a feeling that those who think up with these ideas have not visited the areas involved but looked at maps, so they have no idea of the difficulties involved. In fact during the plan in the past, someone from the council came to see the site and was heard to say that he thought that maybe the planners had mistaken Royal Oak for Old Oak Common - a very different area. Our green patch is looking particularly spectacular and is obviously working hard to clean up our air and environment - please do not take it away from us and our neighbours: we need it.

Nicky Hessenberg  
Westbourne Park Villas

<b>ID/ Our reference</b>	042/ EXT042
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>ENVIRONMENT AGENCY</b>
<b>Type of respondent</b>	Statutory consultee

Westminster City Council  
Westminster City Hall Victoria Street  
London  
SW1E 6QP

Date: 25 April 2024

Dear Sir/Madam,

Thank you for consulting us on **Partial Review of Westminster's City Plan Development Plan 2019-20240 – Regulation 19**. We trust that in its current form, our representation below is sufficient for your review. However, if you have any issues and queries, please contact us.

Our aim is to assist you in preparing and implementing a sound, robust, and effective plan that is reflective of national policy and your local evidence base. We hope that this collaborative process leads to a plan that delivers sustainable development, contributes to a stronger economy, and safeguards the environment for future generations.

For this consultation we have reviewed the new Site Allocations. Please find below our comments on Policy 11: Grosvenor Sidings.

#### **Environment Agency position:**

##### **Policy 11: Grosvenor Sidings**

The Grosvenor Sidings site lies within Flood Zone 3a which is land defined as having a high probability of flooding. In accordance with table 2 of the PPG, this development is classed as more vulnerable and under Annex 3 of the NPPF it is only appropriate in these areas if the exception test is passed alongside the sequential test. Therefore, highly vulnerable uses, such as basement dwellings, are not permitted in Flood Zone 3a.

As set out in Paragraph 173 of the National Planning Policy Framework (NPPF) development should be steered to the areas with the lowest probability of flooding. The Planning Practice guidance (PPG) classifies development types according to their vulnerability to flood risk and provides guidance on which development are appropriate within each flood zone.

Further to this, the site is also located in Tidal Breach and is protected to a very high standard by the Thames tidal flood defences up to a 1 in 1000 (0.1%) chance in any year flood event. Our latest flood modelling shows the site would be at risk if there was to be a breach in the defences or they were to be overtopped, this must be assessed in a site-specific FRA and there should be no sleeping accommodation below the modelled tidal breach flood level. To improve flood resilience, we recommend that finished floor levels are set above the 2100 tidal breach flood level.

In line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework any assessment of the safety of a development from flooding should consider the ability of site residents/users to safely access and exit the building during a design flood event, as well as their ability to evacuate ahead of an extreme flood. One of the key

Cont/d..

considerations to ensure that any new development is safe is whether or not adequate flood warnings would be available to people using the development.

Although the Grosvenor Sidings site is not directly adjacent to the tidal flood defences, Westminster City Council should consider the requirements of the TE2100 Plan. Flood defence raising will require safeguarding of land adjacent to the Thames to allow the defence raising to take place.

**Final comments**

Thank you for contacting us on the partial review of Westminster's City Plan Development Plan 2019-20240 – Regulation 19. Our comments are based on our available records and the information submitted to us.

We hope that this information will be useful in producing Westminster's City Plan Development Plan 2019-20240 and we welcome continued engagement throughout the Plan's preparation process.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

**Miss Nisarga Vishwanath**  
**Planning Specialist**

E-mail: 

<b>ID/ Our reference</b>	043/ EXT043
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>DEFENCE INFRASTRUCTURE ORGANISATION</b>
<b>Type of respondent</b>	Statutory consultee

Our Ref:

Your Ref:

18 April 2024

City Planning Policy  
Innovation and Change  
Westminster City Council  
17<sup>th</sup> Floor  
64 Victoria Street  
London  
SW1E 6QP

Dear Planning Policy Team

**City Plan Partial Review – Response to Regulation 19 Consultation  
Defence Infrastructure Organisation (Hyde Park Barracks)**

We write on behalf of the Defence Infrastructure Organisation (DIO) to submit representations to the above consultation. Our representations relate specifically to the Hyde Park Barracks (HPB) site.

Our representations concern draft Policy 43 – Retrofit First.

**Context**

DIO is fully committed to the de-carbonisation of its estate and supports the retrofit/ refurbishment of existing buildings over demolition where this would:

- (i) be capable of effectively meeting military operational needs;
- (ii) deliver greater carbon efficiencies over the whole life of the building; and
- (iii) would, on balance, be the most appropriate approach having regard to all three dimensions of sustainable development (environmental, social and economic).

In our view, refurbishment versus redevelopment is not a clear-cut binary matter and that in many instances projects require a nuanced approach to achieve the best sustainability outcomes.

Our representations to the Regulation 18 consultation made the following key points:

- In order to ensure consistency with strategic policies, it is important that the policy aligns with London Plan Policy S17 (Reducing Waste and Supporting the Circular Economy) and the associated London Planning Guidance on Circular Economy Statements.
- Clarity and flexibility are key to an effective policy. It is important that the policy is not overly restrictive and therefore acknowledges that demolition may be more appropriate in some instances.

- Consideration should be given to the inclusion of a clear sequential approach to determining whether refurbishment or demolition is the most appropriate approach taking full account of not just environmental, but also social and economic impacts/benefits.
- We stressed that the policy should account for instances of where buildings have specific/bespoke operational or design requirements, for example to accord with military operational specifications and/or equine welfare standards – both of which will unavoidably be leading design considerations for future development at HPB.

**Comments on Draft Policy 43 (Regulation 19 draft)**

We support Policy 43 (as set out in the Regulation 19 draft) as it aligns with the points raised in our Regulation 18 representations.

The main purpose of this representation is to stress the importance of the inclusion of part A(3) of the policy:

*'Development involving the total demolition of a building which has more than a single storey will generally be resisted, unless demonstrated through the appraisal that:.... The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s)'*

As is typical for the MoD estate, many of the existing buildings at HPB are of bespoke designs/ specifications to meet standards and/or military operational requirements in place at the time of their construction. Many of these buildings are nearing the end of their life and are physically incapable of being adapted/repurposed in a manner that would accord with today's military operational requirements and/or relevant standards, regulations etc.

Accordingly, the flexibility provided by part A(3) is necessary to enable the DIO to meet its development needs at HPB and is therefore key to ensuring the soundness of the policy (ensuring it is positively prepared; justified; effective; and consistent with national policy).

We request to participate in any examination hearings regarding Policy 43.

Yours sincerely



**Nick Alston  
Principal**



**For and on behalf of Avison Young (UK) Limited**



<b>ID/ Our reference</b>	044/ EXT044
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>HILSON MORAN</b>
<b>Type of respondent</b>	Consultancy firm and professional network



Ailish Ryan,  
Principal Policy Officer,  
Westminster City Council,  
17th Floor,  
64 Victoria Street,  
London SW1E 6QP.

Cc [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

**DATE: 25<sup>th</sup> April 2024**

**REFERENCE:** WCC Regulation 19 - Policy 43 Retrofit first policy - Hilson Moran response

Dear Ailish,

Thank you for the opportunity to respond to the policy 43 consultation.

We welcome the need for the policy, as circular economy principles and decarbonisation are of critical importance. Retrofit first policies can be a crucial tool for reducing embodied carbon, and part of a series of policy that can guide team to make better and more informed decisions.

However, we do have some concerns relating to the reality and viability of the targets set, especially at planning, as well as the guidance set out within the documentation. We would like to support the City of Westminster in achieving your sustainability goals and recommend the policy undergoes further adjustment

In our experience, assessments that are more detailed yield greater carbon, and applicants feel pressure to produce a low number at planning, based on very early design information. The achievement of these figures in the as-built form becomes very challenging for a variety of reasons. Industry guidance and best practice recommend the application of contingency buffers in the early stages of design due to supply chain, economic, technical and other unknowns.

We appreciate this is a very complex subject matter and it's great to see some leading policy in this field to bring greater certainty and more incentive to planning policy in the City of Westminster. We also appreciate that it is extremely difficult to set a carbon budget at City or borough level.

Your policy make reference to LETI targets. These targets were set in 2019/2020 and are therefore based on very limited market data and experience, which in ensuing years have been built upon by industry. In detailed response below, we have generally quoted offices embodied carbon emissions figures for simplicity, but our comments are relevant to any building typology.

Whole life carbon (WLC) reviews are still really in their infancy, but the industry is learning fast. We are about to experience another step change in our learning. The updated RICS standards to be implemented from 1<sup>st</sup> July 2024 will require more detail, evaluation metrics are evolving and at the same time we are starting to gather data on actual as-built performance from completed projects.

There are many misnomers in the world of WLC analysis, and while key players in the industry seem to be trying to do the right thing, there are barriers to achieving very low upfront carbon emissions due to supply chain performance and the lack of reliable data. It is relatively easy to produce an evaluation during earlier design stages showing a very low carbon number. It is currently very difficult to make that work in the procurement stages.

Westminster should look to produce further details and guidance to ensure consistency, perhaps a Supplementary Planning Guidance note. The City of London have tried to do this with the Carbon Options Planning Advice Note (PAN), that we spend a year researching to formulate a balanced approach to decision making. We recommend that a similar and adopted approach is investigated in the City of Westminster. Additionally, the City of London has not set upfront carbon targets and refers to the GLA benchmarks, but they are collecting industry data before deciding on a best approach.

If the LETI bands are retained in policy, they should be stated alongside the offset costs, which are currently referring to cost for operational energy within a different policy. The offset costs and triggers proposed will be detrimental to the viability of most developments in the City of Westminster, so we question whether you can share the basis for this impact assessment in your evidence base.

We would welcome you to consider and demonstrate how the policy will actually reduce overall carbon in the City of Westminster, whilst also maintaining economic stability and social impacts. The data in the evidence base is based on a theoretical sample size of archetypes that do not represent real projects. There is significant opportunity to support industry and other initiatives, such as NABERS UK, and other regulatory drivers to ensure true energy consumption is measured and transparently reported. This will both address this point, enable an understanding the exact operational carbon of projects, and how this aligns with design predictions. More importantly this access to current data will empower, and drive, all stake holders to effectively address this source of emissions. Equally carbon should ideally not be the only metric evaluated here and Circular Economy principles should be supported as a tool to reduce carbon and environmental degradation.

We would also like to the understand Westminster's definition of net zero and whether it will be linked to a science-based standard. The UK Net Zero Carbon Standard is expected to be published as a beta version in summer 2024 and will have a different definition to the GLA's recommended Net-Zero definition for London. We are concerned this will add to existing industry confusion and greenwashing.

Further guidance and clarifications should be provided to enable consistency in this area of carbon reduction that is still in its early stages when looking at the entire system of value and supply chains. We are still trying to overcome has big skills challenges and manage the learning required to upskill all stakeholders. If LETI targets are to be used, an update and viability assessment of the banding should be undertaken, as well as a review of the proposed targets.

Our thoughts and queries on the policy (broken down by topic and reference) and the evidence base are included in the Appendix that is enclosed with his letter

Should further information be required on the points above, please do contact us and we will be happy to discuss and elaborate.

Yours Sincerely,



Andrew Moore  
Associate Director  
Hilson Moran

**Appendix.**

**Policy 43: Retrofit first**

**A**

We are supportive of the overall policy, however more information is needed as to how it will work and the guidance to create a level playing field.

The term ‘generally be resisted’ requires further clarification, how will teams know what can and cannot be achieved? How will it be evaluated in the wider planning context or is this the leading element in a decision?

**Justification Points 1-4:** Further guidance will be required to clarify what evaluations need to be included in terms of elements and scopes and level of inclusion for a comparable data set.

How would a comparable option be evaluated?

- A. Point 2** – How will options be evaluated and on what grounds and metric? How will Westminster determine what is appropriate?

We suggest seeing the City of London Carbon optioneering guidance PAN for further information, this could be used as a basis?

- A. Point 2 & 3** –

The point mentions whole life carbon; however the main policy targets are based on upfront carbon. Please can this be clarified?

We suggest a baseline carbon rate is produced based on the RICS WLC PS version 2 base specification and then the teams demonstrate how they would improve upon this baseline

We suggest examples of the type of information required for justifications is provided. So team know what to produce and the suitability of information in any surveys undertaken.

More information is needed for mixed use and different build types that fall outside of the LETI building type. For buildings like student accommodation, leisure or hotels which do not have LETI targets.

Where buildings are mixed use classification should be provided on the circumstance of the definition. For example if office has leisure space or retail on the lower floors which use type would it fall under?

- A. Point 4** - Please provide further details on the independently verified structural report. How will mechanisms such as appointment and payment work for this study, would the developer appoint someone? Would that be third party? Would offset funds from other projects be used to fund validation?

For the above will Westminster be recommending a structure, the points are all valid but it’s also going to create lots of variation between projects and inconsistency.

Westminster should provide initial details be accepted not accepted as guidance for reasoning such as Structural collapse risk, façade degradation report, daylight and poor to ceiling heights can be typical justifications (whether right or wrong they are often made). Which are deemed to be acceptable?

Has a review of compliance with other policies been undertaken i.e., energy in the case of facades etc? or potential MEES legislation?

**Policy 43 B:**

**1. Point A.**

We welcome the need for evaluation, WLC performance can be very contextual and there can be variation due to site context. Evaluations also need to come with a data rating, and ideally third party verification.

**1.a** Clarification needs to be given on the scope of elements to be included. For example, which elements of MEP should be reviewed. LETI was generally based on HVAC systems only. Often the detail at planning stage is not available for detailed quantities of MEP which makes accuracy challenging, mainly to the stage of the design, but also as elements are not yet designed when planning occurs at stage 2. MEP can be between 140-180kg CO<sub>2</sub> / m<sup>2</sup> in typical new build office buildings (as well as deep retrofit / refurbishments where all systems are replaced) . In addition, the targets bands are very low, and will not be achievable for 100% new build and most deep retrofits, even the evidence base provided with the consultation acknowledges this. Whilst ambition is clearly needed there needs to be realistic boundaries in terms of what's achieved in today's market.

**1. a, b and c.**

Where citing LETI band fit out in speculative offices would shell only or CAT A need to be accounted for?

How would mixed-use building be accounted for, and can this be further defined?

LETI A upfront for offices is less than <350 Kg/CO<sub>2</sub>/m<sup>2</sup>. LETI B is <475 KgCO<sub>2</sub> /m<sup>2</sup>.

It should be noted the LETI C band (600 Kg/CO<sub>2</sub>/m<sup>2</sup>) is based on 30 % reuse target of total building construction materials & elements that are reused which if all building could undertake would be a very good achievement.

These figures were set out in 2020, and a lot more data and industry knowledge are available as well as more consistency in guidance for carbon reporting.

These are very low performance figures, and data does not seem to have been provided to justify, whether this is realistic to inform the policy.

Clarification also needs to be provided on what happens if this target is shown to be achieved in design with limited detail, then missed in the as built. Will the policy encourage gaming of the system to get planning?



*Westminster Trends (from WCC presentation on policy)*

The City of London has seen similar results, but equally these are current based on design stage evaluations made at the planning stage.

In terms of scope, LETI Scope and banding differs from, the GLA reporting, how will the City of Westminster validate what is included by various modellers? This is essential for a level playing field to be established and would enable reviews.

With this in mind, especially for the initial period, it might be sensible to relax the banding and ramp this up over time. This would allow for better more consistent data, a rationalisation of as built and scopes and provide time for the industry to adjust. Whilst this should have happened 10-15 years ago (or sooner) the industry is where it is at this point in time.

**1.d** Further clarity is required on maximum reductions? What basis for analysis should be used, how would this be justified?

**1.e** Can the term 'exceptional circumstance' please be clarified, and guidance provided.

The LETI targets presented essentially rule out and new build (for which ever LETI C would be a major challenge, as noted above the 600kg/CO<sub>2</sub>/m<sup>2</sup> for offices is based on 30% reuse, as described in the LETI embodied carbon primer). We can see an unintended consequence with a target set too low.

Where a build has 'bad bones' and /or can't be refurbished, is the offset still to be paid? Is this based on the difference between LETI B and whatever the development figure would be (please also see offset cost below)

The WSP document makes a good point about basements and carbon impact, will Westminster allow greater heights in situations where a basement can be eliminated? Or will there be a conflict in policy that limit solutions? (setting aside the debate around rental values of above ground spaces)

The Net Zero Building Standard target is likely to be set initially at least at a higher band than these figures. Ideally, we would like the industry to be aligned. Similarly for larger referable project, how this policy will work with wider GLA policy need to be considered.

**B.2** Is there a definition of substantial demolition, what is the threshold for this?

**2.b** In terms of adaptation how can this be demonstrated? Does this require evaluation of different use types?

**Other relating to policy points 1 and 2:**

In addition to the above points B, an important point is that the policy does not address is the third-party review or verification of WLCAs. There is a strong focus on meeting certain benchmarks, but it would be important to ensure that the numbers submitted by the applicants are sufficiently reliable and can be trusted. Whether this is in the Carbon officer remit / the intention of the PACER tool needs to be clarified. We are concerned that people will not report results on a level playing field.

**Offset cost:**

**Policy 43 B (e):** Offset in exceptional circumstances (and 43.11)

An offset is mentioned however there are no details of how this would work, before commenting it would be good to have an understanding of what this would be, we feel the following needs to be resolved

- Has the offset cost been tested for viability for various building types and land conditions? We note this references the Planning Obligations and Affordable Housing Supplementary Planning Document (2024), however this document only mentions electricity-based emissions (£330 /t) and the non-electricity emission (£880/t) cost in relation to energy (i.e. module b6) over a period of 30 years. Will the same rates be applied? And how would evolution be made for products?

To this end further clarity is required:

- What will the offset cost be?
- How will the offset cost be used?
- When will it be administered, based on as built or design?
- Will there be an incentive from Westminster for better performing buildings?

Can there be a mechanism whereby teams can demonstrate they have done everything they can to reduce carbon but still fall short the proposed targets, the offset does not apply

**Point C:**

How will this be supported if over the thresholds of LETI Bands A/ B? does this take precedent over the other policies above?

**Policy points.**

**43.1:** Whilst operation emission may play a less important part due to grid decarbonisation, the issue of capacity is still important. Therefore, energy consumption is an important aspect that must be addressed and must not be ignored. Hopefully other policy covers this, but the danger of emission based only policy could cause an unintended consequence.

**43.3:** The latest RICS WLC PS version to does not provide guidance on optioneering reviews. It might be worth referencing the City of London Policy, equally the GLA guidance is very light on what is required. It is a qualitative assessment rather than quantitative estimation. We would be happy to discuss with CoL Carbon Optioneering Guidance PAN policy and the context of it.

**Evidence Base: Further Questions:**

We have concerns that the 'Reg19\_EmbodiedCarbonEvidenceBase (January 2024)' methodology is based on theoretical performance, not actually procured values for project in the borough and a very small set of unverified data by WSP.

We think the evidence basis should reflect the reality of projects to set policy and not a theoretical exercise.

- The WSP document concludes that LETI band A is not achievable for new builds even in the highly aspirational scenario. How has this been considered in the policy?
  - In addition were case studies reviewed from other projects, such as LETI case studies or information from BECD / the net zero building standards group?
- The study is based on the RICS1.0 methodology. How will be the policy reflect the coming updates to RICS from June/July 2024 and reflect changes in inclusions?

We have undertaken a number of case studies for the City of London looking at retrofit example in the UK and further afield. This looked at various retrofit / and refurb projects and compared them to various metrics. The aim is for this to be published in Q2 of 2024. The summary of this work is detailed below:

Total Case Study Projects: 18 Total with A1-A5 (upfront carbon) provided: 15 Total with A1-A5, B1-B5, C1-C4 life cycle embodied carbon provided: 13	Metric (kgCO <sub>2e</sub> /m <sup>2</sup> /GIA)	Number achieving LETI / RIBA 'Metric'*
LETI 2020 (Band C) (A1-A5)	600	12
LETI 2030 (Band A) (A1-A5)	350	8 (note, most are refurbishments with internals)
RIBA 2030 Challenge 2025 (A1-A5, B1-B5, C1-C4)	970	10
RIBA 2030 Challenge 2030 (A1-A5, B1-B5, C1-C4)	750	7

\* Based on information provided relative to project stage. Not all were as built, but a trend could be seen. Equally these all have varied scopes, including listed, refurbished heritage buildings and major retrofits. It is critical to understand the context of each project, but the smaller the intervention the lower the carbon emissions (to a point). None of these projects are new build, all have varying levels of reuse. This highlights how challenging achieving the Band A and B targets are.

In addition, there was no reference to work undertaken by LETI on case studies which could have helped provided a better evidence base.

We would like a greater understanding of the Cost basis for achieving LETI band D (600kgCO<sub>2</sub>/m<sup>2</sup> GIA at no additional cost). Typical designs may require additional costs due to procurement of lower carbon concrete and steel, which often comes with a cost premium due additional processes, supply and demand, location of material source or other impacts.

We have not seen a 100% new build achieve this rating in as built form or at detailed design stages to date despite best efforts to do so. More transparency on the elements that need to be reviewed in the target bands and level of detail is required.





We feel more detailed information is needed before setting policy. There is a need for a more clearly defined scope and list of items to be included for normalisation and consistent reporting – particularly for as-built assessments.

Overall, it is good to see the boundaries being pushed, but there is a concern that the reality of what can be achieved is very different.

<b>ID/ Our reference</b>	045/ EXT045
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>WHITBREAD</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

25 April 2024

Westminster City Council Planning Policy  
Westminster City Council,  
17th Floor, 64 Victoria Street,  
London,  
SW1E 6QP

Sent: By Email

Dear Sir/Madam,

## REPRESENTATIONS ON THE WESTMINSTER CITY PLAN PARTIAL REVIEW (REGULATION 19)

Whitbread PLC is one of the UK's most successful hospitality businesses. We own Premier Inn, the UK's market leading hotel brand, and offer our customers a choice of 850 locations to stay across the UK and Ireland.

Central London is an important market for Whitbread and our budget hotel brands. In the City of Westminster specifically, we operate seven Premier Inn and hub by Premier Inn hotels contributing more than 1,300 affordable hotel bedrooms to the city's bedroom stock. We are continuing to invest with a new hotel currently in the planning process at 5 Strand and further site requirements across Westminster and Central London.

We recognise that sustainability is fundamental to the long-term success of our business and we are proud to have a broad sustainability programme, which we call 'Force for Good', with clear targets and a robust corporate governance framework. This commitment translates into support for local initiatives where we operate, such as Westminster City Council's Sustainable City Charter which we are an active signatory.

Thank you for providing us with the opportunity to comment on the Westminster City Council (WCC) City Plan partial review (Regulation 19) consultation. Our representations relate to New Policy 43 'Retrofit First', with a focus on hotel development schemes. It is worth making clear that Whitbread is also a member of the Westminster Property Association (WPA) who have submitted a detailed representation on behalf of the 250 members it represents, which we support.

### Part A – Prioritising Retrofitting Over Demolition

Part A of Policy 43 generally resists development involving the total demolition of a building which has more than a single storey, unless the following criteria can be demonstrated:

1. The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and
2. The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or
3. The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s); or
4. It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.

The wording implies that the first criteria is an absolute requirement (“and”) with only one of the remaining 3 criteria needing to be satisfied (“or”).

Critically however, the Policy as drafted does not seek to proactively encourage retrofitting, but instead seeks to resist development including total demolition.

Whitbread supports the proposed amendment to the Part A of the Policy as identified in the WPA’s representations. In addition however, Whitbread considers that the Policy should include an additional strand to place greater emphasis on the promotion of retrofit.

In this respect, where, for example, it is demonstrably unviable to retain or retrofit existing office uses, there should be a presumption in favour of a change of use to hotel, cultural and/or education uses where it may be possible. This approach would assist in actively promoting viable retrofit schemes and limit the risk of increasing stranded assets across the City of Westminster. The proposed wording is identified below in this respect.

#### Policy 43 – New Policy Strand

*“Where it can be demonstrated that the retention, refurbishment or retrofit of existing office floorspace would not be viable in the longer term, demonstrated by a viability assessment, a change of use to (one or a mix of) hotel use, cultural uses, and/or educational use will be supported where the proposed development retains the majority of the superstructure of the existing building and lead to an improvement in the environmental performance of the building.”*

#### **Part B – Reducing Embodied Carbon Emissions**

##### LETI Benchmarks

Part 1A sets out upfront embodied carbon targets for development involving total or substantial demolition of a building greater than one storey and all major development for new non-residential buildings; Part 1B sets out upfront embodied carbon targets for residential buildings including mixed-use over 18 metres; Part 1C sets out upfront embodied carbon targets for development of new residential buildings, including mixed-use below 18 metres; and Part 1D relates to ‘bespoke buildings’ which do not have a recognised LETI benchmark.

Hotel developments are considered to fall within Part 1D of the Policy on the basis that there are no LETI targets for hotels.

For the avoidance of doubt, Part 1D of Part B of the Policy should be amended to confirm that, for the purposes of the Policy, a hotel comprises a 'bespoke building' even where there is an element of commercial use proposed.

The proposed amendment to Part 1D is set out below in this regard:

*For developments involving the construction of bespoke buildings which do not have a recognised LETI benchmark (including hotel and hotel-led mixed-use developments), or self-build or custombuild homes, applicants should achieve the maximum reductions in upfront embodied carbon deliverable, and these should be fully justified.*

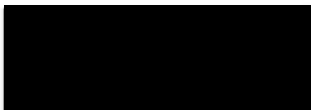
## Summary

Whitbread supports the proposed amendments to Part A of Policy 43 as detailed within the WPA's representations and in addition, offers a suggested additional Policy strand which would encourage retrofit schemes where retaining/retrofitting buildings in their existing office use is demonstrably unviable.

Whitbread additionally requests that, for the avoidance of any doubt, Part 1D of Part B of Policy 43 is made clearer and confirms that a hotel and/or hotel-led mixed-use development would comprise a 'bespoke building' for the purposes of the Policy.

We trust our comments will be taken on board in progressing the City Plan review and we look forward to engaging further with you in the future.

Yours,



Jonathan Langdon  
Senior Acquisitions Manager (Central London)

<b>ID/ Our reference</b>	046/ EXT046
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>IMPERIAL COLLEGE NHS TRUST</b>
<b>Type of respondent</b>	Statutory consultee

25 April 2024



City Planning Policy, Innovation and Change  
Westminster City Council  
17<sup>th</sup> Floor, Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Alex Graham



-sent via email only to [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)-

Dear Sir/Madam,

### **CITY PLAN PARTIAL REVIEW- RESPONSE TO REGULATION 19 CONSULTATION**

On behalf of our Client, Imperial College Healthcare NHS Trust ("The Trust"), we write with formal representations on Westminster City Council's Regulation 19 Publication Draft City Plan 2019-2040, dated March 2024.

This representation primarily focusses on the New Policy 8 of the City Plan which allocates St Mary's Hospital, which is part of the Trust's estate, for development. The policy outlines a vision for the site for the delivery of a new state of the art hospital that meets modern healthcare needs, alongside commercial growth and complementary uses. The Trust initially submitted the site to the Council for consideration as part of the Council's Call for Sites in May 2022 and has since sought to work collaboratively with the Council's planning policy team over the course of the Plan development process.

The Trust therefore welcomes the principle of the site's allocation for development within the City Plan Partial Review document. Having reviewed this policy, the supporting text and supporting evidence base which has been published by the Council as part of the consultation, the Trust wish to make the following representations.

#### **National Planning Policy Context**

Paragraph 15 of the National Planning Policy Framework (NPPF) (2023) states that the planning system should be genuinely plan-led, with paragraph 16 going on to set out that plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development;
- b) be prepared positively, in a way that is aspirational but deliverable;
- c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;



- e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

Paragraph 35 of the NPPF states that Local Plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. As set out in paragraph 35, plans are 'sound' if they are:

- a) **Positively prepared**- providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified**- an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective**- deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy**- enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Paragraph 36 of the NPPF sets out that these tests of soundness should be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies of the area.

## Background

St Mary's hospital is a major medical teaching and research campus, and one of the largest and busiest hospitals in London. It provides one of only four major trauma centres in London and plays a critical part in the health care system for north-west London and the capital as a whole.

First opened in 1845, St Mary's occupies a series of buildings across the site which have been developed in a piecemeal fashion. Most of the current facilities are at least 70 years old and are in a state of significant disrepair. The Trust has the largest backlog of maintenance liabilities of all NHS or Foundation Trusts in England, and an increasing number of catastrophic estate failures at the hospital mean that the state of the current buildings is risking a crisis for healthcare delivery in London.

The hospital is in urgent need of renewal to ensure the future of healthcare in Westminster and the wider north-west London region. It is therefore welcomed that the Council have recognised that the site needs to be redeveloped in allocating the site within the City Plan Partial Review.

The site however presents a unique set of circumstances and the wording of the policy must reflect this in order to ensure the viable delivery of a state of the art hospital (as is identified as the vision for the site in policy 8). As currently drafted, the site allocation is not considered to suitably reflect these unique circumstances, nor the opportunity for the site. The following comments are hereby made which seek to address this and provide a policy that is 'sound' as required by the NPPF.

Having regard to the national planning context in preparing Local Plans, we have commented on the draft Local Plan, as explained below. For any specific suggested amendments, this is shown via a box, with relevant reference to the Regulation 19 City Plan accordingly, as follows:



Deletions shown as ~~strikethrough text in red~~; and  
Additions shown as underlined text in green.

## Vision

The Trust fully supports the wording set out within the "Vision" for the site as it is currently drafted.

## Core Principles

The policy as currently drafted provides 10 core principles for the site (labelled A to J). Whilst these do include some reference to the projected future healthcare needs and the need for existing levels of healthcare to be maintained across the site during the construction of the new hospital, the policy does not provide a balanced approach between opportunity and heritage constraints. Whilst the heritage context of the site is acknowledged by the Trust, it is considered that the policy as currently drafted has been led by heritage without a corresponding and balanced requirement to deliver the development opportunity for the site, and indeed the need. A more balanced approach to the policy is therefore required in our view to ensure that the vision for the site is delivered. This would ensure that the policy is prepared positively in an aspirational but deliverable way, as required by paragraph 16 of the NPPF.

Indeed, the Council's City Plan Booklet (plain English Explainer) states at page 7 states: "*There are some sites in the city that are underutilised and have struggled to come forward for development given their complexities, and we want to change that. We're looking to implement policies that will unlock the development potential of these sites and see them contribute towards our vision for Westminster.*"

The introductory text to the site allocations<sup>1</sup> also states: "*The policies provide site-specific guidance to set out the aspirations we have for the sites, the contribution they can make to the city and to give certainty to help unlock their potential that may not otherwise come forward or be facilitated through the implementation of the Thematic City Plan policies.*"

It is clear that the site allocation policies ought to be framed to unlock development potential that may not otherwise be achieved.

We fully agree with these statements and believe amendments to the wording of the policy can be made that will help to deliver these ambitions in a positive manner.

The site is located within the Paddington Opportunity Area, within which there is a priority to deliver growth targets of at least 1,100 new homes and 13,000 new jobs, as set out within the London Plan and Policy 3 of the City Plan (the latter of which remains unaltered within the City Plan Review document). The land is therefore already considered to be an appropriate location and focal point for delivering significant new development.

It is not considered that the strategic aims of this designation are accurately represented within the site allocation wording as it stands. For example, Core Principle E states that development should respond to the townscape and heritage value of the site, but makes no reference to responding to the sites designation within the Opportunity Area, nor existing tall buildings to the north of the basin. It is requested that such reference is included within this section.

In the addition to the above, it is pertinent to understand the unique context of the site and its development as referenced above. This must be understood in order to ensure that these are reflected within the policy which will ultimately underpin the delivery of the vision for the site.

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<sup>1</sup> Page 54 of the Regulation 19 City Plan

Critical to the delivery of a state of the art hospital (as is identified as the vision for the site by the Council within policy 8) is the following:

- The new hospital must be sized to meet the growing needs of the population, which at current projection shows a need for 136,000sqm of space with approximately 840 beds;
- An operational hospital must be retained whilst a new hospital is constructed. The proposed location of the hospital is therefore fixed at the eastern part of the site and as a result of the available land and the needs case dictating the hospital content and the need to co-locate clinical facilities, a tall building on a smaller footprint will be required for the new hospital.
- The new hospital will be partially funded by capital receipts associated with the redevelopment of the surplus land once this becomes available following the construction of a new hospital building. The value of this land and what is deliverable on it underpins the delivery and funding of the new hospital on the site i.e. its viable delivery.

Evidence has been presented to WCC during our dialogue sufficient to support each of these key deliverables but, despite the ambition to provide clear policies as noted within the City Plan 'Plain English Guide' booklet, the City have chosen not to reflect this evidence led approach in the emerging policy. These matters must be adequately referenced within the policy wording. This is justified (in line with paragraph 35 of the NPPF) through the supporting evidence based information which demonstrate the need. Whilst some reference points have been made, we are strongly of the opinion that these matters need to be more firmly embedded in the policy.

Turning to the detail, London Plan policy GG3 sets out that those involved in planning and development must *"plan for appropriate health and care infrastructure to address the needs of London's changing and growing population"*. The Trust have developed an evidence base which sets out the projected need which sits behind the projection figures highlighted above. In line with policy GG3 of the London Plan, the policy must plan positively for this growing population and it is considered critical that specific reference to this identified need is made within the core principles of the policy.

In addition, as noted with policy D2 of the London Plan, providing adequate infrastructure is critical to supporting the delivery of new development, and ensuring growth. The policy states that the density of development should *"consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels"*. Ensuring the provision of an appropriately sized hospital has a key role in supporting other development priorities, not only in the Paddington Opportunity Area, but North-West London as a whole. The delivery of a hospital that meets the identified need is intrinsically linked to the ensuring London's continued growth. This must be reflected within the policy wording to ensure that these strategic priorities are addressed.

In addition to the evidence base relating to need, further evidence has been developed with respect to land availability on the site. This evidence is clear that the location of the hospital is fixed at the eastern part of the site. This is not however accurately reflected within the core principles of the policy, nor within site allocation diagram (figure 15). Whilst an area of "greater scope for building heights" has been identified within the site allocation diagram, a location for the hospital building (which is required to be a tall building, as evidenced by the needs assessment and land available for its delivery) is not identified, something which we consider would be beneficial for all stakeholders in order to give a level of certainty as to the need for a tall hospital building. This will ensure the policy is clear and unambiguous to all, in line with paragraph 16 of the NPPF.

Summaries of these evidence bases have been provided to the City Council over the course of the plan development process and further supporting evidence provided as part of this Regulation 19 response to provide further evidenced based justification to support further strengthening of the policy wording in this respect. We would welcome further discussions with officers in respect of this matter and discuss whether they would require any further evidence to justify this in order to find a resolution to this matter in advance of the City Plan inquiry.

The NPPF sets out at paragraph 97 that in order to provide services that meet community needs, planning policies should “*plan positively*”. Paragraph 100 goes on to state that “*to ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for the required facilities*”. In addition to these governmental level principles, London Plan policy GG2 outlines that in order to make the best uses of land, those involved in planning and development must, inter alia:

- Enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land;
- 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;
- Applying a design-led approach to determine the optimum development capacity of sites.

In line with the principles set out within the NPPF, and the strategic policy objectives of the London Plan, it is considered that the policy should do more to recognise the identified need for the hospital and the available land on which to build it, and that in tandem with this, a significant opportunity exists for the redevelopment of the remainder of the site to deliver on the priorities of the wider opportunity area.

In respect of building height, it is considered that a firmer commitment to reference tall buildings for the site should be included within the policy. It has been demonstrated that the site must accommodate a tall hospital building in order for the development to be viable and to deliver the overall objectives of the allocation and plan as a whole. It should also be noted that London Plan Policy D3 sets out that “*higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling*” going on to note that “*where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs*”. The site is clearly one which is well connected to local infrastructure and is in an area of existing high density buildings. The principle of this policy is therefore entirely applicable. Further comments are made in respect of making reference to specific height within the supporting text of the policy, however a commitment within the core principles should be explicitly referenced.

It is noted that within the St Mary’s Site Allocation Heritage Impact Assessment, prepared by LUC, as commissioned by the Council (which forms part of Council’s evidence base supporting documents) assesses the potential effects of a building “*similar to other recently approved throughout the Paddington Opportunity Area*” were to come forward. This assessment takes account of the potential implications of the construction of buildings up to 170m in height. This assessment notes that whilst a taller development would increase potential harm (by comparison to a 60m building), the level of harm would remain in the “*less than substantial*” bracket. In this case, and in line with paragraph 208 of the NPPF, the harm should be weighed against the public benefits of the proposals. The delivery of a viable hospital is a significant planning benefit. This, alongside the various other benefits of the development of the site (which are noted within the allocation vision and supporting text), are considered to significantly outweigh any less than substantial harm. We would note that within the Report of the Westminster Design Review Panel relating to the site allocation (as included within the Council’s evidence base), it is stated that “*heritage assets across the site are of mixed quality and there could be scope for some loss of heritage assets where this brings public benefit*”. Whilst it is noted that this would be assessed in detail at an application stage, it is clear at this stage that a tall building would not only be required to address the healthcare need but that tall buildings would be part of an appropriate design response to the location given the wider context of tall buildings to the north, whilst not giving rise to levels of heritage harm to heritage assets in the vicinity at levels greater than less than substantial. It is considered to be appropriate and necessary to make reference to this within the policy.

Core Principle D currently sets out that “*where any existing land is evidenced to no longer be needed for healthcare purposes, alternative uses such as commercial, community and/or residential will contribute to the*

objectives of the Paddington Opportunity Area, to be designed to a high standard, and should not compromise the operational requirements of any new hospital". The wording of this principle suggests that it would need to be further demonstrated as part of an application that the surplus land is no longer required for healthcare purposes. It is considered to be established that the surplus land will become just that once the new hospital is developed and the healthcare requirements of the hospital are provided. The need to develop this surplus land for alternative uses, as set out above, is a key principle and is critical to ensuring that a hospital is delivered viably on the site.

Ensuring that a hospital can be viably delivered on site is critical and this cannot happen without delivery of development on the surplus land, with this underpinning the funding arrangement dictated by central Government. It is therefore suggested that reference as a key principle to the smaller footprint of the hospital (taking into account the need to reference height as mentioned above) which will allow for the release of surplus land for alternative uses that help to facilitate the wider ambitions of the designated Opportunity Area, whilst also contributing to the viability of the new hospital. Ensuring the viability of development through the release of surplus land is critical and must therefore be referenced as a core principle in the policy. Development of the site and new hospital will be impossible without this surplus land being optimised.

Core Principle F currently states that "enhancements to permeability should be made through the site, including pedestrian access to the canal and improvements to the character of key routes through the site". The currenting drafting suggest that existing routes through the site have a positive character, which is not in representative of their quality. The existing character of key routes through the site is poor and we would therefore recommend that wording related to character be deleted.

Core Principle J relates to the provision of new and enhanced public realm and states that "this should promote high amenity values". We consider that this wording is unclear and suggests that the existing amenity values are of good quality. Similarly to the above, this is not considered to be the case.

Taking account of the above, the following suggested amendments are made to the Core Principles, Key Diagram and Figures of Policy 8 to ensure that the policy is positively prepared (in line with paragraph 16 and 35 of the NPPF).

**Suggested amendments to Regulation 19 City Plan re: Policy 8 Core Principles**

**Core Principle A:**

The viable delivery of a new hospital that meets projected future healthcare needs (on current projections 136,000sqm GIA is required) and provides an enhanced patient experience, including improved legibility for those arriving from Paddington Station.

**Core Principle B:**

Existing levels of healthcare to be maintained across the site during construction of any new hospital building/s. This means the new hospital will need to be delivered on a smaller footprint and will take the form of a tall building.

**Core Principle D:**

The delivery of the new hospital will release surplus land for alternative uses that will help facilitate the wider ambitions of the designated Paddington Opportunity Area whilst also contributing to the viability of the new hospital. ~~Where any existing land is evidence to no longer be need for healthcare purposes, a~~ Alternative uses such as commercial, community and/or residential will ~~contribute to the objectives of the Paddington Opportunity Area,~~ be designed to a high standard and should not compromise the operational requirements of any new hospital.

<p><b>Core Principle E:</b></p> <p><del>The optimisation of development densities across the site will be delivered in a manner that responds to the site's context and its designation within the Paddington Opportunity Area within a highly sustainable location. Building heights should grade down from the height of the new hospital so the important public function of the hospital is given prominence. Where hospital floorspace is evidenced to be required through the delivery of tall building/s, all other uses should grade down in scale from this, so the important public function of the hospital is given prominence and provides legibility benefits. Optimisation of development densities across the site shall be in a manner that responds to the townscape and heritage value on site and the prevailing character and scale of the surrounding area.</del></p>
<p><b>Core Principle F:</b></p> <p>Enhancements to permeability should be made through the site, including pedestrian access to the canal and improvements to <del>the character of</del> key routes through the site.</p>
<p><b>Core Principle J:</b></p> <p>New development should include the provision of new and enhanced public realm including spaces for leisure and rest. This should <del>promote high amenity values,</del> limit negative microclimatic conditions and optimise separation distances between buildings of greater massing.</p>
<p><b>Figure 15: St Mary's Hospital site allocation</b></p> <p>Should be amended to include the location of the new hospital building to the eastern part of the site.</p>
<p><b>Figure 16: Heritage designations within the St Mary's Hospital site allocation</b></p> <p>Should be amended to remove the non-designated heritage assets (i.e unlisted buildings of merit) as these are not heritage designations in their own right.</p>

**Supporting Text**

The supporting text of the policy does include reference to the projected floorspace needs for the hospital. As noted above, we consider that this should be referenced within the main body of the policy.

In addition to this, we consider it to be necessary to note within the supporting text that a tall building will be required to accommodate this, ensuring that a new hospital can viably be delivered whilst existing healthcare provision during construction is maintained.

This is a critical piece of ensuring the deliverability of a hospital and should be identified within City Plan. London Plan policy D9 relates to tall buildings and notes that boroughs should identify locations and appropriate tall building heights in development plans. The supporting text for the policy goes on to note that *"tall buildings can form part of a plan-led approach to facilitating regeneration opportunities and managing future growth, contributing to new homes and economic growth"*. As noted above, policy GG3 recognises the need to plan for growth and the development of St Mary's hospital is a key part of delivering such growth in Westminster and the wider north-west London region.

The only way to deliver this, as is evidenced within the supporting evidence base, is through a tall building and this should be accurately represented within the policy. The site is located within the Paddington Opportunity Area, within which high density development is expected and specific reference to the need for a tall building on the site would therefore be in line with these objectives (as set out within Policy 3 of the City Plan). It is noted that currently adopted policy 41 of the City Plan states that development of tall building may be acceptable within the Paddington Opportunity Area. This policy goes on to states that tall buildings within this area of 2 to 3 times the context height (identified as being 6 residential storeys, or 20m) may be appropriate). The City Plan review does not alter the wording of this policy other than the inclusion of a line to reference that development of tall buildings should be in line with site-specific guidance set out in the site allocations policies.

In light of this, and recognising the identified need for a tall building, it is considered that more detailed reference should be made to tall buildings within policy 8. As evidenced within the supporting evidence base provided, a building of a much taller height is required in this instance to deliver the hospital viably. A building of up to 170m has been considered within the Heritage Impact Assessment commissioned by the Council and is considered that reference should be made to this within the policy text.

The supporting text for the policy goes on to discuss living conditions and currently states the following:

*"The incorporation of some residential development (which could include key worker housing or residential care uses) into proposals can help address high levels of housing need and contribute to a vibrant mix of uses across the site".*

This principle is not disputed, however the site is not considered fully appropriate to deliver housing or residential care uses due to its location and function as a 24 hour critical care location.

In addition to the above, we consider that further clarity should be included within the supporting text surrounding the context of the site, including its location within the Paddington Opportunity Area which is an area where there is an established cluster of tall buildings. We also consider that reference should be made to the Design Review Panel's Report relating to the St Mary's Hospital allocation (included as part of the Council's evidence base documents) which notes that *"the heritage assets across the site are of mixed quality"* and that *"there could be scope for some loss of heritage assets where this brings public benefit"*.

Accordingly, and taking account of the above, the following amendments to the supporting text of Policy 8 are suggested.

**Suggested amendments to Regulation 19 City Plan: Policy 8 Supporting Text**

**Paragraph 8.4**

Current projections are that new hospital floorspace of approximately 136,000sqm GIA is needed. This is coupled with a need to consolidate the functional requirements of such floorspace in a manner that optimises clinical adjacencies and enables helipad access, to secure better quality healthcare provision. These requirements will need to be balanced whilst maintaining existing levels of healthcare provision during the construction of any new hospital building/s. This means that the new hospital will need to be delivered on a smaller footprint and a tall building is required in order to meet the volumetric and functional requirements of the hospital.

**Paragraph 8.5**

Upon completion of a consolidated new, fit for purpose hospital on site, ~~where it is evidenced that some~~ existing floorspace currently used for healthcare purposes will become ~~is then~~ surplus to operational requirements, and available for other forms of development. ~~A~~ alternative uses that can positively contribute to wider objectives of the Paddington Opportunity Area are supported.

**Paragraph 8.7**

Intensification of the site will however need to respond to the ~~existing-positive~~ heritage context and townscape value and the wider context of the Paddington Opportunity and the cluster of established tall buildings within the context of the need to deliver a new hospital on site. Loss of heritage assets may be appropriate where this brings public benefit. Figure 16 identifies key heritage assets and designations within the site. In addition, as there is some potential for some significant 19<sup>th</sup> century archaeology within the site (as set out in the Archaeological Statement), any planning application should be accompanied by an updated archaeological assessment that sets out appropriate mitigation measures where relevant.

**Paragraph 8.9**

Where new hospital floorspace ~~may-be~~ is provided through a tall building/s, this should be given primacy in terms of building height across the site, reflecting the important public function of its uses, increasing its legibility, and providing functional benefits in terms of the need for helipad access.

**Paragraph 8.17**

The incorporation of some residential development (~~which could include key worker housing or residential care uses~~) into proposals can help address high levels of housing need and contribute to a vibrant mix of uses across the site. However, likely levels of noise, and access requirements associated with hospital use, mean that any such provision will need to be carefully considered and, if provided, sited and designed with high levels of sound insulation in order to achieve satisfactory living conditions for future residents.

**Conclusions**

These representations have been prepared by Savills on behalf of our Client, Imperial College Healthcare NHS Trust. The representations principally relate to new policy 8 of the City Plan which allocates St Mary's Hospital (which forms part of the Trust's estate) for development including the delivery of a new state of the art hospital, alongside commercial growth and complementary uses.

The Trust welcome the site's allocation within the City Plan Review document which will promote the development of the site, first and foremost to deliver a new, much-needed hospital in order to replace the existing hospital buildings which are in a state of disrepair and are failing. We do however feel that that the Policy must be strengthened in its wording in order for the vision to be delivered on site. Ensuring the viable delivery of the vision is underpinned by three key principles:

- The need for the new hospital to be adequately sized to meet the growing population;
- The need for an existing operational hospital to be retained on site whilst the new hospital is being constructed;
- The need for the delivery of the hospital to be viable. This would mean the optimisation of the surplus land created by the development of the new hospital.

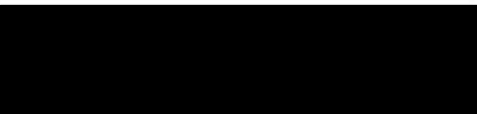
These three key principles result in a need for the new hospital floorspace to be delivered in a tall building on the site, which is the only way a viable hospital can be delivered to meet the identified need.

We would continue to welcome ongoing dialogue with officers with respect to the site allocation ahead of the Council's formal submission to the Secretary of State. We would also welcome the opportunity to discuss and

engage in preparing a Statement of Common Ground with officers to be submitted ahead of the Examination in Public.

Should you have any queries with respect to the points raised, please do not hesitate to contact me or my colleague Joe Oakden [REDACTED] at any time. In any event, we would be grateful if you could continue to update us on the progress of the City Plan Partial Review.

Yours sincerely,

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Alex Graham  
Director



<b>ID/ Our reference</b>	047/ EXT047
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>INNOVA PARTNERSHIP</b>
<b>Type of respondent</b>	Consultancy firm and professional network

Planning Policy Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Innova Partnership Management Limited

A series of three black rectangular redaction boxes covering contact information, likely an email address and phone number.

25<sup>th</sup> April 2024

Dear Sir/Madam,

**Westminster City Plan 2019-2040  
City Plan Partial Review Regulation 19 Consultation – Site Allocations – Marylebone**

We would like to thank you for providing the opportunity to comment on the City Plan Partial Review Regulation 19 Consultation document (March 2024). We write further to recent discussions with you and your colleagues in the Development Management team in relation to the strategic mixed-use development proposals being brought forward by the Innova Partnership on a Site referred to as Land North of Marylebone Station (hereafter referred to as 'The Site').

Although discussions are at an early stage, the Site represents a unique opportunity to deliver a new, strategic-sized development which has the ability to act as a catalyst for regeneration of this area of the City of Westminster through measurable social, economic and environmental benefits.

The Innova Partnership wholly supports Westminster City Council's (WCC) decision to undertake a partial review of their plan in accordance with the requirements of the NPPF; however, we would like to take this opportunity to identify specific changes which could be made to the draft document prior to its submission for Examination which would help to facilitate this exciting development to come forward in a timely manner and ensure the delivery of new homes and jobs for the City.

**Introduction**

Innova Investment Partnership GP Limited is a partnership between Network Rail and IJM Land which has been formed to bring forward major development across London through developing above and alongside operational Network Rail landholdings including rail lines.

Innova's extensive expertise ensures that the developments can come forward without impacting upon Network Rail's operation and asset protection. IJM Land have demonstrated their credentials in the delivery of the strategic residential and hotel led scheme at Royal Mint Gardens, directly above the Docklands Light Railway and Network Rail Fenchurch Street line, which officers visited recently.

Through a partnership approach, aiming to leverage the strengths and capabilities of both entities by integrating Network Rail's in-house property expertise and infrastructure engineering knowledge with the extensive resources and innovative mindset of IJM Land, Innova aims to realise the untapped development potential of underutilised railway property assets.

Through the partnership, Network Rail can accelerate the process of property development, resulting in the generation of capital that can be reinvested into its core infrastructure without additional burdens being placed on taxpayers and rail users. It also allows Network Rail to leverage IJM's expertise in

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large-scale infrastructure projects, leading to more efficient and innovative project designs and executions.

One of the strategic sites Innova is bringing forward relates to that known as Land north of Marylebone Station. The Site straddles both the north and south of Rossmore Road, as shown on the attached Site Plan.

### **The Site**

The Site primarily consists of an area of operational railway lines and platforms, other rail infrastructure, and scrubland directly to the north of Marylebone Station, straddling Rossmore Road. The Northern part of the Site incorporates a large section of railway tracks and associated platforms to the east and scrubland to the west, whilst the southern part of the Site primarily incorporates railway tracks and associated platforms / shelters.

The Site has limited site designations in the Westminster City Plan with the only designation being the north-west portion of the Site being located within the Church Street/Edgware Road Housing Renewal Area. This Policy seeks to deliver a significant number of new homes alongside community infrastructure and jobs.

The Site is not located within a Conservation Area; however, there are various Conservation Areas within close proximity to the Site, including Dorset Square Conservation Area to the south, Fisherton Street Estate Conservation Area to the west, Lisson Grove Conservation Area to the south-west, Regents Park Conservation Area to the east and St John's Wood Conservation Area to the north.

The Site is located within close proximity to several listed buildings such as the Grade II listed Marylebone Train Station located to the south of the Site, Grade II listed properties at 62-92 Balcome Street, and Grade II listed Windsor Castle Public House, which are all located within 200m to the east of the Site.

The Site has a PTAL rating ranging between 4 and 6b, showing it is located in a highly accessible location, with a major rail terminus, London Underground stations, numerous bus routes and cycle hire docking stations within a few minutes' walk from the Site.

The surrounding area is mixed use in nature, to the south of the Site is Marylebone Station with surrounding commercial uses including BNP Paribas's headquarter building, The Landmark Hotel and other hotels and offices, and to the north is the associated railway lines. The majority of the other uses around the Site incorporate residential uses which include Palgrave Gardens to the east and Church Street/Edgware Road Housing Estates to the west. The Feather's Community Centre is located adjacent to the west and also provides an opportunity for intensification and improvements as part of the regeneration of the area.

The prevailing heights of the surrounding buildings vary between the northern and southern parts of the Site. The surrounding buildings at the northern end constitute flatted residential properties of 9 to 12 storeys to the east and 7 to 8 storeys to the west, the surrounding buildings to the south are characterised by 3 to 4 storey terraced houses.

### **Key Aims of Marylebone North**

Early masterplan studies have been discussed with officers in an initial pre-application meeting to demonstrate the potential for the proposals to deliver a strategic new community within a substantial mixed-use development delivering in the region of 800 new homes, workspace, retail and restaurants and major new public realm.

The scheme also repairs the severability of the railway line and connects the Church Street Housing Renewal area to the west, Marylebone Station and the Central Activities Area (CAZ) to the south, and

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the Dorset Square and Regents Park communities to the east. Innova are also investigating the potential with Chiltern Railways, the Train Operating Company and operator of Marylebone Station, to bring forward a transformative new northern entrance to the Station as part of the redevelopment at the site. This would help to improve the accessibility in the area and reduce travel time into the station from the north, as well as generally improving permeability in the local area.

The strategic programme encompasses the submission of a full planning application towards the end of 2025 with determination in 2026. The Site is not hindered by any major constraints in relation to timing of delivery and is intended to come forward within the City Plan period to 2040. We believe that the Site has the potential to deliver substantial numbers of homes, jobs, place-making and a major new place for Westminster and critically, to deliver upon many of the Council's stated objectives in the "Fairer Westminster" vision.

The City Council have indicated that due to the advanced Regulation 19 Stage of the City Plan and Site Allocations (which have all been subject to detailed capacity studies and design review panel testing) that it is not feasible to identify the Marylebone Site with a site allocation at this point in the process. Officers have advised that a full review of the City Plan will commence in 2025 including evidence base and more extensive range of Site Allocations.

Although this is understood, Innova would like to ensure that the Council's Officers and Members are aware of the scale of development and socio-economic benefits achievable on the Site ahead of any formal review of the Plan commencing next year.

We would also like the Council to specifically consider the opportunity for the Site to be included in the current review of the Plan prior to its submission for Examination. Alternatively, if this is not possible, we would like to explore whether there is an opportunity to instead identify the entire Site as a larger extension to the Church Street Renewal Area which the Site partially falls within, but is predominantly located to the west of the Site, alongside an identification on the draft Policy Map (2024) that the site has the opportunity to deliver significant regenerative benefits and an associated landmark building.

The extension to the Renewal area would assist in providing a catalyst for the wider regeneration to commence and would provide a suitable gateway site into the renewed neighbourhood. It is our view that the redevelopment of the land north of Marylebone Station has the ability to provide significant benefits not only within our red line, but as a wider exercise in promoting and bringing forward high quality development on adjoining land such as the Lisson Green area of the Church Street Housing Renewal Area.

The following sections of this letter provide an overview of the Site and the broad parameters in relation to the potential development capacity, land uses and broad timescales during which the development could come forward. We have also highlighted any specific development considerations, opportunities and constraints which the City Council should be aware of.

## **The Masterplan Proposals**

### **Layout**

The proposals have been discussed strategically with Diedra Armsby, Amanda Coulson and Ian Corrie during early pre-application masterplan discussions to gauge their acceptability. Positive engagement has occurred with Senior Officers with further detailed pre-application discussions and engagement to continue in 2024.

The Site presents a significant opportunity for redevelopment with the potential to provide a new local landmark around the northern entrance to Marylebone Station and a new community, which supports the City Council's need for a significant uplift in new homes and employment floorspace. Since the Site does not have the issue of existing embodied carbon, it presents a major opportunity to increase

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floorspace and meet housing need without demolition being a factor, which we note is a key consideration in most of the Site Allocations identified for the current partial review of the City Plan.

The proposals would seek to repair the physical and psychological severance caused by the railway line, integrating and connecting the local area to the west, east and south. This would help in creating a new place with a vibrant mix of uses, with new accessible public realm around animated active frontage.

#### Regeneration Benefits and Outside the Red Line

The proposals would also present an opportunity to rethink the way the surrounding communities interact with one another. There will also be significant benefits to the wider regeneration of the Church Street/Edgware Road Housing Renewal Area by acting as a catalyst for growth in the area. The Site's location in the eastern end of the Renewal Area also means that a strategic approach could be considered where the redevelopment of the site could be brought forward alongside the Lisson Green phase of the Church Street Renewal Area, situated to the immediate west of the Site, which is identified in the Council's Church Street Masterplan (2017) as an area for renewal. This approach would facilitate a phased regeneration of this area, facilitating the delivery of a significant number of new homes in the north of the City.

There is also an opportunity to provide significant public benefits through the potential major enhancement and re-positioning of Marylebone Station and far enhanced linkages to the established communities to the west, north and east which would provide benefits far beyond the site's boundaries. This could be supported by station infrastructure improvements to Marylebone Station and the creation of a new northern entrance and access linking the area to the north with the station and CAZ to the south, subject to agreement with Chiltern Railways. Additionally new urban greening within an area historically associated with station infrastructure could be provided helping to increase access to green space and biodiversity in this area.

The Site therefore has the potential to make a major contribution to the City Council's "Fairer Westminster" and City Plan stated objectives, and meet the strategic ambitions and aspirations of the City Council by providing a significant uplift in new homes, employment floorspace, active frontage, public realm improvements, station benefits on a Site with low existing embodied carbon.

#### Height and Density

Whilst the uplift in homes would be supported by accompanying elements of new employment and jobs, improving the function of the CAZ to immediate south. It is anticipated that the Site could provide in the region of 800 new homes alongside the provision of an element of commercial floorspace, and public realm improvements, subject to more detailed testing.

The surrounding building heights north of Rossmore Road are in the order of 12-storeys in height and the surrounding context is likely to change further with additional height through the Church Street Housing Renewal Area (as it has done in Belgravia/Victoria around the Ebury Bridge Estate). In light of the policy wording of City Plan Policy 41, and the points raised above and below, we think there is the opportunity for significant growth and densification on the Site, which subject to detailed masterplan studies could result in significant height, bulk and mass, particularly around the northern entrance to the station.

The background context and opportunity therefore relates to the potential to bring forward high density development around a local landmark signalling the northern entrance to Marylebone Station and creation of a major new place, which relates to the wider context, townscape views and testing from nearby Conservation Areas, and the setting of the listed Station. Through the establishment of the Innova Partnership, Network Rail are able to bring forward this strategic site by building a deck over

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the railway line, whilst maintaining rail operations, to create an Over-Site development opportunity on land which was not previously considered to be a development site.

The development could provide a substantial uplift in new homes of a mix of tenures and sizes to contribute towards the City Council's housing needs.

### **Next Steps**

As a result of the significant public benefits outlined above, it is on this basis that we kindly request that officers and the Cabinet Member for Planning review this information and make the suggested amendments to the Plan prior to its submission for Examination. It is our view that this Site can feasibly provide significant benefits in the current plan period through its redevelopment and this should therefore be reflected in the current Plan's wording.

We trust that this letter, in addition to the submitted Site Plan, provides sufficient information for your consideration of this matter and we would welcome the opportunity to meet with officers and Cabinet Members to discuss in more detail in the near future.

If you have any queries in the meantime, please do not hesitate to contact me on [REDACTED]

Yours sincerely,

**Steve Crutchley**  
*Partnership Delivery Lead*  
**Innova Partnership**

Encl. Site Location Plan

*Cc: Deirdra Armsby – Planning Director*  
*Amanda Coulson – North Area Team Leader*  
*Ian Corrie – North Area Planning Officer*

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Site Location Plan



<b>ID/ Our reference</b>	048/ EXT048
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>GLA</b>
<b>Type of respondent</b>	Statutory consultee



Agnieszka Zimnicka  
Strategic Planning  
Westminster

By email: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
[REDACTED]

Department: Planning  
Our reference: LDF33/LDD44/LP02/JB01  
Date: 25 April 2024

**Planning and Compulsory Purchase Act 2004 (as amended);  
Greater London Authority Acts 1999 and 2007; Town and Country Planning (Local  
Development) (England) Regulations 2012**

**Re: Westminster City Plan Partial Review Regulation 19 consultation**

Dear Agnieszka

Thank you for consulting the Mayor of London on the City of Westminster's partial review Regulation 19 Consultation (the partial review). As you are aware, all Development Plan Documents in London must be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The Mayor has afforded me delegated authority to make detailed comments which are set out below. Transport for London (TfL) have also provided comments, which I endorse, and which are attached at Annex 1.

This letter provides advice and sets out where you should make further amendments so that the draft Plan is consistent with the London Plan 2021 (LP2021). The LP2021 was formally published in March 2021 and now forms part of The City of Westminster's Development Plan and contains the most up-to-date policies.

### **General**

The current Westminster City Plan was adopted in 2021, and this partial review looks to update it to reflect the changing priorities of the council. A strong theme of the review is to address the climate emergency as well as providing more affordable housing for London.

These are both admirable aims and chime with the Mayor's own strategic goal to bring Good Growth to London, benefiting both the business and residents of the capital, as set out in the LP2021 Good Growth objectives. However, we would urge you, as you continue to develop the plan, to consider the details carefully to avoid inadvertently causing adverse impacts, for example, in relation to the ongoing pivotal role of the Central Activities Zone.

### **Affordable Housing**

We welcome the proposed changes to the affordable housing policy as set out in the partial review which now brings Westminster into a much closer alignment with the LP2021. The introduction of a 50% strategic target and reflection of the threshold approach as set out in LP2021 Policy H5 is strongly supported by the Mayor.

The partial review should recognise that the threshold is set at 50% on publicly owned land where there is no portfolio agreement with the Mayor. Paragraph 4.4.7 of the LP2021 makes it clear that where public sector landowners have an agreement with the Mayor they may provide 50% affordable housing across a portfolio of sites provided that at least 35% affordable housing is provided on each site. As currently written, draft Policy 13B3 would apply a 50% threshold to all portfolio sites in Westminster and this should be amended accordingly to accurately reflect LP2021 Policy H4.

The partial review sets out that all new affordable housing should have a tenure split of 70/30 in favour of social housing over intermediate housing. This is to replace the existing policy of a 60/40 split in the favour of intermediate over social. This change is very much welcomed by the Mayor and is now much more consistent with LP2021 Policy H6 and specifically paragraph 4.6.2 which makes it clear that there is a presumption that the 40% to be decided by the borough will focus on Social Rent given the level of need for this type of tenure across London.

## **Retrofit**

The changes to introduce a 'retrofit first' policy to new development in the partial review and the intentions of the policy are broadly welcomed by the Mayor.

However, the ambitions of new draft Policy 43, as written, go significantly beyond those in LP2021 Policies SI2 and SI7, which seek to minimise greenhouse gas emissions and reduce waste. Westminster should ensure that the requirements as set out in the new policy regarding retrofit will not unduly negatively impact upon the viability of potential development within the borough.

It is important the draft Plan finds the right balance so that development is able to meet high environmental standards while still incentivising appropriate (re)development so that necessary growth can take place in order to meet the borough's housing and other needs over the life of the Plan, as well as providing the high quality space that are key to the functions of the Central Activities Zone (CAZ).

## **Site Allocations**

Within the partial review are allocations for four sites within the City of Westminster. The sites reflect opportunities for large scale redevelopment. All of the sites are located within the CAZ and should therefore be developed in accordance with LP2021 Policies SD4 and SD5. The allocations should set out that residential development will only be supported

where it does not impact these strategic functions and that greater weighting is given to office development. Where mixed-use development is proposed, it should ensure there is no net loss of existing office floorspace.

For the Royal Oak Station site, the allocation should be clear that any development here would contribute to / support the delivery of step-free access to and from the Royal Oak London Underground station, alongside providing improvements to the capacity of the station as required as per LP2021 Policy T3.

At Westbourne Park Bus Garage, it is imperative that the allocation requires the retention of the bus garage on site and any neighbouring uses are appropriate to be located next to an operational bus garage.

**Next steps**

I hope these comments positively inform the preparation of the City of Westminster's Local Plan partial review. We continue to offer our support to work with you to address the issues identified in this letter and to ensure it aligns more closely with the LP2021, as well as delivering the Council's objectives. If you have any specific questions regarding the comments in this letter, please do not hesitate to contact Jonathan Blathwayt on [REDACTED] or at [REDACTED]

Yours sincerely

[REDACTED]

Lucinda Turner

**Assistant Director of Planning**

Cc: Tony Devenish, London Assembly Constituency Member  
Sakina Sheikh, Chair of London Assembly Planning and Regeneration Committee  
National Planning Casework Unit, DLUHC



Planning Policy Team  
City of Westminster

[planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

25 April 2024

Dear Sir/Madam,

**Re: Consultation on Westminster City Plan Partial Review (Regulation 19)**

*Please note that these comments represent the views of Transport for London (TfL) officers and are made entirely on a 'without prejudice' basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments are made from TfL's role as a transport operator and highway authority in the area. These comments do not necessarily represent the views of the Greater London Authority (GLA). A separate response has been prepared by Places for London to reflect TfL's interests as a landowner and potential developer.*

Thank you for giving TfL the opportunity to comment on the Regulation 19 version of the City Plan Partial Review.

The London Plan was published in March 2021. Local plan policies and site allocations should be developed in line with relevant London Plan policy which supports the implementation of the Mayor's Transport Strategy. In particular, it is important that local plans support the Healthy Streets Approach, Vision Zero and the overarching aim of enabling more people to travel by walking, cycling and public transport rather than by car. This is crucial to achieving sustainable growth, as in years to come more people and goods will need to travel on a relatively fixed road network.

We note that this is only a partial review and the only substantive change to policies are on retrofitting and affordable housing. We therefore provide comments only on the new site allocations and these are set out in the table in appendix A, below.

Yours faithfully



**Josephine Vos | Manager**  
**London Plan and Planning Obligations team | Spatial Planning**  
Email: [josephinevos@tfl.gov.uk](mailto:josephinevos@tfl.gov.uk)

Transport for London  
Spatial Planning

8th Floor  
5 Endeavour Square  
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Phone 07891 986 623  
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## Appendix A: Detailed comments and suggestions for amendments

Policy	Page	Amendment/comment
New Policy 8 – St Mary's Hospital	56-61	<p>The location is proposed for consolidated/re-provided hospital use with the addition of further mixed use development within an Opportunity Area. The site has a PTAL of 6b. TfL supports public realm improvements and opportunities that improve access to the Paddington Basin. Improvements should aim to address safety and the perception of safety at all times of day and night through design including lighting and passive surveillance. There are operational transport constraints that would need to be taken into account as part of any development. These include both access to the side of Paddington station (which is adjacent to the site) and the infrastructure protection (IP) requirements to build over the Bakerloo, Hammersmith &amp; City and Circle London Underground lines.</p> <p>Access for those with mobility impairments is particularly pertinent for the hospital – this means ensuring it is easy to navigate to/from entrances and exits to public transport services including buses and the station. The public realm should not prioritise access by taxi or car over people arriving by foot, although sensitively designed facilities for taxis and pick up/drop off will be required.</p>
New Policy 9 – Westbourne Park Bus Garage	62-66	<p>As noted in paragraph 93, this is the only bus garage in Westminster and its importance in providing successful and efficient bus services in this part of London should not be underestimated. Any redevelopment of the site will need to protect the continuity of bus garage operations, both during construction and in the end state, ensuring the final design is future proofed for growth and electrification of the bus fleet.</p> <p>Constraints should be more explicit in including reference to the retention of the bus garage on site and the need to ensure the type/use class of development is an appropriate neighbour for an operational bus garage and that the design mitigates the impacts of this established activity – as per London Plan Policy D13 (Agent of Change).</p> <p>Subject to the above, TfL Spatial Planning agrees that development provides opportunities to activate the site and provide a better public realm alongside active travel connections. Infrastructure and asset protection would be required for any development adjacent to the railway and Westway structures.</p>

Policy	Page	Amendment/comment
New Policy I0 – Land Adjacent to Royal Oak	67-70	<p>We welcome the acknowledgement that the surrounding strategic transport infrastructure will need to be carefully considered within development proposals including: the need to deliver permeability and better connections dealing with the level differences and providing high quality active travel routes; the need to design development in a way which mitigates the impacts on and proximity to existing surrounding transport infrastructure (as per London Plan Policy DI3 Agent of Change); and have regard to infrastructure protection requirements for building adjacent to and above the operational railway. TfL supports reference to the need to enhance access and the need to address the perception of safety at all times of day and night through design including lighting and passive surveillance.</p> <p>Given the size of the site and the opportunity presented, we would expect any future planning permission to contribute to/support the delivery of step-free access to Royal Oak LU station (alongside other contributions), alongside any station capacity enhancements identified by the Transport Assessment. In relation to active travel, development should support enhanced connections over the A40/Harrow Road, Westbourne Bridge and Lord Hill Bridge.</p>
New Policy II – Grosvenor Sidings	71-76	<p>The site has a PTAL of 3. Development proposals would need to include high quality and accessible active travel routes to link the site to public transport connections and amenities. Site opportunities to deliver public realm improvements and improve permeability and access to Victoria station, including via riverfront routes are strongly supported. TfL agrees that the constraints of building adjacent to the railway line will need to be mitigated in any proposals. It is suggested that the supporting text refers to the need to secure an alternative site for operational rail use and retention/replacement for British Transport Police building in line with London Plan Policy T3 on retaining transport uses and Sustainable Transport, Walking and Cycling LPG. <b>The Ebury bridge 7.5t limit should be noted.</b></p>

<b>ID/ Our reference</b>	049/ EXT049
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>TT GROUP</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

24 April 2024  
Delivered by email

Planning Policy Team  
Westminster City Council  
64 Victoria Street  
London  
SW1E 6QP

Dear Deirdra,

## **REPRESENTATIONS ON BEHALF OF TT GROUP TO THE CITY PLAN PARTIAL REVIEW**

### **REGULATION 19 PUBLICATION DRAFT – WESTMINSTER CITY PLAN 2019 – 2040**

On behalf of our client, TT Group (Telereal Trillium, or 'TTG'), we hereby submit representations on the Westminster City Plan Partial Review (Westminster City Plan 2019-2040 (Regulation 19 version)), as recently published for formal statutory consultation in March 2024. TTG welcomes the opportunity to comment on the proposed revisions to the Plan, following recent discussions with Westminster officers in relation to their pipeline of potential development opportunities in the borough.

#### **TT GROUP**

TT Group (Telereal Trillium) is one of the UK's largest, privately owned property investment and development firms. In the last 25 years, TTG have completed some of the largest and most complex property deals in the UK, and have built a significant portfolio comprising over 15,000 properties, with a development pipeline of more than 14,500 homes.

The portfolio includes partnerships with Network Rail, BT, DWP, Royal Mail and others. As such, TTG work in partnership with large occupiers of property to bring forward development opportunities through a number of complex real estate portfolios, often involving creative design solutions to unlock potential and deliver a range of public benefits through development proposals.

TTG have an interest in a portfolio of sites within Westminster, comprising a range of buildings of varying typologies, ages and scales, across all parts of the borough. These sites individually and collectively present a significant opportunity to deliver a wide range of public benefits and land uses (including mixed use development) comprising office, hotel, student accommodation and residential uses, as part of a potential pipeline of development and repurposing opportunities across the borough.

As such there is the potential for TTG's portfolio to contribute significantly to Westminster's housing delivery, employment growth and other key strategic policy targets and Local Plan objectives in the short, medium and long term as sites come forward. TTG look forward to the opportunity to further engage with



Westminster prior to the adoption of the latest version of the plan, and would welcome further discussion on any matters contained in these representations.

## **REGULATION 19 CONSULTATION MATTERS**

The Regulation 19 consultation of the partial review of the City Plan includes a significant number of detailed documents (including topic papers on various matters, viability review and other reports) underpinning the proposed revisions to the local plan, which focuses principally on the following policy revisions:

- Updates to Policy 9 on affordable housing (now policy 13), including revisions to the required tenure split of affordable housing, and the introduction of a small sites affordable housing policy, and reworded provisions in relation to public land portfolio arrangements.
- A new very detailed policy prioritising retrofit and refurbishment of existing buildings over demolition of existing buildings.
- The inclusion of 4 allocated sites with associated policies to guide their future development.
- Other incidental changes and updates throughout.

## **SITE ALLOCATIONS**

TTG note that under 'Site Allocations' the City Plan allocates four key brownfield sites in the City for significant levels of new development. It is appreciated that these have been selected due to the fact that they have either a significant proportion of underutilised land where development could occur without the need for large-scale demolition of buildings, or where development can secure enhanced infrastructure of London-wide significance.

This approach is understood however, it is considered that there are other 'major' pipeline sites in Westminster that present an opportunity to delivery significant growth, which could be included in the site allocations either now or as part of a full Local Plan review in due course, to the benefit of Westminster's shorter term delivery against Local Plan targets, bearing in mind the long timescales associated with the delivery of the four allocated sites.

The inclusion of these additional sites within the Site Allocations would provide comfort that the principle of specific uses, increased development potential including height are established at the outset. This is particularly important from an investment perspective providing confidence at the outset that development potential and principles, acceptable uses and development capacity are established to reduce risk and potentially guide the future development of sites.

As such, TTG would welcome the opportunity to submit further sites for consideration as part of the site allocation process at this point or as part of a future full Local Plan review, which would have the benefit of giving Westminster greater certainty around their ability to meet housing delivery and employment growth targets as set out in the London Plan and Local Plan.

## **New Policy 13. Affordable Housing**

TTG acknowledge that there is a significant need for new housing to be delivered to meet current and future need, and also the associated growing need to deliver affordable housing. The thrust of the change to the affordable housing policy as summarised above relates to the proposed tenure split of affordable housing. The proposed new policy seeks to deliver at least 70% of the affordable homes as social homes with the remaining 30% to be provided as intermediate. This is a significant departure from the existing

affordable housing policy in the City Plan which at Policy 9 sets out a requirement that 60% of the affordable homes should be intermediate with 40% social homes.

The switch in the required affordable housing tenure as set out above between the provision of social homes and intermediate will undoubtedly have a significant effect on the viability and deliverability of individual housing projects in the Borough – at a time when the number of residential led major projects in the borough has probably never been lower, outside of the Council’s own schemes (which come with unique delivery considerations) and a small number of private sector led long term major regeneration sites. This is particularly at a time when the requirement for new homes and affordable homes has never been greater, and the uptake of S106 affordable housing packages by registered providers has become more challenging and selective.

The costs for delivery of affordable housing has never been greater with increased building costs, greater planning risk and programme implications and wider building regulation changes which curtail the delivery of housing and affordable housing. It is considered that when viewed in collective, the planning policy in this case needs be more reflective of the current Policy 9 in acknowledging the ongoing need for Intermediate housing in Westminster, be explicit as a strategic borough wide target, and include an additional component part that considers site specific circumstances and viability considerations in agreeing on the tenure mix for specific development proposals.

### *Portfolio Approach*

Part B of Policy 13 Affordable Housing sets out new provisions where a portfolio approach to delivery on public sector land is proposed in agreement with the Mayor of London, stating that all portfolio sites will be located in Westminster. This is clearly not practical given the nature of public sector land portfolios – which is a strategic London wide delivery matter, given the portfolio agreement would be made with the Mayor of London.

Westminster could however consider a separate approach to affordable housing delivery on any portfolio of sites within the borough (i.e. be that private or public land), allowing the use of donor sites and the delivery of affordable housing in a consolidated and more manageable manner on a portfolio wide basis (i.e. delivery of 35% affordable housing across a portfolio – on a value neutral basis). This may be particularly attractive and practical on a portfolio of smaller sites, whereby consolidation of affordable housing in a single site may be the most viable, practical and manageable way of delivering affordable housing requirements.

### *Small Sites Affordable Housing Policy*

Policy 13 sets out a new small sites affordable housing requirement. This element of the policy should be subject to very rigorous viability testing to ensure it is flexible and deliverable, and does not de-incentivise development given the cumulative requirements of other policies in the Local Plan (including potentially the new retrofit first policy, carbon offsetting and other policies).

It should ensure that such a policy does not undermine the delivery of housing, and investment in the existing housing stock in Westminster generally, which may be an unintended result of this policy - in a borough that has historically relied on small and medium sized windfall sites act as a significant contributor to housing delivery, as Westminster have repeatedly recognised, and due to the nature of the built environment and development opportunity in Westminster.

The policy may therefore impact accordingly on small to medium sized developments, developers and builders as a result, and potentially disincentivise the delivery of small sites and the viability of SME’s to

operate in Westminster, when in addition the cumulative cost of other policy requirements (including the retrofit first policy) and CIL is considered. There would also be a clear knock on effect on determination periods of applications if minor applications are required to undergo viability testing, to the detriment of decision making timings and process.

The Local Plan review documentation also notes that the small sites affordable housing policy will lead to the requirement to update the Planning Obligations and Affordable Housing SPD in due course. This should be done alongside the development of the policy, to ensure that the implementation and application (and consequences) of the small sites policy is fully worked through and understood. The SPD's approach to interpreting and applying affordable housing policy where there is existing residential space on a site is also convoluted and unclear, leaving too much open to interpretation, and should be simplified or removed, with existing floorspace discounted from small sites affordable housing requirements.

### **New Policy 43. Retrofit First**

The TT Group recognise the importance and the greater emphasis on sustainability, whole life carbon and the circular economy. As a company the TT Group are aligned with the changing sustainability landscape and the growing imperative to consider the retention and repurposing of existing buildings in the first instance.

Indeed, the TT Group are currently promoting a number of high profile retrofit and repurposing projects which includes the Former Masonic Hospital (Ravenscourt Park Hospital) in LB Hammersmith and Fulham, and the former Tooting Police Station site in LB Wandsworth amongst others. This should however not preclude the demolition and redevelopment of sites in certain circumstances as set out below.

It is noted that the Council has introduced a new policy 'Retrofit First' which requires applicants to consider retention of the existing building comprising refurbishment and retrofit prior to consideration of redeveloping the site comprising demolition and new build. TTG supports the principle and benefit of reusing and repurposing existing buildings where this is feasible and beneficial in the longer term, as illustrated in live project examples set out above. TTG however supports the approach as set out in the London Property Alliance's 'Retrofit First, not Retrofit Only' document, as a reasonable and proportionate approach to this key matter – and which is reflected in numerous live TTG projects across London that involve the repurposing of existing buildings including the two sites listed above.

There is however significant concern around the soundness of this policy as written, that the policy as drafted is not in accordance with the London Plan, is overly complex with targets that will be extremely challenging, if not impossible to meet.

It is noted that within the policy that *'development involving total demolition of a building which has more than a single storey will generally be resisted'*. This approach is very simplistic and doesn't take into consideration the unique circumstances of some sites and existing buildings. Although refurbishment and retrofit may be possible in theory, there will be cases where the retention of existing buildings that are compromised, be it through for example the relationship to wider context including public realm, low floor to ceiling heights or the presence of very deep floorplates, will continue to be compromised and may not represent the best opportunity for the site and for the wider area in the longer term. This is particularly the case when it can be demonstrated that through the comprehensive redevelopment of the site, the whole-lifetime carbon of the new development would be similar or less than a suitably comparable retrofit option.

The policy has the potential, as apparent from recent applications and decisions, to add a significant level of uncertainty and complexity to the planning process, in addition to what is already a very complex and

detailed suite of planning policy requirements set out in the London Plan, Local Plan and associated SPG's and SPD's on a range of matters, but increasingly in relation to sustainability and carbon reduction. The impact this has on the design of developments, application determination periods and development cost is considerable, while adding further complexity for planning officers in considering applications and arriving at balanced judgements.

Overarching objectives and policy priorities around the optimisation and intensification of sites and previously developed land in much of Westminster, alongside key policy priorities and targets in relation to housing delivery, employment growth, Westminster's World City function, and the consideration of potential public benefits arising from development scenarios should remain at the centre of the Council's focus given the scarcity of land and development sites in Westminster, the extent of heritage and conservation designations and other constraints on development. These points should be balanced in the consideration of the wider retrofit and demolition agenda.

It is considered that a whole life carbon assessment cannot be relied upon in isolation with respect to demolition. There will be cases where demolition of a building although may result in greater carbon will provide significantly more benefits in the longer term than retaining the existing building and in combination could include:

- Increased accommodation be this residential, including affordable housing, employment or community uses;
- Greater connectivity and integration with wider public realm and greater area given over to public realm;
- Higher quality replacement building;
- Architecturally contextual replacement;
- Operationally significantly more sustainable in terms of enhanced landscaping/ecology, SUDs, operational energy; and
- Better quality internal spaces enhancing residents/users health and wellbeing.

The retrofit first policy would also appear to be considered in isolation from the Council's update to the carbon off-set payment which has significantly increased the carbon price per tonne to £330 for the cost of all electric buildings (£880 per sqm for other development). It is questioned whether considered analysis has been undertaken on this particularly where update and adaption of existing buildings could potentially compromise the viability of upgrading the retained building.

## **Concluding points**

In summary,

- It is considered that the site allocations should not be restricted to only the four significant major sites, and there is the opportunity for further sites to be considered, making a greater contribution to Westminster's housing and employment targets.
- Inclusion of other sites within the allocations would give Westminster greater certainty around delivery against Local Plan targets, increase investment and reduce development risk;
- The proposed change to the affordable housing policy has the potential to make schemes unviable and thereby reducing the number of residential projects that will come forward leading to reduced numbers of new homes and affordable homes being delivered in the Borough;
- The small sites affordable housing policy in particular will disincentivise small scale and windfall site residential development and make it unviable, with no allowance given for existing residential floorspace, and a convoluted approach to policy interpretation where existing residential

floorspace is involved. The guidance set out in the Affordable Housing and Planning Obligations SPD on this matter should be made significantly simpler and clearer.

- There is the opportunity to explore a portfolio approach to affordable housing delivery more generally in Westminster, on private property portfolios in addition to public land.
- The introduction of the retrofit policy although broadly welcomed in principle is too indiscriminate when it comes to specific sites individual challenges and there will be cases where a redevelopment option is the most appropriate and beneficial option for the site;
- Collectively it is considered that the current changes when viewed together will further compromise the delivery of new homes and more jobs within the borough contrary to the thrust of strategic policy and identified need.

We trust that you will be able to incorporate our comments into revised policy and would be happy to discuss these with you further should you find this of assistance. If you have any queries, please do not hesitate to contact me.

Yours sincerely,



Laurence Brooker  
**Director, Head of Central London Planning**



<b>ID/ Our reference</b>	050/ EXT050
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>WPA</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

By email

Cllr Geoff Barraclough  
Westminster City Council  
City Hall  
64 Victoria Street  
London  
SW1E 6QP

25 April 2024

Dear Cllr Barraclough,

**Re: Westminster City Council's Partial Review of the City Plan**

Please find attached the WPA's response to the City Council's proposed Partial Review of the City Plan, alongside our viability representations and associated appendices. Your Partial Review is tasked with enabling development alongside a host of environmental, social and economic policy objectives, and it is imperative these policies get the balance right.

We are encouraged by our recent discussions with you, the Leader and senior officers, where the City Council's commitment to good growth was strongly reinforced. We are keen to continue to work with you and your officers to ensure that emerging policy is consistent with these shared objectives, and that areas of potential misinterpretation are addressed.

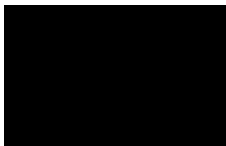
In the preparation of our response, we have engaged closely with our extensive membership's expertise, securing the input of leading specialists across planning, engineering, sustainability and development to ensure the veracity of our analysis. Our detailed response is underpinned by rigorous research and data, which clearly sets out the areas where, in our view, your proposed policies require revision in order to unambiguously secure your stated objectives for Westminster.

Whilst described as a Partial Review, it is clear your plans could have far-reaching implications for development and economic growth in Westminster, which comprises almost half of London's strategically important Central Activities Zone (CAZ) and contributes to 14% of London's economy (GVA), despite occupying just 0.87% of London's total land area.

We look forward to engaging with the City Council on proposed modifications to the City Plan that would enable it to be found sound by the Secretary of State at the Examination in Public, and which would enable Westminster to fulfil its obligations under the London Plan to support jobs and economic growth within the CAZ.

If you have any questions in the meantime, please do not hesitate to contact me.

Yours sincerely,



**Charles Begley**  
Chief Executive, Westminster Property Association

cc. Debbie Jackson; Deirdra Armsby; [PlanningPolicy@Westminster.gov.uk](mailto:PlanningPolicy@Westminster.gov.uk)





# **Westminster City Plan Partial Review: Regulation 19 Consultation**

## **Representations by Westminster Property Association**

25 April 2024

## Contents

## Page Appendices

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1	Executive Summary	3	A.	Carbon Emissions, GVA, Employment, by Local Authority (WPA Analysis, DHLUC, ONS)
2	Legal requirements and tests of soundness	6	B.	Viability Review, Gerald Eve LLP
3	Current development management context	9	C.	Embodied and Whole Life Carbon Database, Arup
4	Strategic Priorities	16	D.	AECOM Summary Note
5	Retrofit First policy - Rationale and Evidence Base	25	E.	Net Zero Carbon Building Standard Evidence Base
6	Retrofit First Policy – Part A (Application and Public Benefits Tests)	46	F.	Future Homes Hub Research
7	Retrofit First Policy – Part B (Embodied Carbon Targets)	58	G.	New Build Residential Data, Buro Happold
8	Retrofit First Policy - Other Matters	91	H.	Development Portfolio Comparison Carbon Data, Landsec
9	Affordable Housing	101	I.	Whisker Diagram, Arup
10	Summary and Conclusions	109	J.	WPA Representations to Planning Obligations and Affordable Housing SPD, September 2023
			K.	LETI Whole Life Carbon Reporting Spreadsheet
			L.	GLA Whole Life Carbon Reporting Spreadsheet

# 1 Executive Summary

- 1.1 This report sets out Westminster Property Association's response to the City Council's proposed Partial Review of the City Plan. It is focused principally on the proposed retrofit policy, Policy 43, but also addresses proposed changes to affordable housing policy.
- 1.2 WPA welcomes the detailed work undertaken by the City Council in preparing the proposed Partial Review and, in particular, welcomes the early informal engagement that has partially informed this document.
- 1.3 WPA looks forward to continuing to work with the City Council on the evolution of policy on these important topics for a sustainable, fairer Westminster. Whilst this report has been prepared for submission to the Secretary of State for independent examination, WPA would welcome further engagement in the meantime with the City Council and is keen to discuss potential pre-submission modifications that could address its identified areas of concern.
- 1.4 WPA recognises the challenges presented by climate change. It supports the aim of enhancing sustainability within the built environment. This includes the provision of planning policies which support the reduction of carbon emissions from the built environment, to promote development that is environmentally, socially, and economically sustainable.
- 1.5 WPA supports the introduction of policy that would provide clarity and objectivity in guiding investment and development management decisions, whilst addressing the impacts of the climate crisis.
- 1.6 WPA supports a consistent approach to carbon emissions within planning policy at a national and regional level, where this issue would be best addressed. WPA recognises that, in the absence of a standardised and consistent national approach to the issue of upfront embodied carbon emissions, individual local and regional authorities are seeking to develop policy to respond to this issue.
- 1.7 In preparing these representations, an extensive review of the proposed policy, supporting text and evidence base have been carried out. A detailed range of related and technical material has also been consulted.

- 1.8 The adopted, strategic policy basis for central London, of which the City of Westminster forms a large part, is for “Good Growth” to optimise development opportunities and make the best use of land. WPA therefore recognises the challenge of developing planning policy which successfully balances the objectives and policy targets in respect of all three pillars of sustainability and is consistent at a local, regional, and national level.
- 1.9 WPA supports a “retrofit first, not retrofit only” approach, as set out in our research paper of the same name<sup>1</sup> and as expressed through previous representations to the proposed policy content. It agrees with WCC that opportunities to retrofit buildings should be explored and maximised in the first instance where structurally and economically feasible to do so.
- 1.10 Following a review of the proposed retrofit policy (Policy 43), the associated evidence base and the evidence base identified by WPA discussed within the report, we consider that the retrofit policy, as currently drafted, is unsound with regard to the national tests for plan-making, is inconsistent with national policy and not in general conformity with the adopted London Plan. If adopted in its current form, it would also lead to the Westminster City Plan being internally inconsistent.
- 1.11 The evidence base for the policy is inadequate as a foundation for its intended policy aims. The operation of parts of the policy, as drafted, is complex and would make them difficult to implement in a proportionate, balanced, and positive manner. The upfront embodied carbon targets proposed require adjustment to ensure they are reasonably attainable in the unique environment of the City of Westminster and on the basis of what is currently deliverable by the construction industry.
- 1.12 The draft policy requires reconsideration so that it meets it can meet its stated aim, shared by WPA, of enhancing sustainability, reducing carbon emissions, promoting investment, whilst also accommodating the good growth of central London in line with adopted strategic policy.

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<sup>1</sup> Retrofit First, Not Retrofit Only, 2024. Available online at: <https://www.londonpropertyalliance.com/retrofit-first-not-retrofit-only-a-focus-on-the-retrofit-and-redevelopment-of-20th-century-buildings/>

1.13 The proposed affordable housing policy also requires some further amendment in order to ensure it is sound. In particular, in relation to the definition of new homes and the interaction of the 0sqm threshold with the Planning Obligations and Affordable Housing SPD, and in relation to the viability evidence base, to ensure the Plan as a whole will encourage development.

### **Acknowledgements**

1.14 WPA gratefully acknowledges the active assistance of its member organisations in preparing this response and in sharing information, and in particular AECOM, Arup and Buro Happold for their advice and technical guidance.

## 2 Legal requirements and tests of soundness

- 2.1 This report assesses the proposed changes within the Partial Review against the four tests for soundness of policy set out within the National Planning Policy Framework (NPPF). It is focused on Policy 43 (the proposed retrofit policy). The proposed alterations to affordable housing policy are considered separately in Section 9 of this report.

### NPPF Soundness Tests

- 2.2 The NPPF was most recently revised on 19 December 2023 and is a material consideration in planning decisions.
- 2.3 The City Plan Partial Review has been drafted in accordance with the September 2023 version of the National Planning Policy Framework (NPPF) for the reasons set out in Footnote 9 on Page 13 of the Retrofit First Topic Paper prepared by Westminster City Council.
- 2.4 There is no difference in the wording of Paragraph 35 when the September 2023 and December 2023 versions of the NPPF are compared.
- 2.5 Paragraph 35 of the NPPF states that “Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:
- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 2.6 Paragraph 36 is clear that the above mentioned tests of soundness will be applied to non-strategic policies i.e., where these are contained within a Local Plan in a proportionate way, **taking into account the extent to which they are consistent with relevant strategic policies for the area** [our emphasis].

### **Conformity with the London Plan**

- 2.7 At a regional level, the Greater London Authority Act 1999 established the obligation for the Mayor to produce a spatial development strategy at a strategic level i.e., the London Plan.
- 2.8 Section 24 of the Planning and Compulsory Purchase Act 2004 requires that local development documents are in general conformity with the spatial development strategy for London (the London Plan). Section 19 of the 2004 Act sets out further requirements of local development documents.
- 2.9 The London Plan also forms part of the Statutory Development Plan for developments within London.

### **The Duty to Cooperate**

- 2.10 As many planning issues cross administrative boundaries, the Localism Act 2011 introduced a ‘Duty to Cooperate’ to ensure that Local Planning Authorities and other public bodies “work together in relation to the planning of sustainable development that extends beyond their own administrative boundaries.”<sup>2</sup>
- 2.11 Local Planning Authorities must demonstrate their compliance with the Duty to Cooperate as part of their Local Plan examination.

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<sup>2</sup> Available online at: [Plain English guide to the planning system - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

2.12 This report does not assess the emerging Retrofit Policy to the extent that Westminster City Council achieves its Duty to Cooperate. However, the analysis set out within this report does highlight that the reduction of carbon emissions is a local, regional, and national responsibility with a lack of clear guidance at national and regional level leading Local Planning Authorities to establish their own carbon emissions targets which do not necessarily align from borough to borough. This is dealt with in further detail below.



### 3 Current development management context

3.1 This section summarises current best practice within Westminster in respect of application deliverables and the methodology for calculating upfront embodied carbon figures.

#### **Adopted Planning Policy Framework**

3.2 The Statutory Development Plan for proposals in Westminster is the following:

- London Plan (adopted March 2021);
- Westminster City Plan (adopted April 2021); and
- Any Neighbourhood Plans as relevant.

3.3 The NPPF (December 2023) and any adopted Supplementary Planning Guidance (SPG) are material considerations in the determination of planning applications.

3.4 The SPGs relevant to the proposed retrofit policy are as follows:

- GLA Sustainable Design and Construction SPG (April 2014)
- GLA Be Seen Energy Monitoring LPG (September 2021)
- GLA Circular Economy Statement LPG (March 2022)
- GLA Whole Life Carbon Guidance LPG (March 2022)
- GLA Energy Assessment Guidance (June 2022)
- WCC Environmental SPD (February 2022)
- WCC Planning Obligations and Affordable Housing SPD (February 2024)

3.5 London Plan Policy SI2 requires all major development to be net zero carbon in operation and for any shortfall to be offset through a financial contribution to achieve this. In addition, Applicants are required calculate whole life carbon emissions and “demonstrate actions taken to reduce life-cycle carbon emissions.”<sup>3</sup>

3.6 London Plan Policy SI7 promotes circular economy practices and sets targets for the percentage of waste and materials to be reused, recycled, or recovered. Schemes referable

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<sup>3</sup> Policy SI2 (Part F) of the London Plan (March 2021)

to the Mayor of London “should promote circular economy outcomes and aim to be net zero-waste.”<sup>4</sup>

- 3.7 As adopted, City Plan Policy 36 relates to operational energy and states that the Council will “promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources.” Furthermore, major development is required to achieve net zero carbon and where it is not financially or technically viable to achieve net zero on site, any shortfall must be offset through a financial contribution or identified offsite measures.<sup>5</sup>
- 3.8 As adopted, City Plan Policy 37 relates to circular economy principles and states that “the Council will promote the Circular Economy” with developers required to demonstrate the recycling, re-use and responsible disposal of construction, demolition, and excavation waste through a Circular Economy Statement.<sup>6</sup>
- 3.9 Adopted City Plan Policy 37 is proposed to be removed from the Local Plan as part of the Regulation 19 Partial Review and replaced with proposed Policy 43, which this report assesses.
- 3.10 The planning policy context is discussed in further depth within the Topic Paper at Section 3.1. However, in summary, there is currently no policy at local or regional level which precludes the demolition of buildings on carbon grounds, with adopted net zero obligations relating to the operational, rather than embodied, performance of buildings.

## **Application Deliverables**

### Circular Economy Statements

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<sup>4</sup> Policy SI7 of the London Plan (Adopted March 2021)

<sup>5</sup> Westminster City Council City Plan 2019 – 2040 (Adopted April 2021). Page 137.

<sup>6</sup> Westminster City Council City Plan 2019 – 2040 (Adopted April 2021). Page 141.

- 3.11 At a regional level, Circular Economy Statements are required to be submitted **on schemes which are referable to the Mayor** to promote circular economy outcomes and aim to be net zero-waste in line with London Plan Policy SI7.
- 3.12 Currently within Westminster, only applications referable to the Mayor are required to submit Circular Economy Statements in support of applications.<sup>7</sup>

#### Whole Life Carbon Assessments

- 3.13 At a regional level, Whole Life Carbon Assessments are required to be submitted within London in support of major developments referable to the Mayor as per London Plan Policy SI2.
- 3.14 For the avoidance of doubt, whilst there is some overlap in definitions, an application may constitute major development without being referable to the Mayor. In this case, the application would be determined independently by the Local Planning Authority and usually at Planning Committee.
- 3.15 Within Westminster, Whole Life Carbon Assessments are currently required to be submitted for **all applications referable to the Mayor of London and for major applications involving substantial demolition** which is defined on the Westminster City Council validation checklist as “total demolition of a building, façade retention redevelopment schemes and other redevelopment schemes where only the superstructure is being retained [our emphasis].”<sup>8</sup>
- 3.16 Whole Life Carbon Assessments are usually calculated in accordance with the methodology set out within the RICS Whole Life Carbon Assessment for the Built Environment 1<sup>st</sup> Edition (November 2017) (‘the RICS Professional Statement (2017)’)<sup>9</sup> as detailed below and using British Standard EN 15978: 2011 (Sustainability of Construction Works — Assessment of Environmental Performance of Buildings — Calculation Method), which sets out the

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<sup>7</sup> Available online at: [Validation requirements | Westminster City Council](#)

<sup>8</sup> This definition of substantial demolition does not align with the proposed retrofit policy. We assume that the Validation Checklist will be updated following the adoption or any new or revised policies which affect application deliverables.

<sup>9</sup> RICS Whole Life Carbon Assessment for the Built Environment 1<sup>st</sup> Edition (November 2017)

principles and calculation method for the whole-life assessment of the environmental impacts from built projects. As confirmed by the GLA Whole Life Carbon Guidance, BS EN 15978 is the standard UK framework for appraising the environmental impacts of the built environment.

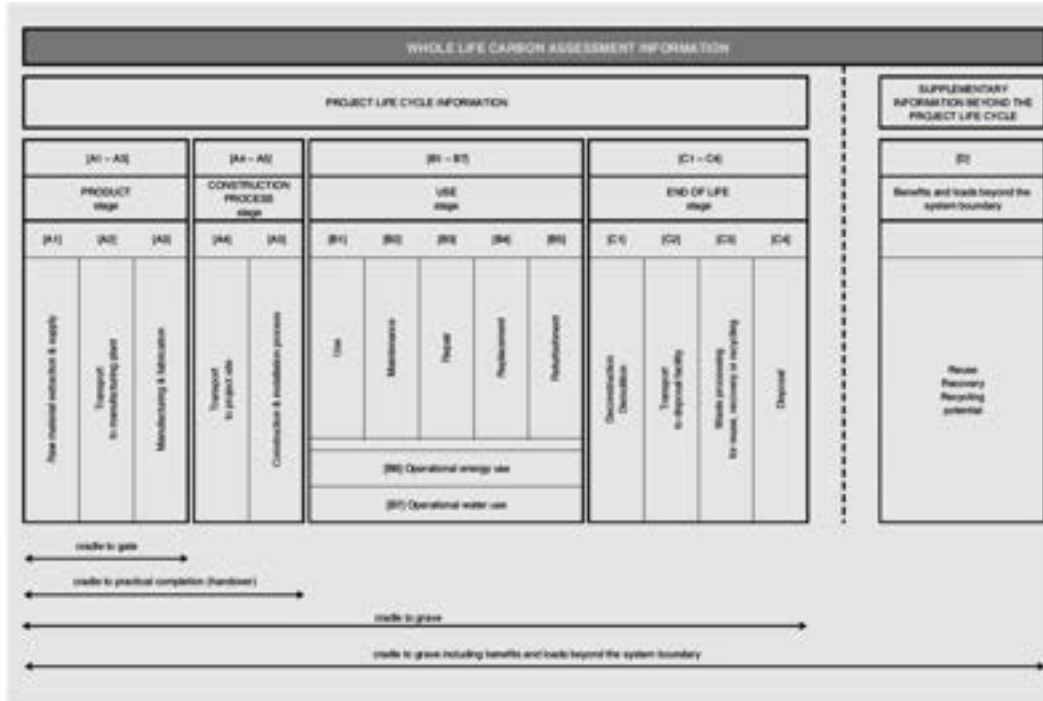


Figure 1.1: GLA Whole Life Carbon Guidance (March 2022) (Figure 2.1 of GLA Guidance)<sup>10</sup>

- 3.17 A Whole Life Carbon Assessment covers all the emissions associated with a building over its lifetime from construction through to disposal. Each element of the building’s lifecycle is divided into modules and the modules are grouped into stages.
- 3.18 Modules A1 – A5 cover the upfront embodied carbon emissions i.e., emissions associated with the sourcing, transportation, fabrication and construction of materials and products.
- 3.19 Modules B1 – B5 (excluding B6 and B7) relate to in-use emissions i.e., emissions associated with the maintenance, replacement and repair of the building.

<sup>10</sup> Mayor of London Plan Guidance Whole Life-Cycle Carbon Assessments. Figure 2.1. Page 14. Available online at: [Whole Life-Cycle Carbon Assessments guidance | London City Hall](#)

- 3.20 Modules B6 and B7 relate to operational energy and operational water, respectively. These emissions are largely driven by the building occupier and are therefore unregulated. For this reason, these emissions are reported separately in Whole Life Carbon Assessments.
- 3.21 Modules C1 – C4 deal with the carbon emitted at the end of a building’s life i.e., deconstruction, transport, waste processing and disposal.
- 3.22 As the deconstruction and disposal of the building is included within Module C1 of the proposed building, the carbon emissions associated with the demolition of the existing building are reported separately. This is because these emissions are captured by Module C1 of the existing building and in this way attributed to the existing building and not the proposed building.
- 3.23 The RICS Professional Statement (2017) clarifies that this approach is due to the fact that demolition works may be decoupled from new construction projects, with the responsibility for any emissions arising from demolition not necessarily solely attributable to the new build project.<sup>11</sup>
- 3.24 As such, both the current GLA guidance and the RICS Professional Statement (2017) require that the carbon emissions associated with the demolition of the existing building are calculated but on the basis of the above, that these emissions are reported separately i.e., not included within upfront embodied carbon figures or whole life carbon figures.
- 3.25 Paragraph 3.1.4 of the adopted GLA Whole Life Carbon Guidance states, where actual figures for the carbon emissions of demolition are not known, Applicants can apply a standard assumption of 50 kg CO<sub>2</sub>e / sqm to the GIA of the existing areas being demolished.
- 3.26 RICS published an updated version of its Whole Life Carbon Assessment for the Built Environment 2<sup>nd</sup> Edition in September 2023, which is due to come into effect in July 2024 (‘the RICS Professional Statement 2023’). The 2023 version of the RICS Professional

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<sup>11</sup> RICS Whole Life Carbon Assessment for the Built Environment 1<sup>st</sup> Edition (November 2017). Section 3.2.2. Page 9

Statement introduces a number of changes to the 2017 version including a new categorisation for infrastructure projects.

- 3.27 Most relevant to this report and the objectives of the proposed retrofit policy, the RICS Professional Statement (2023) sets the requirement for the carbon emissions associated with demolition to be included within Module A5.1 of the Whole Life Carbon Assessment. Consequently, where demolition figures are currently reported separately, these will now be included within upfront embodied carbon figure and whole life carbon figures.
- 3.28 Specifically, Section 3.2 of the RICS Professional Statement (2023) states that “where a project is initiated on a brownfield site, **emissions from any demolition that has already occurred via a previous site owner or event must still be considered** within the scope of the WLCA and be reported in [Module] A5.1, **if demolition occurs within three years of the sale or new proposal.**” [our emphasis]<sup>12</sup>
- 3.29 Consequently, a developer who has purchased a site which has been demolished within the past three years, would be required to account for the carbon emitted at the point of demolition, despite not owning the site at the time.
- 3.30 The adopted GLA Whole Life Carbon Guidance sets minimum and aspirational benchmarks for applications referable to the Mayor in respect of upfront embodied carbon and whole life carbon. Applicants are required to report on how the total whole life carbon emissions of development proposals compare with these benchmarks.<sup>13</sup>
- 3.31 There are currently, however, no adopted upfront embodied carbon targets in planning policy at a local or national level, although several Local Planning Authorities, in addition to Westminster City Council, are developing planning policies to this effect, which is discussed in Section 7.

## Operational Carbon

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<sup>12</sup> RICS Whole Life Carbon Assessment for the Built Environment 2<sup>nd</sup> Edition (September 2023). Section 3.2. Page 29.

<sup>13</sup> Mayor of London Plan Guidance Whole Life-Cycle Carbon Assessments. Page 26. Available online at: [Whole Life-Cycle Carbon Assessments guidance | London City Hall](#)

- 3.32 In England, it is a legal requirement to limit the operational carbon emissions of almost all planned new buildings under Part L of the Building Regulations.
- 3.33 In London, this performance is assessed within the planning system in accordance with Policy SI2 of the London Plan which requires a minimum on-site reduction of at least 35 per cent beyond Part L of the Building Regulations for major development.
- 3.34 A financial contribution is payable on schemes to bring the total operational performance to net zero. Usually this constitutes the remaining 65 per cent performance against Part L of the Building Regulations unless the 35 per cent reduction has been exceeded.
- 3.35 This offset payment seeks to bridge the 'carbon gap' between the on-site savings of regulated carbon emissions and those required by planning policy. The offsetting thereby achieves a 100 per cent improvement on Part L of the Building Regulations.
- 3.36 Local Planning Authorities are able to set their own carbon off-set price. The GLA has set a price of £95 / tonne of carbon for a period of 30 years.
- 3.37 Westminster City Council adopted their new Planning Obligations and Affordable Housing SPD (POAH SPD) in March 2024. The POAH sets an overarching carbon offset price of £880 / tonne of carbon for a period of 30 years. A lower rate of £330 / per tonne of carbon has been set for all-electric schemes.
- 3.38 The increased carbon offset prices were based on evidence set out within Westminster City Council's Delivery Net Zero Report (July 2023) which itself updated the Towards Net Zero Carbon: Achieving Greater Carbon Reductions On Site (2019) report.
- 3.39 The performance of a scheme against Part L of the Building Regulations is usually captured within an Energy Statement.
- 3.40 At both a regional and local level, an Energy Statement is required to be submitted in support of major development proposals.

## 4 Strategic Priorities

- 4.1 The proposed retrofit policy, as drafted, is not sound, because it is not consistent with national policy, is not in general conformity with the published London Plan, and, if adopted in its current form, would lead to the City Plan being internally inconsistent. It potentially prioritises embodied carbon above other important considerations for the evolution and growth of Westminster, in a manner inconsistent with strategic policy.
- 4.2 It requires extensive revision to address these issues.
- 4.3 The proposed retrofit policy rests, in part, on the premise that Westminster has some of the highest carbon emissions in the UK, at 1671.9kt in 2021. This is incorrect; in a ranking of total local authority emissions, Westminster is 50 out of 374 local authorities as discussed in Section 4. There is a gap between its current emissions reduction trajectory and that needed to achieve the City Council’s corporate mandate of a Net Zero City by 2040.<sup>14</sup> The Net Zero City by 2040 mandate is not a planning policy objective and is not proposed for incorporation into the City Plan, nor has it been subject to independent examination. For the purposes of the examination of the Plan, it is not of the same status as national or regional policy.
- 4.4 Conversely, Westminster does have the second **lowest** carbon emissions in the United Kingdom, when considered based on both economic output and jobs supported, by tonne of CO2 equivalent. Table 4.1, below, provides a snapshot of Westminster’s carbon emissions by unit of economic output (Gross Value Added – ‘GVA’) / employment. The full data series is provided at **Appendix 1**.

Local Authority	Total Emissions (CO <sub>2</sub> e, kt/yr)	GVA £m (2021, 2019 prices)	£ GVA / CO <sub>2</sub> e, kt/yr	Jobs / CO <sub>2</sub> e, kt/yr
City of London	636.1	86,718	136	0.97
Westminster	1,671.9	71,260	43	0.48
Islington	647.6	20,076	31	0.41
Camden	1,024.3	31,384	31	0.41

<sup>14</sup> Topic Paper. Section 2.3. Paragraph 1. Page 10



Hackney	603.0	9,710	16	0.28
Tower Hamlets	1,101.7	35,720	32	0.28
Hammersmith and Fulham	629.4	10,358	16	0.23
Manchester	2,095.6	24,908	12	0.21
Reading	582.5	8,574	15	0.20
Cambridge	556.8	6,341	11	0.20
Cheltenham	415.1	3,353	8	0.16
Argyll and Bute	256.7	2,017	8	0.15
Belfast	1,766.3	13,463	8	0.14
Milton Keynes	1,346.3	13,669	10	0.14
Bracknell Forest	435.5	4,604	11	0.13
Croydon	1,133.5	10,124	9	0.11
Tunbridge Wells	479.8	3,356	7	0.11
Buckinghamshire	2,967.9	15,407	5	0.09
Barking and Dagenham	713.3	3,163	4	0.09
Midlothian	513.4	1,680	3	0.07
Sevenoaks	811.3	4,070	5	0.06
East Devon	953.4	2,766	3	0.06
North Norfolk	782.9	1,588	2	0.04
King's Lynn and West Norfolk	1,800.2	3,043	2	0.03
Falkirk	2,297.5	3,782	2	0.03
Fermanagh and Omagh	2,465.7	2,355	1	0.02
North Lincolnshire	7,683.7	4,556	1	0.01

**Table 4.1 – Selected local authorities, total territorial carbon emissions (2021), GVA, GVA/KT CO<sub>2</sub>e, total employment / KT CO<sub>2</sub>e.<sup>15</sup>**

4.5 Table 4.1 above, illustrates that Westminster, along with the City of London, represents the most carbon efficient employment location in the UK, producing a high level of economic output with low carbon emissions. Westminster's GVA by kt of CO<sub>2</sub>, at £43m/kt is almost 10 times the UK local authority average of £5m/kt.

<sup>15</sup> Compiled from 2005 to 2021 UK local and regional greenhouse gas emissions: statistical release (updated 6 July 2023), at <https://assets.publishing.service.gov.uk/media/64a67cc37a4c230013bba230/2005-21-local-authority-ghg-emissions-statistical-release-update-060723.pdf>, Regional gross value added (balanced) by industry: local authorities by ITL1 region:, chained volume measures in 2019 money value, pounds million at [Regional gross value added \(balanced\) by industry: local authorities by ITL1 region - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/government/series-and-tables/regional-gross-value-added-balanced-by-industry-local-authorities-by-itl1-region) and Business Register and Employment Survey, Table 6, [Local authority district – Business Register and Employment Survey \(BRES\): Table 6 - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/government/series-and-tables/business-register-and-employment-survey-bres-table-6)

4.6 Westminster has reduced its CO2 emissions by 54% since 2005, the 12<sup>th</sup> largest percentage decrease in the UK.

Rank	Local Authority	Carbon Emissions 2005 (kt CO2e) <sup>1</sup>	Carbon Emissions 2021 (kt CO2e) <sup>1</sup>	%age reduction
1	Redcar and Cleveland	11,783	1,215	89.7%
2	Gravesham	1,766	446	74.7%
3	New Forest	3,007	944	68.6%
4	Northumberland	6,042	2,070	65.7%
5	City of London	1,730	636	63.2%
6	Halton	1,918	738	61.5%
7	Stockton-on-Tees	5,684	2,211	61.1%
8	Isles of Scilly	13	6	57.8%
9	Tonbridge and Malling	1,866	817	56.2%
10	Newport	2,548	1,134	55.5%
11	South Gloucestershire	3,854	1,746	54.7%
<b>12</b>	<b>Westminster</b>	<b>3,666</b>	<b>1,672</b>	<b>54.4%</b>
13	Thurrock	2,143	1,011	52.8%
14	Southampton	1,576	755	52.1%
15	Exeter	1,022	491	52.0%
...				
370	Neath Port Talbot	8,397	7,115	15.3%
371	Rugby	2,330	2,026	13.0%
372	Shetland Islands	885	801	9.5%
373	High Peak	3,533	3,292	6.8%
374	Na h-Eileanan Siar	1236.65	1184.42	0.04

**Table 4.2 - Selected local authorities, change in total territorial carbon emissions 2005 to 2021e.<sup>16</sup>**

<sup>16</sup> Compiled from 2005 to 2021 UK local and regional greenhouse gas emissions: statistical release (updated 6 July 2023), at <https://assets.publishing.service.gov.uk/media/64a67cc37a4c230013bba230/2005-21-local-authority-ghg-emissions-statistical-release-update-060723.pdf>, Regional gross value added (balanced) by industry: local authorities by ITL1 region:, chained volume measures in 2019 money value, pounds million at [Regional gross value added \(balanced\) by industry: local authorities by ITL1 region - Office for National Statistics \(ons.gov.uk\)](#) and Business Register and Employment Survey, Table 6, [Local authority district – Business Register and Employment Survey \(BRES\): Table 6 - Office for National Statistics \(ons.gov.uk\)](#)

- 4.7 Evaluating carbon emissions on the basis of emissions by geographical area, or by (resident) population, looking as it would only at Westminster’s function as a residential location, would not take into account Westminster’s very significant role as an employment hub and centre of economic activity of international importance. Westminster, for example, contributes 14% of London’s GVA despite being only 0.87% of its land area.<sup>17</sup>
- 4.8 Westminster is a leading example of a high value, relatively low carbon, sustainable economic location. As the evidence base shows, its emissions are declining and will continue to do so, through a combination of factors, including both grid decarbonisation and capital investment in its infrastructure and building stock. Policy should support, and accelerate, this continued decarbonisation whilst sustaining its economic function.
- 4.9 The NPPF recognises that the social, economic, and environmental aspects of sustainable development are interdependent and must be “pursued in mutually supportive ways.”<sup>18</sup> A fuller understanding of the uniquely efficient way in which these factors combine in Westminster to deliver exceptional economic output with low carbon emissions is essential. Our concern is the retrofit policy would compromise, rather than support, this unique combination of factors by preventing continued innovation and investment in Westminster’s building stock.
- 4.10 Westminster’s very low carbon profile is not a surprise. It is a consequence of factors including its highly sustainable location, unsurpassed public transport accessibility (itself the result of at least two centuries investment in infrastructure), knowledge-based economy and high productivity. As a whole, though, London’s productivity growth has lagged behind that of the UK as a whole, and of London’s major global competitors, including New York and Paris, as well as Stockholm and Brussels as European comparators.<sup>19</sup>

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<sup>17</sup> Good Growth in Westminster (Arup, Westminster Property Association, 2024), page 8. Available online at [Delivering Good Growth in Westminster - Westminster Property Association](#)

<sup>18</sup> National Planning Policy Framework (December 2023). Paragraph 8

<sup>19</sup> Capital Losses: The role of London in the UK’s productivity puzzle (Centre for Cities, March 2023). Page 14. Available online at [London-productivity-March-2023.pdf \(centreforcities.org\)](#)

4.11 That is why the London Plan is emphatic in its support for the role of central London and the Central Activities Zone (CAZ), a large part of which is located within Westminster. The London Plan provides clear policy direction which supports not only the protection of the various strategic functions which make up the agglomeration of the CAZ environment, but also their growth, improvement, and intensification.

4.12 The special nature of central London is recognised by the London Plan. At the supporting text to Paragraph 2.4.2 states:

“The density, scale and mix of business functions and activities in the CAZ are **unique** and are underpinned by the connectivity provided by public transport, walking and cycling networks. This agglomeration results in exceptional levels of productivity, which is not replicated elsewhere in the UK, and provides national benefits. It **requires different or tailored approaches to the application of national policy to address its distinct circumstances**”. [our emphasis]

4.13 It goes on to say at Paragraph 2.4.8 that:

“As a whole, the CAZ supports a nationally and internationally significant scale and agglomeration of offices, enabled by the hyper-connectivity of its public transport infrastructure”.

4.14 Policy SD4 of the London Plan states that:

“The **unique international, national and London-wide roles of the CAZ**, based on an agglomeration and rich mix of strategic functions and local uses, should be promoted and enhanced” [our emphasis].

4.15 It goes on to say that: “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” [our emphasis].

4.16 The London Plan is based on the concept of Good Growth, represented in Objectives GG1 to GG6. In that context, Objective GG2 and Policy D3 seeks to make the best use of land to

optimise site capacity, through a design led approach. Policy GG5 seeks to grow a good economy, which includes promoting the strength of the city region, planning for sufficient employment and industrial space, and promoting the benefits of a transition to a low carbon circular economy.

4.17 The City Plan is consistent with this approach. The City Council does not seek to modify Policy 1 of the City Plan, which states:

“Westminster will continue to grow, thrive and inspire at the heart of London as a World City by [steps including] ... Supporting the growth, modernisation and adaptation of a variety of business space to provide **at least 63,000 new office-based jobs alongside other forms of commercial growth**” [our emphasis].

4.18 The supporting text (Paragraph 1.3) states that “To deliver additional growth in the city, it will be necessary to intensify existing urbanised areas. This includes optimising opportunities for infill development and extensions to existing buildings, up as well as out”.

4.19 Westminster’s role in the CAZ is significant. It provides 31% of total CAZ employment, with 690,000 jobs.<sup>20</sup>

4.20 Westminster’s part of the CAZ has close to 200,000 jobs in business service activities alone.<sup>21</sup> A significant proportion are in business service activities, information and communication, financial and insurance activities, most of which are likely to be office based, at least in part.

4.21 Policy 13 of the City Plan sets out a target for jobs growth of at least 63,000 additional office jobs to 2040, consistent with this policy framework. This is clearly expressed as a minimum, not a maximum or a target. A figure of at least 445,000sqm additional office floorspace is then set out as a “reasonable figure” for floorspace growth to plan for<sup>22</sup>.

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<sup>20</sup> Good Growth in Westminster (Arup, Westminster Property Association). March 2024. Page 18. Available online at [Delivering Good Growth in Westminster - Westminster Property Association](#)

<sup>21</sup> Good Growth in Westminster (Arup, Westminster Property Association). March 2024. Page 19. Available online at [Delivering Good Growth in Westminster - Westminster Property Association](#).

<sup>22</sup> Westminster City Council City Plan (2019-2040). Adopted April 2021. Paragraph 13.2

4.22 This is a policy framework for sustainable growth, not constraint. We have set out, in Sections 6 and 7 below, the complexity and uncertainty that the proposed retrofit policy would create and shown that the proposed carbon targets are not generally achievable. Introducing a policy of such complexity and uncertainty, with targets that cannot be achieved, would not be in general conformity with the London Plan and consistent with the objectives of Good Growth set out within it.

4.23 The Topic Paper is, conversely, based on the assumption of reduced employment targets for the remainder of the plan period, suggesting only 22,000 additional jobs should be catered for on the basis of purported job creation since 2020.<sup>23</sup> At a floorspace density of 11.3sqm/employee, this is considered to require 249,000sqm to 2040. This is then converted to an annual floorspace requirement of 15,500sqm. In turn, the Topic Paper anticipates only 35% of that requirement being met from new build (i.e., net additional office stock), and the remainder from refurbishment. WPA does not agree with this assessment of need / demand. It should only be given very limited weight, in light of the clearly expressed priority for employment growth within the CAZ, for the following reasons:

- i strategic and local policy clearly expresses the 63,000 jobs as a minimum, not a maximum, and seeks to promote appropriate growth. A policy of constraint on office supply would be inconsistent with this approach;
- ii it will not be sustainable for Westminster to continue to add office-based employment whilst continuing to reduce its office stock. This cannot continue indefinitely;
- iii The Topic Paper assumes that 65% of the requirement will be met from retrofit, but this assumption is not explained, as retrofit will not add additional employment capacity / additional stock, although it may assist in making better use of existing stock;
- iv The BRES data referred to as the source for the additional jobs<sup>24</sup> does not support the conclusion reached. This is payroll jobs and the methodology used does not distinguish

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<sup>23</sup> Topic Paper. Section 3.2. Paragraphs 11-19

<sup>24</sup> Topic Paper. Section 3.2. Paragraph 13 and Footnote 16

between employment, jobs and employee jobs. It does not take proper account of full time and part time.

- v The BRES data, and in fact the London Office Policy Review 2017, does not consider post-pandemic work from home trends. For example, information and communication and public defence and administration (both which we anticipate are included in Westminster's categorisation of office jobs) have added over 23,000 jobs over this period, but are, anecdotally, more likely to work from home. If The City Council considers work from home trends are likely to remain in place, a higher jobs target should be set to support continued expenditure in Westminster's face to face economy and the services and ecosystem that this supports.

4.24 Overall, we do not consider the implied alteration to jobs targets to be justified or in accordance with strategic policy. To imply a reduction in employment floorspace targets would be premature in advance of a review of the London Plan and a comprehensive review of office demand and occupational profiles.

4.25 The economic surplus generated by Westminster, and its contribution to London, and wider regional and national, employment, are both strategic issues and public benefits of regional and national scale. They should not only be considered at a local level, hence their consideration within the London Plan. Sustaining and supporting this carbon efficient economy should not require justification on each occasion at a development management level and should instead be recognised within policy.

4.26 The Topic Paper repeatedly indicates that greater carbon reductions should be achieved from commercial development because of the priority placed on housing across the city, and the fact that residential development will, in fact, have the biggest embodied carbon impact.<sup>25</sup> <sup>26</sup>  
<sup>27</sup> However, the Topic Paper acknowledges that this conclusion differs from the work carried out by LETI, on whose targets the policy is based.<sup>28</sup>

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<sup>25</sup> Topic Paper. Section 4.2. Paragraph 9. Page 35

<sup>26</sup> Topic Paper. Section 4.2. Paragraph 16. Page 37

<sup>27</sup> Topic Paper. Section 4.2. Figure 8. Page 34

<sup>28</sup> Topic Paper. Section 4.2. Paragraph 16. Page 37

- 4.27 The Council considers that the firm commitments set out within the existing City Plan and NPPF to deliver housing should not be undermined by other policies. Consequently, it considers that “in order to balance the overall embodied carbon emissions and align them to the 2030 and 2040 goals, non-residential developments will have to perform better in embodied carbon reductions.”<sup>29</sup>
- 4.28 More challenging targets for embodied carbon are therefore imposed on commercial than residential development for this reason, even as those standards are recognised by the evidence base, as described below, as being unachievable. This is dealt with in greater detail in Section 7.
- 4.29 This assumption, specifically, is not in general conformity with the London Plan. Policy SD5(A) of the London Plan states that “New residential development should not compromise the strategic functions of the CAZ.” It goes on to say, in part (C), that “Offices and other CAZ strategic functions are to be given greater weight relative to new residential development in all other areas of the CAZ except [certain identified Opportunity Areas, and wholly residential streets / predominantly residential neighbourhoods].”
- 4.30 Imposing additional restraint on commercial / non-residential development, or prioritising residential over commercial development within the CAZ, is not consistent with this adopted policy and does not achieve the policy’s objective to “maintain a pro-growth development plan.”<sup>30</sup>
- 4.31 The proposed policy is also discordant with the objective set by Westminster City Council to “build further upon existing policies within the City Plan 2019-2040 which currently only emphasise operational carbon emissions, **along with supporting other ambitions of the Council.**” [our emphasis]
- 4.32 The proposed retrofit policy is therefore inconsistent with local or regional policy and is unjustified on this basis.

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<sup>29</sup> Topic Paper. Section 4.2. Paragraph 16. Page 37

<sup>30</sup> Topic Paper. Section 4.1. Paragraph 2. Page 30



## **5 Retrofit First policy - Rationale and Evidence Base**

- 5.1 The proposed policy is not sound because it is not justified, in that it is not based on appropriate, proportionate evidence.
- 5.2 This section discusses the rationale behind the proposed retrofit policy and the evidence base published by Westminster City Council in support of the proposed policy.

### **Policy Objective**

- 5.3 The proposed retrofit policy as drafted seeks to:

#### **Part A**

- 1. Restrict total demolition to schemes which would deliver public benefits beyond that which could be delivered from a “suitably comparable” retrofit scheme and can demonstrate that retrofit is not possible or preferable on whole life carbon grounds, or due to bespoke energy requirements or structural constraints.

#### **Part B**

- 2. Increase the scope of applications which trigger the requirement to submit a Whole Life Carbon Assessment to all development involving total or substantial demolition, and all major development regardless of quantum of demolition;
- 3. Set upfront embodied carbon targets for the above applications to encourage retrofit;
- 4. Limit the offsetting of embodied carbon performance through (undefined) financial contributions to exceptional circumstances only; and
- 5. Secure Circular Economy Statements for all schemes proposing substantial or total demolition where these are currently only required for applications referable to the Mayor of London.

#### **Part C**

- 6. Provide in principal support for proposals for responsible retrofitting which result in energy, performance, or climate adaptation upgrades.

## Part D

7. Provide for greater flexibility for extensions in design, heritage and townscape terms where these unlock a wider retrofit of the existing building.

### **Justification for restricting upfront embodied carbon**

- 5.4 The emerging retrofit policy seeks to set maximum thresholds for upfront embodied carbon emissions i.e., Modules A1 – A5 as identified within the RICS Professional Statement (2017).
- 5.5 The City Council identifies several, in principle, reasons for seeking to set maximum thresholds for upfront embodied carbon emissions rather than whole life carbon emissions, as summarised below:
  - Upfront embodied carbon emissions are largely unregulated in comparison to operational carbon emissions (Page 8 of the Topic Paper);
  - Upfront embodied carbon emissions will be less impacted by the decarbonisation of the National Grid meaning there will be a limited reduction in the embodied carbon figures as the Grid decarbonises (Page 8 of the Topic Paper); and
  - In line with the GLA Whole Life Carbon Guidance, the decarbonisation of the National Grid is not currently accounted for in Whole Life Carbon Assessments and if the decarbonisation were to be accounted for, upfront embodied carbon figures would increase as a total proportion of whole life carbon emissions (Page 14 of the Topic Paper).
- 5.6 WPA recognises the rationale behind the introduction of upfront embodied carbon targets in principle and acknowledge that several Local Planning Authorities are seeking to introduce similar policies which set restrictions on upfront embodied carbon emissions e.g., the London Borough of Camden, Bristol City Council, and the London Borough of Ealing.
- 5.7 WPA continues to support the introduction of appropriate targets within planning policy, which can both provide clarity and guidance to applicants and facilitate innovation within the construction industry.

- 5.8 Paragraph 10 on Page 35 of the Topic Paper states, however, that “the policy has been drafted to ensure that new buildings are designed to be future proofed and limit carbon emissions from repair, maintenance and fit-out.”
- 5.9 We do not agree that this is the case. Whilst the initial drafting of the proposed retrofit policy sought to account for whole life carbon emissions, the current wording as drafted relates solely to upfront embodied carbon emissions. Furthermore, WCC justify the focus on upfront embodied carbon emissions through the lack of visibility on the in-use elements of whole life carbon assessments.
- 5.10 Additionally, many of the carbon emissions from materials occur during the extraction and processing phase which in many instances can be years prior to the materials or systems being brought to and installed on site. However, we acknowledge Westminster’s assertion that schemes which seek to retrofit fully or in part, reduce the quantum of materials required in the construction process, thereby lowering overall embodied carbon emissions.
- 5.11 Furthermore, and as discussed throughout this report, we acknowledge Westminster’s assertion that “a key area of influence from local authorities is the development of planning policies and the management of development through planning decision making. This is reinforced through national planning legislation and policy which provides for regional and local policies to decrease carbon emissions in response to climate change.”<sup>31</sup> We support the City Council’s initiative to seek to reduce carbon emissions within the city but consider that this approach should be adopted at a regional or national level taking into account the role and contribution of each borough to London’s, or the wider country’s, social, economic and environmental objectives.

### **Scale of Westminster’s carbon emissions**

- 5.12 The assertion that Westminster has “some of the highest carbon emissions of any local authority” is not correct; this is addressed at Section 4 above.<sup>32</sup>

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<sup>31</sup> Topic Paper. Section 3.1. Paragraph 24. Page 17

<sup>32</sup> Topic Paper. Section 2.3. Paragraph 1. Page 10

## Scale of carbon emissions from demolition and redevelopment

- 5.13 WPA recognises that construction activity, including comprehensive redevelopment, contributes to carbon emissions, alongside other areas of economic activity. The extent to which demolition and redevelopment contribute to the overall scale of Westminster’s annual carbon emissions is not sufficiently demonstrated within the evidence base provided (and therefore the impact the proposed retrofit policy would have on reducing Westminster’s annual carbon emissions). As a result, it is not possible to assess the effect a reduction in redevelopment activity would have on Westminster’s reported emissions, or indeed wider emissions. The lack of evidence on the scale of the issue makes weighing and balancing against other policy objectives is not possible.
- 5.14 The City Council indicates demolition and redevelopment adds a further 24% to 31% to Westminster’s reported carbon emissions.<sup>33</sup> This is based on “the council’s data on planning permissions”. This is neither proven by evidence, as no further detail is provided within the evidence, nor credible. It is not clear how this figure has been calculated as the adopted methodology for Whole Life Carbon Assessments does not account for demolition.
- 5.15 On the assumption that the average embodied carbon for new builds in Westminster is currently at approximately 700kgCO<sub>2</sub>e/sqm, as set out in the topic paper<sup>34</sup>, this would equate to c. 570,000sqm of floorspace delivered through demolition and redevelopment per year, or demolition and redevelopment equivalent to the renewal of c. 10% of Westminster’s total office stock each year. This scale of development does not, in fact, occur.<sup>35</sup>
- 5.16 Nevertheless, the Topic Paper states that “reducing [the rate of demolition] appears to be key to achieving the [carbon] reductions needed.”<sup>36</sup> Whilst a reduction in demolition would lead to a reduction in carbon emissions in principle, the degree of impact this would have within Westminster is not established within the evidence base.

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<sup>33</sup> Topic Paper. Section 2.3. Paragraph 3. Page 10

<sup>34</sup> Topic Paper. Section 3.1 Paragraph 9. Page 14

<sup>35</sup> 24% of 1,672kt is 401kt, which, at 700kgCO<sub>2</sub>e/sqm would equate to c. 573,000sqm of floorspace through demolition and redevelopment per annum, very substantially exceeding what is, in fact, built.

<sup>36</sup> Topic Paper. Section 4.3. Paragraph 1. Page 42

- 5.17 No reliable, quantitative evidence is therefore put forward on the scale of embodied carbon emissions arising from the demolition and construction of new buildings, in the context of the overall carbon emissions from Westminster. The evidence base to the policy does not demonstrate how a complex and distortive policy, that is inconsistent with regional and national policy, responds to the evidence set out on the scale of overall context of local emissions.
- 5.18 The assertion that demolition within Westminster contributes approximately 24 – 31% additional carbon emissions at Paragraph 3 of the Topic Paper is followed by an identified requirement to reduce carbon emissions within Westminster by 31% up to 2030, and a further 42% by 2040, in order to reach the Council’s stated aim of net zero by 2040.
- 5.19 On this basis, the current proposed reduction in emissions identified by the Tyndall Centre do not appear to account for the demolition emissions identified by Westminster, which effectively cancel out the carbon emissions reduction up to 2030. Where the Tyndall Centre have identified Westminster’s average annual carbon emissions to be approximately 1,587KT. If Westminster have identified that demolition accounts for up to an additional 31% of carbon emissions (a maximum of approximately 491KT), this equates to approximately 2,078KT of carbon per year.
- 5.20 The Tyndall Centre research, however, has identified the percentage of carbon reductions from 1,587KT to allow Westminster to achieve net zero by 2040. The route map to net zero identified by the Tyndall Centre, and on which the policy is predicated, therefore does not appear to account for the impact of demolition and redevelopment on Westminster’s carbon emissions (on the basis that these have been calculated separately by the Council). This element of the evidence base is therefore unjustified and unsound.

#### **Relationship of embodied carbon emissions to Scope 1 and 2 carbon reporting**

- 5.21 The Topic Paper also acknowledges that embodied carbon is not represented within the carbon emissions reporting for Westminster, as it is treated as a manufacturing emission,

which is accounted for at source.<sup>37</sup> From the perspective of Westminster's emissions, embodied carbon is a Scope 3 emission.<sup>38</sup> The City Council's Climate Action Plan (the implementation of which this policy ostensibly supports, as described in Section 2.3 of the Topic Paper) is clear that Scope 3 emissions from citywide activity (as opposed to the City Council's own emissions) are not included within the scope of the plan.<sup>39</sup> Notwithstanding that the Climate Emergency Action Plan does not have formal status as a planning policy document, the proposed retrofit policy is seeking to achieve changes that are unrelated to its stated objectives. The proposed retrofit policy would impose restrictions on emissions that are largely unrelated to the 2040 Net Zero plan and would relate to emissions that have not been considered in the Tyndall Centre modelling.

5.22 No evidence is put forwards that a modest change in the demand profile from an increase in retrofit, and a reduction in new-build development, will lead to any effect in overall carbon emissions from the manufacturing sectors that form the construction supply chain, whether in the UK or globally. In the absence of evidence, it is entirely plausible that the limited change in Westminster's demand profile (which we set out below may be as low as 1.6kt / yr) will simply mean that the materials that would have been used here will be reallocated by the market elsewhere. It seems implausible that a change in Westminster's demand profile will, in its own right, lead to a material change in overall demand that would have a materially significant effect on supply and, in turn, emissions.

5.23 We acknowledge that influencing wider supply chains is not the objective of the policy and therefore reiterate that influencing the demand for and materiality of low carbon construction products would be better achieved at a national or regional level, as part of a consistent and coordinated approach, that would encourage continued investment and innovation in lower carbon products.

### **Evidence for effect of proposed carbon targets**

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<sup>37</sup> Topic Paper. Section 2.3. Paragraph 3. Page 10

<sup>38</sup> Embodied and whole life carbon assessment for architects (RIBA, December 2019). Page 6. Available online at <https://www.architecture.com/knowledge-and-resources/resources-landing-page/whole-life-carbon-assessment-for-architects>

<sup>39</sup> Climate Emergency Action Plan (Westminster City Council, 2022). Page 10. Available online at <https://www.westminster.gov.uk/tackling-climate-change-westminster/our-climate-action-plan>

5.24 The **potential future** scale of embodied carbon emissions is calculated on local policy targets, based on three broad sources, namely:

- i the requirements for residential floorspace (54.7kt / yr)<sup>40</sup>
- ii floorspace to achieve the remaining identified element of the jobs target (22,000 office jobs compared to the 63,000 jobs identified within the City Plan) (7.6kt / yr, in a 'policy off' scenario )<sup>41</sup>; and
- iii the refurbishment of office accommodation to meet EPC ratings upgrades (110 – 184 kt / yr, depending on the policy option selected<sup>42</sup>, with 133 kt / yr in a business-as-usual scenario).

5.25 This amounts to c. 195 ktCO<sub>2</sub>e / yr, less than half of the c. 400 ktCO<sub>2</sub>e/ yr purported to arise from demolition and redevelopment alone, encompassing refurbishment work as well as redevelopment.

5.26 This is helpfully summarised at Figure 9 of the Topic Paper, including the impact of a range of potential benchmarks. The Topic Paper then explains that the LETI targets are then selected on the basis of these range of options.<sup>43</sup> The Topic Paper notes the targets remain well above the reductions suggested by the Tyndall Centre to achieve the 2030 and 2040 targets, although those targets relate only to Scope 1 and 2 emissions. The Tyndall proposed reductions are not applicable directly to Scope 3 items such as embodied carbon and are not therefore directly relevant to target setting for embodied carbon.

5.27 This illustrates the importance of refurbishments / retrofit of existing floorspace to meet both EPC requirements and, as described below, occupier requirements, which very significantly exceeds the carbon arising from new development.

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<sup>40</sup> Topic Paper. Section 3.2. Table 3. Page 19

<sup>41</sup> Topic Paper. Section 3.2. Table 4-5. Page 23

<sup>42</sup> Topic Paper. Section 3.2. Figure 6. Page 27.

<sup>43</sup> Topic Paper. Section 4.2. Paragraph 11. Page 35

- 5.28 Figure 12 illustrates the combined effect of the proposed policy on commercial floorspace i.e., reducing the proportion of new builds as contributors to office floorspace supply from 35% to 15%, and reducing the embodied carbon rate from the “business as usual” rate to the proposed LETI B rate proposed by policy. This shows a reduction in annual emissions from 7.6kt to 6.0kt, a fall of 1,600t / yr. This would equate to a reduction in total emissions of c. 0.1%, albeit that this would not be captured in Westminster’s reported emissions, and for it to have effect at all would be reliant on a commensurate reduction in production in building materials elsewhere.
- 5.29 Operational emissions from buildings are, conversely, reported in Westminster’s emissions and will likely contribute up to 80% of emissions from the built environment sector.<sup>44</sup> Preventing the ability to invest in retrofitting and, where necessary, replacing inefficient buildings to reduce their operational emissions, whilst also achieving buildings that better address occupier needs and promote occupier wellbeing is not justified by the scale of reduction in embodied emissions anticipated in the evidence base.

### **Provenance of the proposed embodied carbon targets**

- 5.30 The upfront embodied carbon targets specified by Westminster City Council in their proposed retrofit policy are targets identified by the Low Energy Transformation Initiative (LETI).
- 5.31 LETI is a voluntary organisation, which was founded in 2017 and comprises over 1,000 individuals from within the built environment sector including developers, academics, and contractors, who are committed to reducing the carbon emission associated with the construction industry.<sup>45</sup>
- 5.32 LETI formed as a Community Interest Company in 2022 to “continue to raise funds for [their] work and operations, while producing guidance with reduced individual liability.”<sup>46</sup> LETI’s ethos, vision, code practice and policies document confirms that the members of the

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<sup>44</sup> Topic Paper. Section 2.1. Paragraph 5. Page 7

<sup>45</sup> As an aside, the policy refers to the organisation by its initial name as the London Energy Transformation Initiative, although they have since rebranded to the Low Energy Transformation Initiative.

<sup>46</sup> LETI Ethos, Vision, Code of Practice and Policies. Available online at: [About | LETI](#)



organisation are “non-aligned commercially, enabling [their] recommendations to be unbiased, impartial and for the benefit of the common good.”<sup>47</sup>

- 5.33 The LETI website clarifies that the Embodied Carbon Target Alignment document was produced to “support project teams to design buildings that deliver **ambitious** embodied carbon reductions”<sup>48</sup> [our emphasis] rather than provide the basis for planning policy.
- 5.34 The evidence base for the proposed retrofit policy targets has therefore been undertaken by a third party and the results have not been published as part of the evidence base for the proposed retrofit policy nor subject to independent testing, validation, and independent examination. We understand that the LETI targets are based on a data set of 153 schemes covering split by the following land uses: office, residential, education and retail.
- 5.35 Whilst the WPA endorses LETI’s aim to seek to reduce the carbon emissions arising from development, it is not clear to what extent the LETI targets have been objectively tested and found sound, as that was not the purpose for which the targets were set. They have been prepared to be “ambitious” and “provocative”<sup>49</sup> rather than deliverable as sound planning policy.
- 5.36 We would appreciate the evidence base behind the targets being published for the opportunity to ensure that the targets are sufficiently robust and technically sound. This should form part of the evidence base to the new policy, as the separate WSP report is not sufficient in its own right to justify the targets selected.

### **Assumptions on Notional Buildings**

- 5.37 The justification for the proposed target figures principally relies on the Embodied Carbon Evidence Base document prepared by WSP (‘the WSP report’). It is noted that WSP prepared a similar report for the West of England Combined Authority in 2021.<sup>50</sup>

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<sup>47</sup> LETI Ethos, Vision, Code of Practice and Policies. Available online at: [About | LETI](#)

<sup>48</sup> LETI Embodied Carbon Primer. Available online at: [Embodied Carbon Primer | LETI](#)

<sup>49</sup> LETI Defining and Aligning: Whole Life Carbon & Embodied Carbon Webinar. Available online at: [Carbon Alignment | LETI](#)

<sup>50</sup> Topic Paper. Section 4.2. Paragraph 17. Page 37

- 5.38 We do not consider that the WSP report provides a sufficiently robust evidence base, as many of the assumptions made, on which the proposed retrofit policy is predicated, are not achievable for many buildings.
- 5.39 It is also not clear whether the WSP report has been reviewed by an independent third-party, despite Part A of the proposed retrofit policy requiring that Applicants’ structural reports are independently verified.
- 5.40 The WSP report<sup>51</sup> identifies a few notional building typologies against which to assess the achievement of the proposed upfront embodied carbon targets. The notional buildings are as follows:

Land Use	Height	Gross Internal Floor Area (sqm)
Office	7 storeys	9,072
Mixed-Use	7 storeys	9,072
Residential	8 storeys	6,912 or 7,168

**Table 5.1:** Notional buildings identified within the WSP Embodied Carbon Evidence Base Report

- 5.41 Westminster City Council, not WSP, have also reviewed additional building typologies following WSP’s report prepared for the West of England Combined Authority in 2021. The Council acknowledge that **“some caution should be used when relying on this evidence, as since its publication understanding of how to calculate embodied carbon has progressed – especially around facades and MEP installation.”**<sup>52</sup>

<sup>51</sup> WSP Embodied Carbon Evidence Base Report. Section 3.1. Page 6

<sup>52</sup> Topic Paper. Section 4.2. Paragraph 17. Page 37

Land Use	Height	Gross Internal Floor Area (sqm)
Office	4 storeys	1,600
Apartment Block	8 storeys	3,360

**Table 5.2:** Additional notional buildings identified within the Westminster City Council Topic Paper

5.42 These lower-rise buildings assessed by Westminster City Council are not assessed by WSP in their report as part of the evidence base for the proposed retrofit policy and the conclusions drawn by WSP are therefore not based on these additional notional buildings.

#### Height and Floorspace Figures

5.43 It is not clear which GIA has been assessed by WSP for the residential building as both 6,912 GIA sqm and 7,168 GIA sqm are cited on Page 9 of the report and this is not clarified.

5.44 The proposed notional buildings heights and floor areas are not justified by evidence demonstrating that these are three “very common building typologies for the region.”<sup>53</sup> It is also clear that the policy has not been tested on notional buildings which are greater than 10,000 GIA sqm.

5.45 Whilst these height and floorspace figures may represent an average of all developments brought forward within the City of Westminster, in reality, there is significantly greater range in both height and floorspace, from buildings of only one or two storeys (such as mews), to modern larger buildings in excess of 10 storeys, which deliver multiple tens of thousands of square metres of floorspace.

5.46 The built form, in terms of structure and materiality, is also extremely varied, as is the mix of uses found. The WSP report’s methodology, and therefore the evidence base it provides for

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<sup>53</sup> WSP Embodied Carbon Evidence Base Report. Section 3.1 Page 6.

the City Plan Review, is a vast over-simplification of this variety and complexity and its conclusions should be treated accordingly. It also appears that the methodology applied is only for new buildings and does not take into account the substantial proportion of developments taking place in the City which involve some element of retention.

- 5.47 The notional buildings are of a simplified box design which is not reflective of the development that will be brought forward within the City of Westminster, which already has a complex built urban environment. On this basis, it is difficult to see how the conclusions based on these notional buildings can be realistically applied to future development within the City.
- 5.48 The WSP report cannot, therefore, provide a proportionate evidence base on which to form policy.

#### **Assumptions regarding available materials**

- 5.49 In order to determine appropriate embodied carbon figures, the WSP report seeks to assess a baseline of typical construction techniques against alternative scenarios which incorporate sustainable building practices as follows:
- Baseline
  - Reduced Grid Spacing
  - Low Carbon Concrete (25% GBBS)
  - Hybrid Timber (steel frame and CLT floors)
  - Low Carbon Steel and 50% GGBS (for residential only)
  - Glulam Beams and CLT floors
  - Low Carbon Façade
  - Low Carbon MEP
- 5.50 The WSP report confirms on page 13 that these “alternative scenarios” are applied cumulatively to the baseline.
- 5.51 As discussed in further detail below, it is unlikely that all identified sustainable building practices will prove feasible within any single project and setting targets that rely on achieving all these measures is not appropriate on this basis. We have particular concerns

about the feasibility of some aspects of these assumptions, namely the use of GGBS and other low carbon substitutes, and the use of extensive timber cladding, as described below, and assume that new buildings will be built to a lower standard of design, materials and performance, contrary to Policy 38 which will continue to seek the highest standards of sustainable low carbon design. In addition, there is limited availability of many of the materials assessed on the market. Consequently, the notional buildings are not attainable and should not form the basis of a policy seeking to limit upfront embodied carbon figures. The attainability of the targets themselves is discussed in further detail in Section 7.

### **Ground Granulated Blast-furnace Slag**

- 5.52 One of the alternatives assessed by WSP is the use of Ground Granulated Blast-furnace Slag (GGBS) within the structure of the buildings with up to a 50% quantum of concrete replacement in some instances.<sup>54</sup>
- 5.53 GGBS (Ground Granulated Blast-furnace Slag) is a cementitious material whose main use is in concrete and is a by-product from the blast-furnaces used to make iron.
- 5.54 We would query the validity of assuming these levels of GGBS can be included. We understand City Council officers consider that there is an industry-wide shortage of the material, and at pre-application and determination stage advise that the use of any cement replacements in new concrete elements is reduced to an absolute minimum and designed out entirely, where possible.<sup>55</sup>
- 5.55 Indeed, Page 42 of the WSP report recognises that “a key issue with GGBS is it is a finite resource which is nearly fully utilised across the globe. Specifying high quantities on one project is therefore likely to result in a reduction of use in another location thus balancing each other out and being unlikely to reduce global emissions”.

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<sup>54</sup> WSP Embodied Carbon Evidence Base Report. Table 3-1. Page 9.

<sup>55</sup> See, for example, comments on a deep retrofit development at 63 New Bond Street, where officers stated “The assessment shows 40% fly ash cement replacement for all concrete elements – it is recommended that the applicant removes fly ash cement replacement and assumes 0%. It is also recommended that all concrete elements do not rely on cement replacements, partly due to the lack of availability for both fly ash and GGBS (Ground Granulated Blast-furnace Slag), as well as supporting the reduction of the demand for these resources.” Application reference 23/08027/FULL. Committee Report dated 2 April. Page 26

- 5.56 In **Appendix D**, AECOM confirm that the local supply of GGBS is anticipated to become more constrained in future due to the closure of UK-based blast furnaces.
- 5.57 The Institution of Structural Engineers therefore recommends that GGBS is limited to instances where there is a technical requirement for its use, and not as a mechanism for lowering carbon emissions.<sup>56</sup>
- 5.58 Furthermore, one of the consequences of either utilising alternative cement replacement materials such as PFA (Pulverised Fuel Ash – a by-product of coal-burning power stations) or designing out cement replacement altogether can be an increased upfront embodied carbon figure.
- 5.59 The scenarios tested must therefore be appropriate and reflective of current availability of materials within the construction industry and the City Council’s approach to their use, which is to discourage it.

### **Timber**

- 5.60 From a structural perspective, the WSP report looks to incorporate the use of a hybrid steel frame and timber floor/roof solution within both the office and mixed-use notional buildings.
- 5.61 The use of Cross Laminated Timber (CLT) in buildings, whilst becoming more common, is still hampered by challenges securing operational insurance on developments meaning it will not be deliverable in most circumstances. These challenges apply to both commercial or mixed-use developments and are not reflected in the notional buildings which incorporate this structural solution. The restrictions surrounding the use of timber in development therefore extend beyond residential developments, which is not acknowledged within the WSP report or Westminster’s proposed upfront embodied carbon targets.

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<sup>56</sup> The efficient use of GGBS in reducing global emissions (IStructE). Available online at: [The efficient use of GGBS in reducing global emissions - The Institution of Structural Engineers \(istructe.org\)](https://www.istructe.org/efficient-use-of-ggbs-in-reducing-global-emissions)

- 5.62 We recognise that the WSP report has not accounted for a steel frame and timber floor/roof solution within the notional residential building and agree with this assumption on the basis of fire safety guidance.
- 5.63 We note, however, that the WSP report assumes the use of timber cladding as a facade material in both commercial, mixed use and lower rise residential schemes, “in the hypothesis that the current scenario will evolve, and the timber cladding assembly is not discarded as an option for residential buildings.”<sup>57</sup> The use of timber cladding is increasingly challenging because of fire risk issues, and both London Fire Brigade and Building Control discourage its use. It is often not possible to incorporate timber cladding on commercial buildings as this is not compliant with current Building Regulations.
- 5.64 Aside from important fire safety issues, timber cladding is not a commonly seen or contextual facade material in Westminster’s CAZ; we are not aware of any commercial development that has been granted permission within the CAZ that uses extensive timber cladding. Given heritage constraints, and the prevailing – and well established – typology of masonry buildings (particularly, stock brick and Portland stone), along with stucco in some locations within the City of Westminster, it seems unlikely that extensive timber cladding would be appropriate or contextual in design and conservation terms. No change to planning guidance or policy on materiality is proposed.

### **Viability**

- 5.65 A detailed review of the elements of the evidence base which relate to viability has been carried out and included at **Appendix B**. This concludes, on the basis of the following key points, that the evidence base is unsound as a basis for plan-making.
- 5.66 The RICS Professional Standard ‘Financial viability in planning: conduct and reporting’ (1st edition, May 2019) clearly states “the assessment of viability must be carried out having proper regard to all material facts and circumstances, whether for area-wide or scheme-specific assessments.” In addition, the Planning Practice Guidance (PPG) on Viability states

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<sup>57</sup> WSP Embodied Carbon Evidence Base Report. Section 3.5.4. Page 16.

that assumptions concerning costs and values must be both realistic and broadly accurate. Despite this, there are multiple incorrect inputs that have been used in the viability assessment, which do not reflect the current position and are painting an inaccurate picture.

5.67 Our analysis of the inputs provided by BNP Paribas Real Estate (BNPPRE), it becomes clear that the following categories do not meet these criteria:

- Construction costs
- Finance costs
- Yields
- Rent-free periods

5.68 Moreover, for many other assumptions, including Benchmark Land Value, the data is not transparent and utilises a black-box methodology. The Council state in the Topic Paper it is satisfied that the draft policy will not unduly impact development viability in the City. The explanation used to indicate viability is not of concern, which relates to cost sensitivity<sup>58</sup> is fundamentally flawed. The additional explanation that many of the sites that are unviable “were unviable from the outset”<sup>59</sup> is not a rationale for moving forward with a policy that will compromise Plan deliverability.

5.69 The Topic Paper prepared as part of the partial City Plan Review identifies that current barriers to retrofit include:

- Viability and the ability to secure investment.
- Industry perceptions on retrofitted commercial environments and future rental yields or sale of assets.

5.70 We agree that the above are key barriers to development though do not believe they have been adequately accounted for in the viability evidence presented as part of the Local Plan evidence base.

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<sup>58</sup> Topic Paper. Section 5.1. Paragraph 2. Page 66.

<sup>59</sup> Topic Paper. Section 5.1. Paragraph 1. Page 66



5.71 The viability approach adopted falls short on transparency and evidential integrity. Our review of the viability evidence presented demonstrates that an office retrofit within the core area could be unviable and this is likely to depend on site-specific factors. In non-core and fringe areas our initial analysis indicates a higher proportion of sites are likely to be unviable than indicated in the BNPPRE assessment<sup>60</sup>.

5.72 We do not consider a sufficient proportion of schemes are viable to result in a deliverable Plan. We consider it is likely to result in stranded assets across the City of Westminster. Rather than the intended aim of accelerating the upgrading of commercial buildings to meet modern standards, the proposed policy wording jeopardises both the prospective delivery of commercial floorspace and the necessary growth in jobs.

#### **Assumptions on industry rationale for redevelopment**

5.73 As discussed above, the proposed targets therefore hinge on the carbon budgets proposed by the Council to respond to the identified housing need, deliver office floorspace to contribute to an office jobs target (albeit reduced from the figure set out within the adopted City Plan) and to accommodate works required to achieve necessary EPC ratings upgrades.

5.74 Figure 6 of the Topic Paper, for example, identifies the estimated annual embodied carbon emissions between 2024 and 2040 to meet the EPC regularly timeline changes.

5.75 Paragraph 27 on Page 27 of the Topic Paper states that “the key take away from this table is not that buildings should not undergo energy performance upgrades, but that the mechanism by which this happens needs to ensure that the upfront carbon is limited. The modelling would suggest that for the EPC reductions to result in net-zero carbon, there would need to be a 50% reduction in the amount of embodied carbon used to achieve these results.”

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<sup>60</sup> Appendix B - WPA Viability Representations Response



- 5.82 Grade A office floorspace, for example, is built to the highest specification and goes beyond energy efficiency to consider flexibility of workspace, and the health and wellbeing of occupants.
- 5.83 It is therefore likely that Grade A office floorspace will achieve the highest standards of energy efficiency, but energy efficiency is not the only feature of Grade A office floorspace.
- 5.84 It is also not specified within the Topic Paper what works are being undertaken to improve the energy efficiency of the buildings that trigger the requirement for planning permission and how these relate to the predicted carbon emissions.
- 5.85 Policy targets which are predicated on specifying and enforcing the minimum carbon emissions required to increase the energy efficiency performance of a building are therefore unlikely to be appropriately applied to redevelopment within a borough which itself recognises that “the scale and mix of mutually commercial uses in Westminster’s portion of the CAZ are unlike anywhere else in the country and include global symbols of London and the UK’s success.”<sup>63</sup> As such, development is brought forward in Westminster not just to achieve national energy efficiency targets but to promote and maximise the cultural and economic opportunities provided by the City’s location within the CAZ cluster and Greater London more generally. Indeed, the Topic Paper recognises that “it is challenging to forecast what development may come forward across the city.”<sup>64</sup>
- 5.86 The predicted carbon emissions identified within the Topic Paper are therefore likely an underestimation of the scope of development that will be brought forward within Westminster up to 2040 with the proposed targets not accounting for instances of redevelopment for any reason other than necessary EPC upgrades.

## **Other Matters**

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<sup>63</sup> Westminster City Council Cabinet Member Report. Making of Westminster’s Article 4 Direction for changes from use from Class E (commercial, business and service uses) to Class C3 (dwellinghouses). Paragraph 4.11. Available online at: [A4D CM report June 2021.pdf \(westminster.gov.uk\)](#)

<sup>64</sup> Topic Paper. Section 4.2. Paragraph 2. Page 32.

- 5.87 The purported legal basis for the draft policy, set out at Paragraph 2 of Section 2.1 of the Topic Paper, is not correct. Section 19 of the Planning and Compulsory Purchase Act 2004 simply states that London borough local development documents should be “prepared in accordance with the local development scheme”, “must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change” and “identify the strategic priorities for the development and use of land in the authority’s area.”
- 5.88 There is no requirement within national legislation, the NPPF or Planning Practice Guidance for planning policies to “demonstrate how [planning] policy contributes to the Climate Change Act target regime.”<sup>65</sup> There is no reference to the Climate Change Act itself. The conclusion that the development plan “should ensure that only viable development that contributes towards the net-zero target is supported”<sup>66</sup> is erroneous and an inaccurate summary of the legal basis for policy making.
- 5.89 The Topic Paper indicates the need for building owners to generate value from their assets, the carbon impacts, and practicable and societal need to replace buildings must be balanced. We agree that the need for building owners to achieve an acceptable financial return is an important consideration. If they cannot achieve this, they will not be able to invest in buildings. But the economic effect of preventing continued investment in the quality of the built environment, especially in central London must also feature prominently in this balance, given London’s success as a relatively low carbon location for economic activity and the importance of office accommodation to central London’s economy role.

### **Summary**

- 5.90 The evidence base does not support the policy proposed. The evidence base does not substantiate the extent to which construction, and in particular demolition / redevelopment, contributes to Westminster’s overall carbon emissions. In the absence of a clear

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<sup>65</sup> Topic Paper. Section 2.1. Paragraph 2. Page 7

<sup>66</sup> Topic Paper. Section 2.1. Paragraph 2. Page 7

understanding of the contribution, reaching an appropriate, evidence based, conclusion on the balance between environmental, economic, and social objectives, is not possible.

5.91 In particular, restricting the potential for commercial development because of the perceived contribution of redevelopment within this sector, is not justified by this evidence base and would not be in strategic conformity with the London Plan, as explained in Section 4.

5.92 WPA recognises that construction and development activity will have an effect and supports the use of targets on embodied, and whole life, carbon. However, the targets proposed are not justified by an appropriate evidence base, either in terms of their technical deliverability or their effect on viability. This is explored in more detail in Section 7.

## 6 Retrofit First Policy – Part A (Application and Public Benefits Tests)

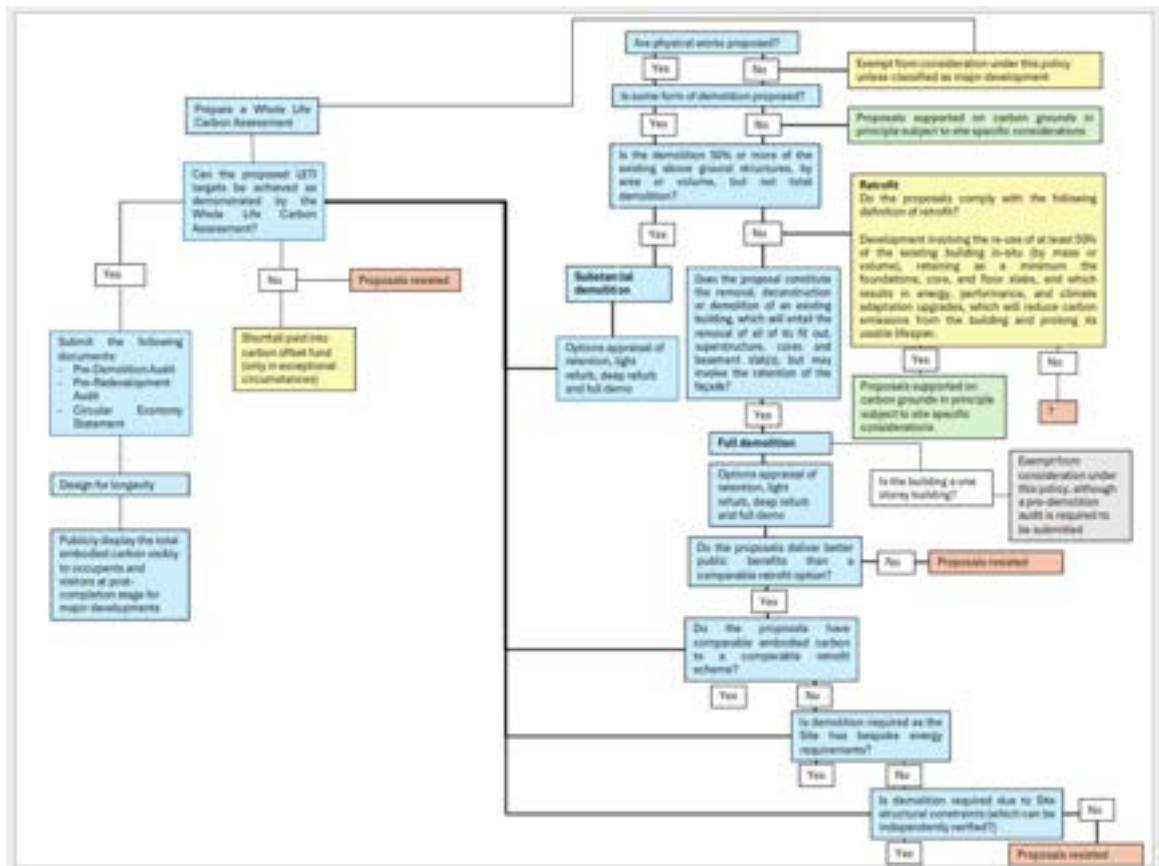
- 6.1 This section explains the issues identified in relation to the application of Policy 43 Part A to development proposals in the context of the planning applications process and the important role of public benefits, referring to the tests of soundness for plan-making.
- 6.2 It demonstrates that, in addition to placing undue priority on this matter over other strategic considerations as described above, Part A is overly complex and will produce uncertain development management outcomes. Consequently, it should be removed.
- 6.3 If it is not removed, it should be redrafted so that it is positively prepared and consistent with, and supportive of, the delivery of other development plan objectives and meeting needs. WPA has suggested an example alternative approach as a constructive basis for continued discussion.
- 6.4 Should Part A be retained largely in its current form, it should also specifically recognise economic benefits as a public benefit with the policy text and be clear that such benefits can arise anywhere in the CAZ, if not in the wider city.

### Complexity

- 6.5 Proposed new Policy 43 is, as drafted, likely to be one of the most complex of the policies in the City Plan in terms of its operation. It is of critical importance, therefore, that it is proportionately justified and allows for sufficient clarity of application in practice.
- 6.6 The diagram at **Figure 6.1** summarises our understanding the steps which must be applied to navigate the application of the policy to any given development. It is clear from examining this diagram alongside the policy wording itself that its application in an effective or proportionate manner alongside the other policies forming the Development Plan will be extremely difficult. The policy is therefore unlikely to be sound in plan-making terms because the effect of its complexity will be to prevent proposals coming forwards, alongside our concerns, set out above, that the embodied carbon targets themselves are not achievable.

6.7 It is also clear that there are instances whereby development would be resisted in principle, thereby demonstrating that the proposed policy seeks to explicitly resist demolition rather than promote retrofit. On this basis, the policy is not positively prepared.

6.8 There are several specific ways, as set out in the following section, that the policy and accompanying supporting text fails to meet the soundness tests for plan-making.



**Figure 6.1:** A diagram created on behalf of the WPA illustrating the complexity of the proposed retrofit policy

6.9 WPA Members’ experience is that the complexity of the optioneering currently being required by the City Council is adding significantly to application determination timeframes and is adding to the City Council’s resourcing challenge. WPA Members’ experience is that this is discouraging the preparation and submission of applications, which is not consistent with strategic policy. The volume of major applications in Westminster has declined by c. two thirds from its 10-year average

level.<sup>67</sup> Members' experience is that the uncertainty around this issue is a contributory factor to that decline.

## Definitions

- 6.10 Part A of the proposed retrofit policy states “development involving **total demolition** of a building which has more than a single storey will generally be resisted” in principle unless it can be demonstrated that it passes the tests discussed below [our emphasis].
- 6.11 On this basis, the proposed policy does not explicitly preclude development involving substantial demolition in instances where the defined upfront embodied carbon targets identified in Part B are met. Conversely, the proposed retrofit policy looks to preclude any instances of total demolition which do not first meet the tests set out in Part A **and** do not subsequently achieve the targets identified in Part B.
- 6.12 Part C of the proposed retrofit policy states that proposals involving “responsible retrofitting [...] will be supported in principle.”
- 6.13 It is therefore clear that there are differing levels of support and resistance applied to proposals along a spectrum of retrofit, deep retrofit, substantial demolition and full demolition and as such, definitions have been identified for each of these categories.
- 6.14 It is proposed in the draft policy to define substantial demolition as “development consisting of the demolition of 50% or more of existing above ground structures **by area or volume**, but not constituting total demolition”<sup>68</sup> [our emphasis]. This definition is not included within the policy wording or supporting text, but it is included within the glossary of the Regulation 19 City Plan.
- 6.15 It is proposed to define total demolition as “the removal, deconstruction or demolition of an existing building, which will entail the removal of all of its fit out, superstructure, cores and

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<sup>67</sup> District Planning Application Statistics (DHLUC). March 2024. Available online at <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics> see Table PS2. 2012-22 average Majors decided is c. 64, compared with 22 in 2023.

<sup>68</sup> Glossary to City Plan, Regulation 19 version. Page 242



basement slab(s), **but may involve the retention of the façade**<sup>69</sup> [our emphasis]. This definition is not included within the policy wording or supporting text, but it included within the glossary of the Regulation 19 City Plan.

- 6.16 A definition of retrofit is also proposed for inclusion within the Glossary as follows: “development involving the re-use of at least 50% of the existing building in-situ (**by mass or volume**), retaining as a minimum the foundations, core, and floor slabs, and which results in energy, performance, and climate adaptation upgrades, which will reduce carbon emissions from the building and prolong its usable lifespan.” [our emphasis].
- 6.17 The definitions themselves are detailed, which is helpful to determine which further policy tests must be met. However, there is some inconsistency within the identified definitions which allow for substantial demolition (principally the demolition of more than 50% of above ground structures) to be assessed by **area or volume**, and retrofit (principally the retention of at least 50% of the building) to be assessed by **mass or volume**.
- 6.18 It is also not clear whether a scheme which only retains two of the specified retrofit elements i.e., foundation, core, and floor slabs, but does otherwise retain at least 50% of the existing building would constitute a retrofit scheme or substantial demolition scheme, which would therefore be required to undertake the identified optioneering exercise discussed below.
- 6.19 Furthermore, the proposed definition of ‘total demolition’ is currently worded to include façade retention schemes within its scope.
- 6.20 We also query whether the inclusion of schemes comprising façade retention and redevelopment of the rest of a site within the “total demolition” definition sufficiently acknowledges the complexity and benefits associated with façade retention in planning terms, when compared to schemes involving comprehensive demolition and redevelopment. It may be beneficial in planning terms for a developer to retain a façade as part of a response to local character and

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<sup>69</sup> Glossary to City Plan, Regulation 19 version. Page 242

prevailing context. Façade retention approaches are also often more complex for developers to deliver than those involving comprehensive demolition and rebuilding.

- 6.21 The classification of façade retention schemes within the “total demolition” definition applies the same level of resistance to these schemes as a comprehensive newbuild development where all of the existing building is demolished – it triggers the requirement to undertake an optioneering exercise, meet the tests identified in Part A and achieve the targets identified in Part B. The definition of total demolition, as currently drafted, therefore may undermine other objectives within the Statutory Development Plan, specifically in respect of the protection and enhancement of Conservation Areas, which cover the majority of the City.

### **Deliverability and Optioneering**

- 6.22 Policy 43 Part A sets out a complex ‘optioneering’ exercise - “where substantial or total demolition is proposed, this should be fully justified through an appraisal of the construction options, assessing the carbon cost and public benefits of refurbishment, retrofit, deep retrofit or newbuild options”.
- 6.23 The policy wording relating to the selection of the options fails to recognise that in some instances, one or most of the four development options may not be practically deliverable for a variety of reasons.
- 6.24 For example, the existing structural constraints of a building may be such that it is simply not possible to accommodate a retrofit or deep retrofit design approach to development whilst achieving the same overall building floorspace or envelope as a newbuild development approach. The potential to accommodate greater quantities of floorspace within central London is just one clear public benefit of newbuild developments which the policy as drafted would fail to account for.
- 6.25 Another more significant example of a constraint which may make some of the ‘four scenarios’ impractical is commercial deliverability and financial viability. Delivering the development which is encouraged in the development plan is reliant, primarily, on investment from the private sector. In many instances, the commercial return associated with some of the options, particularly retrofit and deep retrofit options is likely to be simply too low to encourage developers to pursue these

approaches. This is because, for example, these approaches can involve complex and extensive physical works which are costly, but they also often result in the provision of lower value space which attracts lower rents due to compromises made in the design process.

6.26 This is especially relevant as the development plan has become more complex over time, increasing the range and complexity of requirements which developments need to address in order to reduce the risk associated with a planning application, which itself is required to ensure investment to support development. This is not currently acknowledged at all in the policy wording, despite being one of the main barriers to the delivery of the development which is supported in central London by the strategic elements of the development plan.

6.27 The policy, in summary, assumes that the four 'options' set out in the policy are always deliverable, and therefore capable of being fairly accounted for and compared in the 'optioneering' exercise for any development. This will not always be the case. This does not, therefore, constitute effective, deliverable, or positive plan-making.

6.28 In addition, the supporting text provides evidence that the policy as prepared is disproportionate. It is stated, for example at Paragraph 43.3, that "when presenting comparisons between retrofit and newbuild options, a realistic whole life cycle for a retrofit scheme should be used which accounts for the extended life of a building resulting from a high-quality retrofit". This text fails to recognise that other development approaches, such as newbuild developments, are far more likely than retrofit approaches to create a building which has an extended lifetime, given the complexity of the other development approaches, which involve retaining parts of buildings and physically adding new elements around it.

6.29 Reviewing and testing all alternative options and permutations is likely to be prohibitively complex and expensive. The design work required would be very extensive. The time, costs and complexity of this may prevent some proposals from being considered and discourage potential investment contrary to strategic objectives. As explained below, this is why we consider this part of the policy should be removed.

#### **Application of Policy 43 to Total Demolition**

6.30 Policy 43 Part A is currently worded as follows:

“Development involving total demolition of a building which has more than a single storey will generally be resisted, unless demonstrated through the appraisal that:

1. The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and
2. The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or
3. The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s); or
4. It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report”.

6.31 This part of the policy appears to be explained by the supporting text in Paragraph 43.2, which states that “the council recognise that demolition of some buildings will continue to play an important part of renewing and upgrading the city’s building stock, however given the higher amounts of embodied carbon associated with demolition and rebuild schemes, development should explore all options for retrofitting first. Any proposals for demolition need to be fully justified and should demonstrate that a new building would be the most sustainable outcome”.

6.32 Part A of the policy as currently drafted requires require both public benefits (sub-part 1) **and** one of the following sub-parts (regarding the quantum of embodied carbon of a new building option, bespoke operational requirements or structural constraints), to be demonstrated together in tandem in order for developments involving total demolition to be supported. The current wording of the policy, requiring the first test **and** one of the subsequent three tests, to be met, is also inconsistent with the evidence base on which it was created <sup>70</sup>, which states that “Where a development scheme could demonstrate that it is not possible as a result of **one** of the tests above, it is recognised that some flexibility would need to be allowed for”.

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<sup>70</sup> Topic Paper. Section 4.3. Paragraph 22. Page 47

- 6.33 There will be cases where the public benefits of a redevelopment proposal outweigh those of the retention options, but the whole life carbon is – perhaps only marginally – higher. As drafted, the policy would prevent such proposals being approved.
- 6.34 Within Part A, the ‘and’ following the elements of text referring to public benefits should therefore have been drafted as an ‘or’, to properly reflect the intention of the evidence on which the policy wording is based<sup>71</sup>.
- 6.35 In addition, Policy 43 Part A requires that proposals for total demolition which rely on “demonstrating a retrofitting option is not possible or achievable due to structural constraints”, require this argument to be “demonstrated through an independently verified structural engineers report”.
- 6.36 The supporting text at Paragraph 43.3 then states that “Where retrofitting is unfeasible due to structural or safety concerns, applicants should demonstrate this through a structural statement from a suitably qualified engineer. Where structural reinforcement is possible, but the extent of which would make the development unviable to retrofit, this should be supported by a viability report”.
- 6.37 The suggestion that a viability report is submitted with the application to address this element is onerous. When this requirement, with its own set of uncertainties in terms of its application, is layered on top of the requirement in the first part of Policy 43 Part A, it creates a complex set of requirements. For example, there is no guidance as to the definition of the term ‘unviable’. Viability reports are complicated, with detailed inputs required. There is also a lack of clarity in the supporting text regarding how the viability report will be verified by the Council, in determining applications. Any test relying on a viability argument would need to reflect the reality that below a certain level of viability, retrofitting projects may not come forwards.
- 6.38 Equally, although two elements of the policy required to be met to justify total demolition make reference to “suitably comparable retrofit” options, there is no definition set out within the

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<sup>71</sup> Topic Paper. Section 4.3. Paragraph 22. Page 47

proposed retrofit policy itself, the supporting text or the Topic Paper on what constitutes a “suitably comparable” retrofit scheme.

6.39 This element of the policy and supporting text is not, therefore, positively prepared.

#### **Application of Policy 43 to Substantial Demolition**

6.40 The application of Part A of Policy 43 to developments defined as “substantial demolition” is unclear. The policy states that “where substantial or total demolition is proposed, this should be fully justified through an appraisal of the carbon options, assessing the carbon cost and public benefits of refurbishment, retrofit, deep retrofit or newbuild options”. The subsequent text within Part A of the policy explains the tests which will be applied to developments seeking “total demolition” of a building.

6.41 There is no further reference at all, however, to the policy’s application to development constituting “substantial demolition”. It is not clear whether it is intended to act purely as a balancing exercise of public benefits against carbon cost. Even if this were the case, no parameters are provided for the weight which is to be accorded to carbon costs and public benefits respectively.

6.42 This does not provide sufficient definition with regard to the application of the policy and therefore makes for ineffective plan-making, meaning the policy is unsound.

#### **Application of Policy 43 in relation to Public Benefits**

6.43 The wording regarding public benefits is too limited, as drafted.

6.44 First, specific reference should be made within the policy text to economic benefits including supporting the function of the Central Activities Zone, in accordance with strategic policy. It is not appropriate for recognition of the economic effects of development as a public benefit to arise only within the reasoned justification to the policy.

6.45 Second, the limited geographic scope of the areas in which economic benefits will be considered as public benefits (paragraph 43.4) is a serious concern. The CAZ is home to 31% of jobs in the capital. The portion of the CAZ falling in Westminster alone (almost half of the CAZ by land area),

accommodates 13% of the capital's jobs and 14% of its GVA (gross valued added) respectively<sup>72</sup>. It also accommodates 19% of London's office floorspace<sup>73</sup>.

- 6.46 In referring only to designated locations, such as the Opportunity Areas, it fails to allocate importance or weight to the benefits of the significant employment, jobs and investment arising from development in the wider Central Activities Zone within Westminster outside of those areas. This discards entirely the substantial contribution in the form of public benefits which the optimisation of individual sites in other locations could make. The potential effect of this for London's social and economic development is disproportionately negative, given Westminster's 'outsized' role as the local authority of the greatest scale and 'weight' within the CAZ and is a key area of inconsistency with national and regional policy.
- 6.47 The contribution of public benefits is also especially relevant in the context of the complexity of the City of Westminster, which displays a huge variety of urban contexts and, therefore, potential for a range of social, environmental, and economic public benefits to be delivered.
- 6.48 The strategic policies in the development plan, especially the London Plan, support growth and intensification of development in the whole of the CAZ, on the basis that it is more capable than any other part of the country of delivering concentrated growth and the public benefits it delivers, in a sustainable manner. The policy and supporting text as drafted therefore gives insufficient weight to the role of the CAZ by failing to refer specifically to this designation in any way.

### **Summary and proposed amendments**

- 6.49 Part A of the policy is not sound. It is not positively prepared and will prevent need being met, nor is it justified. It is overly complex and will produce uncertain development management outcomes. It is not likely to prove effective, in the context of plan-making for a location where growth is strongly supported, nor is it in general conformity with strategic policy.

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<sup>72</sup> Good Growth in Westminster (Arup, Westminster Property Association, 2024). Page 8. Available online at [Delivering Good Growth in Westminster - Westminster Property Association](#)

<sup>73</sup> Good Growth in Westminster (Arup, Westminster Property Association, 2024). Page 17. Available online at [Delivering Good Growth in Westminster - Westminster Property Association](#)

6.50 It should be removed in its entirety for the reasons set out above.

6.51 If it is not removed, it should be redrafted so that it is positively prepared and consistent with, and supportive of, the delivery of other development plan objectives and meeting needs. WPA has suggested an example alternative approach, below. This is proposed as a constructive basis for continued discussion rather than, necessarily, finalised wording.

“A(1) To promote a circular economy approach, major development proposals should follow the following hierarchy:

1. Refurbishment or retrofit-first;
2. Deep retrofit;
3. Substantial demolition; and
4. New build.

Proposals for substantial demolition and new build will be granted permission where they would better meet development plan requirements for the site than alternative, deliverable, proposals higher up the hierarchy.

In comparing alternatives, the following matters should be considered:

1. The extent of public benefits arising, which would include anything that delivers economic, social or environmental objectives as described in the NPPF;
2. Whether the alternative options were deliverable, both practically (for example, taking into accounts condition of existing structure and design constraints) and economically (including, whether the proposals would meet occupier demand or be commercially feasible);

A(2) Substantial demolition, or demolition and new build, will also be permitted in the following circumstances:

1. The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or



2. The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s); or
3. It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.”

6.52 Notwithstanding this, if Part A is retained largely as proposed, it should, as a minimum, be adjusted in the following ways to resolve key omissions:

- i the policy wording should explicitly include **economic** benefits as part of the public benefits, rather than relying on the reasoned justification;
- ii be entirely clear that such economics benefits can arise, at least, anywhere in the CAZ, if not in the wider City;
- iii the “**and**” at the end of criterion A(1) (public benefits) should be replaced with an “**or**”; and
- iv the policy wording and the supporting text should state explicitly that the public benefits associated with the whole of the CAZ, as well as other areas of the City of Westminster, should be taken into account.

6.53 The reasoned justification or accompanying guidance should require that the options to be considered for comparison must be agreed in early pre-application engagement and limited to those most relevant to the site’s development potential.

## 7 Retrofit First Policy – Part B (Embodied Carbon Targets)

- 7.1 This section assesses the targets set out in Part B of the proposed retrofit policy.
- 7.2 It demonstrates that the proposed targets are currently unachievable for all but retrofit and light refurbishment schemes and concludes that these targets should, therefore, be changed.

### The Proposed Targets

- 7.3 The proposed retrofit policy wording refers to target carbon emissions ‘bands.’ These bands are those identified by LETI within their Embodied Carbon Target Alignment document<sup>74</sup>.
- 7.4 This document is available to download from the LETI website but is not included within the supporting policy text in the Westminster City Plan or within the supporting evidence base documentation. The onus is therefore on the applicant to identify the appropriate targets and there is a risk of applicants identifying targets from different documents.
- 7.5 The LETI Embodied Carbon Target Alignment document identifies target bands for upfront embodied carbon split by the following land uses:
- Office;
  - Residential (over six storeys);
  - Educational uses; and
  - Retail uses.
- 7.6 The document establishes two different targets for upfront embodied carbon emissions: a LETI 2020 Design Target (Band C) and a LETI 2030 Design Target (Band A).
- 7.7 We understand that the LETI targets are calculated on the basis of a ‘clear site’ i.e., no demolition is required to bring forward the identified development scheme.

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<sup>74</sup> LETI Embodied Carbon Target Alignment. Available online at: [Carbon Alignment | LETI](#)

7.8 This approach largely aligns with the current GLA Whole Life Carbon Guidance and the RICS Professional Statement (2017) in that the upfront embodied carbon targets do not account for the carbon emissions associated with demolition. However, unlike LETI, the GLA and RICS guidance requires that these emissions are indeed calculated but reported separately as discussed above.

7.9 However, LETI’s ‘clear site’ approach stands in contrast to the newly published RICS Professional Statement (2023) which will come into effect in July 2024 and will require the carbon emissions associated with demolition to be incorporated into the upfront embodied carbon figures within Module A5.1 of a Whole Life Carbon Assessment.

**Upfront Embodied Carbon, A1-5 (exc. sequestration)**

	Band	Office	Residential (6+ storeys)	Education	Retail
	A++	<100	<100	<100	<100
	A+	<225	<200	<200	<200
LETI 2030 Design Target	A	<350	<300	<300	<300
	B	<475	<400	<400	<425
LETI 2020 Design Target	C	<600	<500	<500	<550
	D	<775	<675	<625	<700
	E	<950	<850	<750	<850
	F	<1100	<1000	<875	<1000
	G	<1300	<1200	<1100	<1200

**Figure 7.1:** LETI targets as identified within the LETI Embodied Carbon Target Alignment Paper<sup>75</sup>

7.10 Notwithstanding the point made in Section 5, that the evidence base for the proposed target bands is not publicly accessible, we have concerns about the validity, clarity, applicability, and, principally, the attainability of the targets.

7.11 Specifically, we consider the proposed targets to:

- Preclude almost all new build development and be unattainable for most other developments with the exception of retrofit and light refurbishment schemes;
- Be internally inconsistent with the City Plan and not in general conformity with the London Plan;
- Be misaligned with the RICS guidance coming into effect in July 2024;

<sup>75</sup> LETI Embodied Carbon Target Alignment. Available online at: [Carbon Alignment | LETI](#)

- Be inconsistent with the conclusions of the WSP evidence base report;
- Be inconsistent to similar emerging policies both within London and nationally; and
- Place a priority on residential development to the detriment of other land uses within a borough which supports 13% of the capital’s jobs, in a manner inconsistent with strategic policy.<sup>76</sup>

7.12 The proposed targets do not align with emerging upfront embodied carbon targets proposed by other Local Planning Authorities, are significantly lower than the adopted minimum GLA benchmarks and, in some cases, the GLA aspirational benchmarks, and exceed what the evidence base from WSP, and other benchmarking evidence, suggests is achievable.

7.13 Whilst the Council consider that the “**benchmarks should be suitably challenging that developers consider retrofitting, but still enable high quality low carbon new buildings where appropriate,**”<sup>77</sup> we consider that the targets are largely unachievable based on our identified concerns around the notional assumptions made within the WSP report and our understanding of current and pipeline development proposals within London.

### **Evidence Base**

7.14 Our evidence base forms case studies from WPA members, as well as a number of datasets provided by structural engineers as discussed below. In summary, the following datasets, research and information are included:

- i **Arup** – Database of c. 120 London-based developments either pending determination or submitted since 2016 (**Appendix C**);
- ii **AECOM** – Summary note provided including evidence extract from the Net Zero Carbon Building Standard evidence base (**Appendix D**);
- iii **NZCBS** – Data referred to by AECOM extracted from the NZCBS evidence base (**Appendix E**);

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<sup>76</sup> Good Growth in Westminster (Arup, Westminster Property Association, 2024). Page 9. Available online at [Delivering Good Growth in Westminster - Westminster Property Association](#)

<sup>77</sup> Topic Paper. Section 4.2. Paragraph 4. Page 32.

- iv **Future Homes Hub** – Research referred to by AECOM by the Future Homes Hub (**Appendix F**);
  - v **Buro Happold** – Data provided in c. 28 London-based residential developments (**Appendix G**);
  - vi **Land Securities** – Data provided by Landsec on six office led central London developments (**Appendix H**); and
  - vii **Arup** – Whisker Diagram demonstrating performance ranges of London-based schemes (**Appendix I**)
- 7.15 A detailed database has been consolidated by Arup of approximately 120 London-based developments pending determination or determined between 2016 and 2023 is included at **Appendix C**. The schemes are a mix of typologies and land uses, as well as degrees of redevelopment from retrofit through to new build. The identified schemes are a mixture of those both pending and determined.
- 7.16 Amongst other assessment criteria, this database allows for the calculation of the upfront embodied carbon and whole life carbon of the identified schemes and as such, is a valuable tool to determine the current embodied carbon performance of London developments. It also demonstrates, in a general sense, the performance of the construction industry over time as technological advances are made.
- 7.17 The carbon emissions extracted from Arup’s database are presented as figures excluding sequestration in line with the approach set out within the WSP report.<sup>78</sup> This is because, in order to account for the benefit of sequestration i.e., the carbon removed from the atmosphere and stored within the building materials, a number of procurement requirements must be met which are not necessarily guaranteed. The results are therefore a ‘worst case scenario.’
- 7.18 We acknowledge that a number of identified developments were submitted several years ago and as such, not all figures may accurately represent current best practice for either new build or retrofit developments, as the construction industry as a whole is innovating rapidly in this respect.
- 7.19 Arup clarify that as the data has been gathered manually, it cannot be guaranteed that all relevant GLA referable schemes are included in the database. All identified Whole Life Carbon Assessments

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<sup>78</sup> WSP Embodied Carbon Evidence Base Report. Section 3.4.2. Page 12

are for RIBA Stage 2 as they have been prepared to support the submission of planning applications. Arup cannot confirm the veracity of the completeness or coverage of the Whole Life Carbon Assessments for each project, or that the assumptions behind the Assessments conform to the latest best practice in Whole Life Carbon analysis. We assume that the Whole Life Carbon Assessments will have been undertaken in accordance with the guidance set out in the RICS Professional Statement (2017) rather than the RICS Professional Statement (2023). Finally, absolute carbon values should be treated with caution as they are likely to change as design progresses to construction and / or as calculation guidance such as the RICS Professional Statement changes. Relative values for the comparison of the interventions should still be valid.

- 7.20 We understand that Arup have undertaken their own analysis to support representations, which includes internal / confidential schemes. The data included at **Appendix C** does not include these schemes, which is why there may be some variation in the figures presented. A whisker diagram demonstrating the variance in performance of schemes according to degree of redevelopment has also been prepared by Arup and is included at **Appendix I**.
- 7.21 In addition, a summary note has been prepared by AECOM, which is included at **Appendix D**. The note refers to data extracted from the evidence base collated to inform the emerging UK Net Zero Carbon Building Standard (NZCBS).
- 7.22 The NZCBS data is also appended to this report at **Appendix E**. This data covers 836 projects from information submitted to the UK NZCBS from 99 different institutions across Britain. The NZCBS data discussed in this report relates solely to new build embodied carbon performance levels. The average GIA for each sector ranges from less than 1000sqm (healthcare and culture & entertainment), to more than 100,000sqm (offices, commercial residential, logistics & warehouses). The average GIA for the residential schemes identified was 5,900sqm, which is largely in line with the floorspaces used by Westminster (between 3,360 and 6,912sqm). The average GIA for the office schemes identified was 105,000sqm which is significantly larger than would generally be delivered within the City of Westminster. However, the carbon figures are presented on a kgCO<sub>2</sub>e/sqm basis, and developments tend to allow for economies of scale with larger buildings able to maximise efficiency. The NZCBS included information on “commercial residential” schemes, but as these relate to student accommodation and care homes, this information has not been assessed as part our report as there is no specific carbon target proposed by Westminster for these land uses.

- 7.23 The AECOM note also references research undertaken by the Future Homes Hub, which is included at **Appendix F** on the average upfront embodied carbon emissions of new build residential development. This data is based on a “relatively small”<sup>79</sup> evidence base of 32 low-rise housing developments and 2 medium/high-rise housing developments. We understand that low-rise housing development are defined by the Future Homes Hub as “2-3 storey, 2-5 bed, mid-terraced, semi-detached, and detached houses of timber, masonry and steel frame construction.”<sup>80</sup> The Future Homes Hub also notes that its database is a more appropriate reference point for low-rise housing in comparison to the LETI/RIBA and GLA targets, which “are more representative of medium and high-rise schemes.”<sup>81</sup>
- 7.24 On the basis of the notional buildings identified by WSP and Westminster City Council on common and representative residential building typologies within the City (whereby the lowest residential development was 8 storeys), the Future Homes Hub information may be less relevant to the setting of appropriate and achievable residential targets in Westminster. Nevertheless, it provides a useful insight into the carbon emissions associated with low-rise residential development. A total of 31 of the 238 residential projects (13%) considered by the UK NZCBS were submitted by Future Homes Hub of single-family homes. UK NZCBS note that this sub-sector will be considered separately when setting emissions limits.<sup>82</sup>
- 7.25 Data has also been provided by Buro Happold on average upfront carbon emissions of new build residential developments in London calculated between 2019 and 2024, which is included at **Appendix G**. This data set covers a total of 28 schemes of which 6 are defined as “low-rise”, 6 defined as “mid-rise” and 16 defined as “tall.” In this instance, low-rise buildings are defined as up to 3 storeys, mid-rise is defined as between 3 and 10 storeys and tall is defined as greater than 10 storeys.

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<sup>79</sup> Future Homes Hub Embodied and Whole Life Carbon 2023-2025. Implementation plan for the homebuilding industry. Page 6. Available online at: [Future Homes Hub Home](#)

<sup>80</sup> Future Homes Hub Embodied and Whole Life Carbon 2023-2025. Implementation plan for the homebuilding industry. Page 16. Available online at: [Future Homes Hub Home](#)

<sup>81</sup> Future Homes Hub Embodied and Whole Life Carbon 2023-2025. Implementation plan for the homebuilding industry. Page 6. Available online at: [Future Homes Hub Home](#)

<sup>82</sup> UK Net Zero Carbon Buildings Standard Technical Update & Consultation. 14 June 2023. Page 62. Available online: [Archive | My Site \(nzcbuildings.co.uk\)](#)

**7.26** Information has been provided by Landsec on the performance of their projects which are either under construction or pending determination by the relevant Local Planning Authority. This information is included at **Appendix H**.

#### **Note on comparability**

7.27 It is important to note that all cited research collates and measures data against different benchmarks and categorises developments in different ways. There is a lack of consistency across the industry in this respect and it is therefore difficult to identify like-for-like comparable data.

7.28 Neither the GLA, LETI or the proposed Westminster targets are directly comparable in respect of land uses as the GLA do not identify a height restriction on their benchmarks, LETI apply their identified residential targets to developments exceeding 6 storeys, and Westminster conflate residential and mixed-use buildings but then divide these between developments over 18m and under 18m. Noting that a standard storey height tends to lie between 3 and 4.5 storeys, the LETI and Westminster height thresholds are similar but not necessarily directly comparable. The Westminster targets also identify figures for mixed-use buildings which is not an approach taken by the GLA or LETI, where the target of the most predominant land use is utilised.

7.29 In addition, the land uses and definitions of height are not always clearly defined within the source material.

7.30 As the evidence base is compiled from a range of sources who have largely the same access to data on whole life carbon emissions within the built environment, there is likely some double counting of schemes, as is clear from the inclusion of the Future Homes Hub data within the UK NZCBS data.

7.31 The assumptions behind the data within our evidence base are clarified as far as possible and caveats are included where data is not directly comparable to the information presented by Westminster City Council in their proposed retrofit policy, Topic Paper or WSP Report, or any of WPA's appended evidence base.

#### **Attainability**



7.32 For the avoidance of doubt, the proposed retrofit policy seeks to set **minimum** upfront carbon emissions targets (kgCO<sub>2</sub>e / sqm) as summarised below:

<b>Land Use</b>	<b>Minimum target</b>	<b>Aspirational target</b>
Office	<475 (LETI Band B)	<350 (LETI Band A)
Residential development (including mixed-use) (over 18m)	<675 (LETI Band D)	<500 (LETI Band C)
Residential development (including mixed-use) (under 18m)	<500 (LETI Band C)	<400 (LETI Band B)
Educational	<400 (LETI Band B)	<300 (LETI Band A)
Retail	<425 (LETI Band B)	<300 (LETI Band A)

**Table 7.1:** Upfront embodied carbon targets identified within the proposed retrofit policy and the associated LETI band split by land use

**Current industry performance (retrofit vs new build)**

7.33 We have summarised the average upfront carbon emissions of development scenarios within the Topic Paper and the Arup database and have compared these to the proposed targets below. The below figures are not split by land use but illustrate the average upfront carbon emissions of identified major developments along a spectrum of development works. It is important to note that the Westminster figures<sup>83</sup> are based solely on developments within the City of Westminster, whereas the Arup figures cover the Capital as a whole and therefore serve as a broader representation of performance.

<sup>83</sup> Topic Paper. Section 3.2. Figure 3. Page 19

Organisation	Retrofit	Light Refurb	Heavy Refurb	Substructure or facade retained	New Build
Westminster Topic Paper <sup>84</sup>	367	-	-	-	725
Arup <sup>85</sup>	327	478	550	649	728

**Table 7.2:** Average performance for buildings (regardless of land use) according to their degree of redevelopment.

7.34 Retrofit is defined by Arup as a scheme which results in no new structure, light refurbishment as <15% GIA increase with generally no strengthening of foundations and columns and a heavy refurbishment as >15% GIA increase. The remaining categories relate to a retained basement and / or façade, and finally to wholly new build development.

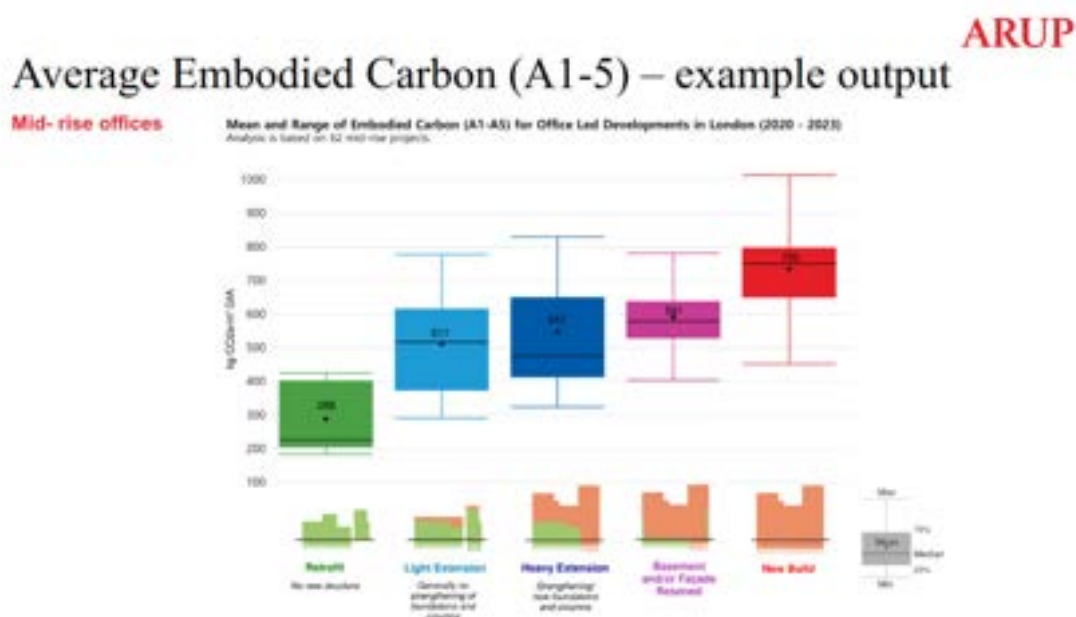
7.35 Firstly, whilst the evidence set out in the table above largely corroborates each other at the extreme ends of the redevelopment scale (the upfront embodied carbon figures for new build development largely align at around 725 kgCO<sub>2</sub>e / sqm, for example), the Topic Paper has conflated degrees of retrofit which are split out within the Arup database.

7.36 The retrofit schemes identified within the Topic Paper range from 179 to 475 kgCO<sub>2</sub>e / sqm. This upper range is comparable to Arup’s ‘light refurbishment’ figure, but it is not clear how Westminster City Council have defined ‘retrofit’ within their identified schemes. In addition, the presentation of the identified retrofit data in the Topic Paper does not appear to recognise the range in upfront embodied carbon emissions resulting from retrofit schemes of differing levels of intervention as suggested by the Arup database. It is therefore challenging to set targets at an appropriate level on this basis.

<sup>84</sup> Topic Paper. Section 3.2. Table 1. Page 19

<sup>85</sup> Appendix C. Embodied and Whole Life Carbon Database. Arup

7.37 Secondly, whilst the above figures demonstrate the **average** performance of schemes according to their degree of redevelopment, the diagram below, also prepared by Arup, demonstrates the range of performance within these degrees (the example below relates to mid-rise offices as an example). It is therefore important to remember that there can be a wide variation in performance even within redevelopment categories due to the specific characteristics and challenges of each development site.



**Figure 7.2:** Whisker diagrams demonstrating variance in performance according to degree of redevelopment for mid-rise offices. Based on 62 mid-rise projects. Source: Arup<sup>86</sup>

7.38 What is clear from both pieces of evidence, however, is that Westminster’s proposed targets are well in excess of current performance for deep retrofits, façade retention schemes and new build development.

7.39 Whilst the above data is not split by land use, from a numeric perspective alone, the upfront embodied carbon targets for offices of LETI Band B (475 kgCO<sub>2</sub>e/sqm), for example, may not be

<sup>86</sup> Appendix I. Whisker Diagram. Arup

achievable for a number of schemes with even ‘pure’ retrofit schemes struggling to achieve the aspirational target of LETI Band A (<300 kgCO<sub>2</sub>e/sqm).

### **Current industry performance of new build developments by land use**

- 7.40 We have extracted the data from the evidence base for the forthcoming UK Net Zero Carbon Building Standard (NZCBS). This is summarised in the table below compared to the GLA benchmarks and aspirational targets, the LETI C (2020 targets) and Westminster City Council’s proposed targets.
- 7.41 The tables below have split residential in accordance with the approach taken by Westminster City Council, although as set out above, neither the GLA nor LETI take this approach. LETI’s residential targets only explicitly apply to developments in excess of 6 storeys. Conversely, the UK NZCBS have split “schools” and “higher education” whereas targets are only provided by the GLA, LETI and Westminster for “education”. It is not clear whether the LETI targets for education account for higher education institutions which are included within the UK NZCBS figures. In addition, the UK NZCBS do not present any information on retail uses as they consider they have insufficient information to do so.
- 7.42 It is important to note that the UK NZCBS figures relate solely to new build embodied carbon performance levels (Modules A1-A5) with all numbers rounded to the nearest 10kg.<sup>87</sup> As set out above, the LETI targets (and consequently the Westminster City Council targets) do not distinguish between new build and retrofit schemes in order to encourage the delivery of retrofit schemes which Westminster City Council and LETI consider to be more capable of achieving the identified targets.
- 7.43 As such, the data presented below is not a like-for-like comparison, but demonstrates, in a general sense, the performance of current new build developments against the proposed targets. The Arup data has been combined as follows: the office figure is an average of office; office, retail and residential; and office and retail schemes, and the residential figure is an average of residential; and commercial and residential schemes. We have removed, as far as possible residential schemes

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<sup>87</sup> UK Net Zero Carbon Buildings Standard Technical Update & Consultation. 14 June 2023. Page 68. Available online: [Archive | My Site \(nzcbuildings.co.uk\)](#)

which provide purely student accommodation or care homes, as these are dealt with separately by the UK NZCBS.

Borough	Office	Residential (18m+)	Residential (-18m)	Education*	Retail
GLA (Minimum)	950	850		750	850
GLA (Aspirational)	600	500		500	550
LETI C (2020 targets)	600	500		500	550
Westminster City Council	475	675	500	400	425
Borough	Office	Residential (18m+)	Residential (-18m)	Education*	Retail
25th percentile	481		493	484	N/A**
50th percentile	502		566	583	N/A**
Mean	618		574	576	N/A**
75th percentile	732		632	638	N/A**
Arup	645		596	743	N/A***
Buro Happold	N/A****		681	N/A****	N/A****

\*NZCBS figures distinguished between schools and higher education, but these have been recombined here for ease

\*\*NZCBS noted that data centres, sports & leisure, hotels and retail sectors currently have insufficient data and so are not recorded.

\*\*\*Retail land use was not identified independently and was included as part of larger office and / or mixed-use schemes.

\*\*\*\*Buro Happold data relates to new build residential development only.

**Table 7.3:** Performance of schemes split by land use. Both sections of the table are conditionally formatted. The first section of the table identifies the targets in accordance with how easily they may be achieved (green being least onerous and red being most onerous). The second section of the table identifies the figures that are greater than the proposed Westminster targets, for each land use, in red. The table has compared the residential performance against the most onerous Westminster target of 500 kgCO<sub>2</sub>e/sqm.

### Commercial

- 7.44 The data set out above demonstrates that the **minimum** office and education targets identified by Westminster City Council are lower than achieved by the 25<sup>th</sup> percentile best performing new build developments in Britain (on the basis of the organisations who provided data to the NZCBS).
- 7.45 They are very considerably lower than the average achieved by commercial development in the Arup database. They are lower than all but one of the developments put forward by Landsec.
- 7.46 **Based on current, evidenced, industry performance the targets would preclude the delivery of any new build commercial or educational development within Westminster.**

### Residential

7.47 In respect of residential development, the target for residential development (above 18m) of 675 kgCO<sub>2</sub>e/sqm is largely achievable, being higher than the performance of developments even in the 75<sup>th</sup> percentile of developments identified by UK NZCBS. However, the proposed target of 500 kgCO<sub>2</sub>e/sqm is not achievable on average.

7.48 However, as set out above, a total of 31 of the 238 residential projects considered by the UK NZCBS were submitted by Future Homes Hub of single-family homes, which will be considered separately by UK NZCBS as part of their forthcoming emissions targets. The Future Homes Hub identified current upfront embodied carbon emissions across 32 low-rise buildings (typically 2-3 storeys) of 417 kgCO<sub>2</sub>e/sqm and 635 kgCO<sub>2</sub>e/sqm for the two identified medium / high-rise housing developments.

7.49 On this basis, the current performance of residential development may have been slightly skewed due to the incorporation of low-rise, single-family homes. This is not the typology of residential development assessed by WSP or Westminster City Council in the development of their proposed retrofit policy.

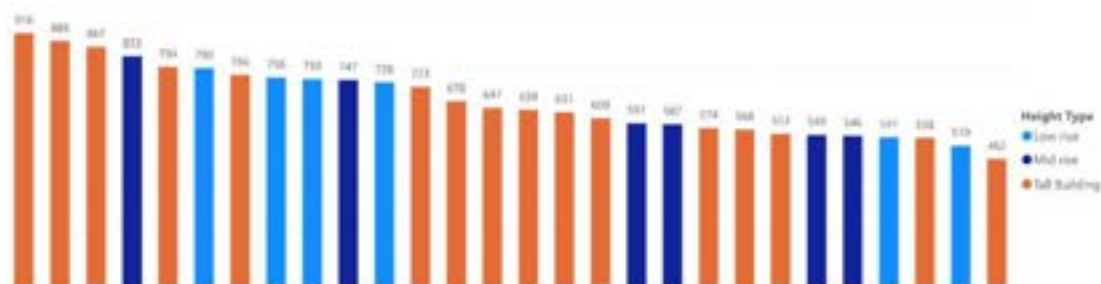
7.50 The performance of new build residential developments identified by Buro Happold is summarised below<sup>88</sup>:

<b>Residential building typology</b>	<b>Average upfront embodied carbon (kgCO<sub>2</sub>e/sqm)</b>
All typologies combined	671
Low rise	681
Mid rise	642
Tall	678

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<sup>88</sup> Appendix G

**Table 7.4:** Average upfront embodied carbon figures for identified new build residential developments in London [Source: Buro Happold, Appendix G]



**Figure 7.3:** Bar graph demonstrating average upfront embodied carbon figures for identified new build residential developments in London [Source: Buro Happold, Appendix G]

- 7.51 The figures provided by Buro Happold are higher than the performances identified by UK NZCBS for residential developments. Although it is interesting to note that there is little variation in performance between the different typologies. Many of the low-rise developments do not have significantly lower emissions as, in these instances, there are major external works required for their development. The LETI targets currently discount external works, but it is not specifically clear whether these are expected to be accounted for in the proposed retrofit policy.
- 7.52 As discussed above, it is challenging to find directly comparable data. However, the UK NZCBS data identifies an average upfront embodied carbon figure for 574 kgCO<sub>2</sub>e/sqm for new build residential development, Buro Happold identify an average figure of 671 kgCO<sub>2</sub>e/sqm and the Future Homes Hub identify an average figure (of medium / high-rise development) of 635 kgCO<sub>2</sub>e/sqm. It is therefore reasonable to assume that new build developments typical of those likely to be delivered within Westminster are generally achieve a performance within a range of 574 – 671 kgCO<sub>2</sub>e/sqm.
- 7.53 Schemes performing within this range are likely to achieve the proposed retrofit policy target of 675 kgCO<sub>2</sub>e/sqm for residential development above 18m. However, residential developments below 18m may, in some instances, struggle to achieve the minimum 500 kgCO<sub>2</sub>e/sqm (noting that building height tended not to be explicitly assessed within the evidence base).

## Current industry performance of refurbishment schemes by land use

7.54 Finally, utilising the evidence set out within the Arup database, we have analysed the extent to which the proposed targets may be achieved by office / commercial and residential schemes along a scale from retrofit to redevelopment. There is not sufficient information available within our evidence base to assess educational and retail uses to the same degree.

7.55 In the same way as above, the office figures relate to office; office, retail and residential; and office and retail schemes, and the residential figure relates to residential; and commercial and residential schemes. We have removed, as far as possible residential schemes which provide purely student accommodation or care homes, as these are dealt with separately by the UK NZCBS.

Organisation	Retrofit	Light Refurbishment	Heavy Refurbishment	Substructure and / or façade retained	New Build
Westminster Topic Paper	367	N/A	N/A	N/A	725
Arup (Average)	327	478	550	649	728
Arup (Residential)	257	N/A	479	589	655
Arup (Office / Commercial)	413	521	551	642	773

**Table 7.5:** average upfront embodied carbon figures for office / commercial and residential developments according to degree of redevelopment [source: Arup database, Appendix C]

7.56 The above evidence demonstrates that even light refurbishment office / commercial schemes could struggle to achieve the minimum target of <475 kgCO<sub>2</sub>e/sqm. Currently, even retrofit projects could struggle to achieve Westminster’s aspirational target of <300 kgCO<sub>2</sub>e/sqm.

7.57 As demonstrated above, as the proposed residential targets are much less onerous, the proposed retrofit policy does not preclude the delivery of residential development to the same extent as office / commercial development with new build developments likely able to achieve the targets set out within the proposed retrofit policy.

## Case Studies

7.58 Additionally, we provide some details of member development proposals as case studies.



- 7.59 **Timber Square.** Timber Square is a commercial development being brought forward by Landsec which currently achieves approximately 520 kgCO<sub>2</sub>e / sqm, despite including one building with 83% of the previously buildings structure retained and extensive use of cross-laminated timber. It would, therefore, not achieve either the aspirational or minimum emerging target, despite representing a deep retrofit development, rather than comprehensive redevelopment.
- 7.60 Further details on this, and other Landsec examples, is included at **Appendix H.**
- 7.61 **105 Victoria Street.** 105 Victoria Street is the comprehensive redevelopment of the site previously known as Southside / House of Fraser Victoria Street by BentallGreenOak. At planning stage/ Stage 2, the developer set an aspirational target of less than 650kgCO<sub>2</sub>e/sqm, with the desire to continue to reduce embodied carbon through the design process. At the time of writing, the development is at Stage 4, and through detailed design and supporting analysis, anticipate embodied carbon has been reduced to 590kgCO<sub>2</sub>/sqm. At the same time, the energy use intensity has been reduced from over 400 kWh/sqm/yr to c 96 kWh/sqm/yr, which will lead to a very significant reduction in operational emissions over the lifespan of the building whilst providing space that is far more attractive to occupiers and will substantially improve the wellbeing and working experience of the building's occupiers. Preventing this sort of investment or preventing the delivery of good quality buildings of this nature, that occupiers wish to occupy, would not be consistent with strategic policy.

Retrofit Only, not Retrofit First

- 7.62 In summary, the evidence base set out above, split firstly by degree of redevelopment, and secondly by land use, demonstrate that the proposed targets are largely only currently achievable for pure retrofit or light refurbishment schemes.
- 7.63 The proposed targets would preclude any new build commercial or educational development but may allow for some new build residential development on the basis of the less onerous targets applied to this land use.
- 7.64 In respect of the unattainability of the targets, the Topic Paper states that “the evidence suggests that the reductions go beyond what is currently practical and viable for the majority of

developments”<sup>89</sup> and “if due to practical reasons a climate aligned benchmark is not possible for a new build, then further measures may be required to limit overall embodied carbon emissions. For example, it may be necessary to bring in complementary measures to reduce the number of demolitions taking place.”<sup>90</sup>

- 7.65 The WSP report confirms that the LETI bandings “do not currently differentiate between new build or refurbishment. Part of the rationale for this is that refurbishment projects will find it easier to achieve good performances and this provides an incentive for retrofit.”<sup>91</sup> However, as demonstrated above, ‘heavy’ or ‘deep’ retrofits could still struggle to achieve the identified targets. This may be due to the carbon required to be expended in order to successfully align with and / or strengthen the retained fabric.
- 7.66 On the basis that the targets are unachievable for new build development for most land uses, the proposed retrofit policy is **‘retrofit only’ rather than ‘retrofit first’ in all but name** and the policy has been drafted to severely restrict the instances in which demolition may be accepted.
- 7.67 This is because, whilst a development may comply with all criteria set out in Part A of the policy, any development which does not constitute a retrofit or light refurbishment is unlikely to be able to meet the identified targets.
- 7.68 The Topic Paper suggests that “the lower the achieved embodied carbon is for retrofits, the more capacity there is to facilitate new buildings.”<sup>92</sup> However, whilst this apportionment approach may function at a strategic borough level, this is not how the policy itself is drafted against which proposals will be assessed. It is also contingent on knowing the amount of carbon that needs to be saved in order to allow some new build carbon to consented. Such an apportionment approach is simply not possible here. The policy as drafted will prevent a significant quantum of new build development on the basis of the unattainability of the targets alone, even if retrofit development proves achievable, which itself is in doubt at the levels proposed.

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<sup>89</sup> Topic Paper. Section 4.2. Paragraph 30. Page 40.

<sup>90</sup> Topic Paper. Section 4.2. Page 33. Paragraph 5.

<sup>91</sup> WSP Embodied Carbon Evidence Base Report. Section 4.1.2. Page 25.

<sup>92</sup> Topic Paper. Section 4.2. Paragraph 24. Page 39

- 7.69 AECOM note in their report set out in Appendix D that, in order to achieve the proposed targets, redevelopment will need to comprise “retrofits rather than new buildings until building technology advances sufficiently to be able to meet these targets for new buildings. However, the timescales for this are uncertain and based on myriad of factors. New builds may [only] be possible [in exceptional circumstances] if carbon offsets are paid.”<sup>93</sup> The scale of these offsets is potentially significant and has not been subject to viability testing.
- 7.70 Whilst we support the City Council’s approach to encourage innovation and technological advances within the construction industry, to balance achieving the adopted City Plan targets with a reduction in carbon emissions, it is imperative that any targets included within the policy are **challenging but attainable** in the short term and **aspirationally achievable** in the long term. The proposed retrofit policy, as currently drafted, does not achieve this.
- 7.71 An alternative approach, which has been taken by the London Boroughs of Enfield and Ealing, is to identify staggered upfront embodied carbon targets pre-1 January 2030 and post-1 January 2030. This allows for the inclusion of largely achievable upfront embodied carbon targets in the short term, with more stringent targets applied after the specified date to account for innovation within the industry.
- 7.72 The knowledge and available technology within the construction industry is advancing rapidly and will continue to do so in the years to come. On the basis that the Westminster City Plan partial review aims to set targets from its adoption (anticipated 2025) up to 2040, we recommend that the policy is adjusted to identify appropriate targets for the period between 2025 and 2030, with more appropriate targets identified for 2030 to 2040 once further progress has been made, subject to testing as part of an Early Review of this policy at the time to ensure deliverability.
- 7.73 Specifically, we suggest that the plan propose targets of 600kgCO<sub>2</sub>/sqm for commercial development in the period to 2030 as this would likely allow for heavy refurbishment schemes or industry-leading new build schemes. Any targets proposed for the period post-2030, should be

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<sup>93</sup> Appendix D. AECOM. Draft Westminster City Plan 2019-2040 Review. Page 4.

subject to testing as part of a targeted Early review to account for advancements within the construction industry.

- 7.74 A staggered approach to carbon targets may also prevent a situation whereby economic investment is halted within Westminster in the short term due to unattainability of carbon targets.
- 7.75 As drafted, however, the proposed retrofit policy sets unachievable targets which will result in both new build and deep retrofit development not being permitted on carbon grounds. This approach is internally inconsistent with the City Plan, and not in general conformity with the Good Growth objective of the London Plan.

#### Inconsistency with the WSP evidence base report

- 7.76 The proposed targets also not do correlate with the conclusions of the WSP report on which the policy is predicated. This is discussed in detail at Section 5.38 above.
- 7.77 WSP note in their report that “ratings from B and above are considered robust **stretch targets**”<sup>94</sup> [our emphasis] with the same report acknowledging that there is “a greater uncertainty in reaching very low carbon emissions (LETI band A or lower), as a result of uncertainty surrounding the price and availability of recycled construction materials”<sup>95</sup> with the achieving of LETI band A likely requiring “higher levels of timber or recycled materials not currently available on the market at scale.”<sup>96</sup> [our emphasis]
- 7.78 It is not sound for a policy to set targets which have been proven as largely unachievable within the evidence base on which the policy is predicated. What is more, the WSP report is based on a number of unjustified assumptions including the structurally and economically unfeasible cumulation of low carbon construction scenarios as we have shown above.
- 7.79 The proposed policies must therefore be updated on this basis.

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<sup>94</sup> WSP Embodied Carbon Evidence Base Report. Section 4.1.3. Page 25.

<sup>95</sup> WSP Embodied Carbon Evidence Base Report. Section 5. Page 50.

<sup>96</sup> WSP Embodied Carbon Evidence Base Report. Page 3 and 50.

### Future unattainability

- 7.80 Supporting text at Paragraph 43.3 states that Whole Life Carbon Assessments must follow the most up to date RICS methodology **and** the Mayor of London’s Whole Life Carbon Plan Guidance (LPG).
- 7.81 As set out above, the RICS Whole Life Carbon Assessment for the Built Environment Professional Statement was updated in 2023 and will come into effect in July 2024. The 2023 version of the RICS Professional Statement seeks to incorporate demolition figures into Module A5.1 of the Whole Life Carbon Assessment.
- 7.82 Currently, the GLA Guidance and the RICS Professional Statement (2017) require the carbon emissions associated with demolition to be reported separately and as such, they are not included within the upfront embodied carbon emissions figures for schemes. The published LETI targets are also predicated on a “clear site” approach with the carbon emissions associated with demolition are excluded from their template.<sup>97</sup>
- 7.83 The proposed LETI targets, which are based on an assumption of a clear site at the commencement of construction, will become more unattainable following the change in methodology. Furthermore, the Mayor of London’s Whole Life Carbon Guidance may not align with the RICS Professional Statement if the former is not updated to reflect the change in methodology.
- 7.84 In addition, the RICS Professional Statement (2023) requires Whole Life Carbon Assessors to consider contingency for all projects based on the uncertainty at the time of the assessment.<sup>98</sup> This contingency approach, which recommends the default contingency factors summarised in the table below, is not currently required under the RICS Professional Statement (2017). Whilst the inclusion of contingency factors is a considered approach which reflects the uncertainty of carbon emissions throughout the construction stage, its inclusion within the RICS Professional Statement (2023) will make the proposed targets even more unattainable.

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<sup>97</sup>Appendix K. LETI Whole Life Carbon Reporting Spreadsheet.

<sup>98</sup> RICS Whole Life Carbon Assessment for the Built Environment 2<sup>nd</sup> Edition (September 2023). Section 4.10.1 Page 56.

- 7.85 The RICS Professional Statement (2023) sets a **default contingency factor to schemes of 15% at early design stage** which reduces to 6% at technical design and construction stage, and 0% at post-completion.<sup>99</sup>
- 7.86 In addition to this, there is a further **carbon data uncertainty factor** which is required to be applied throughout the abovementioned stages which ranges between 0% and 7%, and a **quantities uncertainty factor** between 0% and 4%.<sup>100</sup>
- 7.87 As AECOM point out in their note at **Appendix D**, in accordance with the RICS Professional Statement (2023), a total of contingency of 26% may be applied to schemes at early design stage. Whole Life Carbon Assessments supporting planning applications are submitted at early design stage when the contingency factor is greatest.
- 7.88 Put simply, changes to methodology are likely to increase the reported emissions, through incorporation of a demolition allowance and contingency. However, this increase in reported emissions is not taken into account in the fixed LETI targets to which the policy, as drafted, relates.
- 7.89 As such, whilst the industry is continuing to innovate and identify opportunities to drive down carbon emissions, the targets will become de facto unattainable on the basis of a change in methodology and are therefore unsound.

#### Comparative Targets

- 7.90 In addition to the above, we have undertaken a comparison of the proposed retrofit policy targets against the adopted GLA minimum and aspirational benchmarks, and the targets identified as appropriate within similar emerging policies. The Local Plans for Bath and North East Somerset, Bristol and South Gloucestershire, whilst not in London and necessarily comparable in character to the City of Westminster, are included as a similar WSP report was prepared to support the development of their upfront embodied carbon targets in 2021. These findings are summarised below.

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<sup>99</sup> RICS Whole Life Carbon Assessment for the Built Environment 2<sup>nd</sup> Education (September 2023). Section 4.10.1 Page 56.

<sup>100</sup> RICS Whole Life Carbon Assessment for the Built Environment 2<sup>nd</sup> Education (September 2023). Section 4.10.2-3. Pages 57-60

Borough	Status	Office	Residential	Education	Retail	Comment
GLA <sup>101</sup>	Adopted March 2022	Target<950 Asp<600	Target<850 Asp<500	Target<750 Asp<500	Target<850 Asp<550	In line with the GLA guidance, the appropriate benchmark for mixed-use development is that which comprises the greater proportion of the development.
Westminster	Emerging	Target<475 Asp<350	Resi including mixed-use over 18m Target<675 Asp<500  Resi including mixed-use under 18m Target<500 Asp<400	Target<400 Asp<300	Target<425 Asp<300	The targets are significantly lower than the identified comparable targets for commercial development.  No specific numerical figures are included within the policy.  The policy applies to commercial development and conflates residential and mixed-use development.
Camden <sup>102</sup>	Emerging (Regulation 18 Publication)	Target<600	Target<500	Target<600	Target<600	The policy sets a numeric figure rather than a target band.  The policy is divided between residential and non-residential and does not provide an option for mixed use.

<sup>101</sup> Mayor of London Plan Guidance Whole Life-Cycle Carbon Assessments. Table A2.1. Pages 34-40. Available online at: [Whole Life-Cycle Carbon Assessments guidance | London City Hall](#)

<sup>102</sup> Available online at: [Look Back at - Minimising waste and increasing the reuse of resources - Draft New Camden Local Plan \(commonplace.is\)](#)

<b>Tower Hamlets<sup>103</sup></b>	<b>Emerging (Regulation 18 Publication)</b>	<b>Target&lt;600</b>	<b>Target&lt;500</b>	<b>Target&lt;600</b>	<b>Target&lt;600</b>	Policy triggered for major development only.  Policy uses LETI targets but includes specific numerical values.
<b>Enfield<sup>104</sup></b>	<b>Emerging (Regulation 19 Publication)</b>	<b>Before 01/01/2030 Target&lt;600</b>  <b>After 01/01/2030 Target&lt;350</b>	<b>Before 01/01/2030 Target&lt;500</b>  <b>After 01/01/2030 Target&lt;300</b>	<b>Before 01/01/2030 Target&lt;600</b>  <b>After 01/01/2030 Target&lt;350</b>	<b>Before 01/01/2030 Target&lt;600</b>  <b>After 01/01/2030 Target&lt;350</b>	Policy triggered for major development only.  The policy sets a numeric figure rather than a target band.
<b>Ealing<sup>105</sup></b>	<b>Emerging (Regulation 19 Publication)</b>	<b>Before 01/01/2030 Target&lt;600</b>  <b>After 01/01/2030 Target&lt;350</b>	<b>Before 01/01/2030 Target&lt;500</b>  <b>After 01/01/2030 Target&lt;300</b>	<b>Before 01/01/2030 Target&lt;500</b>  <b>After 01/01/2030 Target&lt;300</b>	<b>Before 01/01/2030 Target&lt;550</b>  <b>After 01/01/2030 Target&lt;300</b>	Policy triggered for major development only.  The policy sets a numeric figure rather than a target band.
<b>Bristol<sup>106</sup></b>	<b>Emerging (Regulation 19 Publication)</b>	<b>Target&lt;600 (major schemes only)</b>	<b>Resi 4 storeys or fewer Target&lt;400</b>  <b>Resi 5 storeys or more Target&lt;500</b>	<b>Target&lt;600 (major schemes only)</b>	<b>Target&lt;600 (major schemes only)</b>	The policy sets a numeric figure rather than a target band.  Commercial targets apply to major developments only rather than any development with substantial or full demolition.  The policy is divided between

<sup>103</sup> Available online at: [New Local Plan | Let's Talk Tower Hamlets](#)

<sup>104</sup> Available online at: [New Enfield Local Plan | Enfield Council](#)

<sup>105</sup> Available online at: [New Local Plan | New Local Plan | Ealing Council](#)

<sup>106</sup> Available online at: [Local plan review \(bristol.gov.uk\)](#)



						residential and non-residential and does not provide an option for mixed use.
<b>Bath and NE Somerset<sup>107</sup></b>	<b>Emerging (Options Document Consultation)</b>	<b>Target&lt;900</b>	<b>Resi 4 storeys or fewer Target&lt;625</b> <b>Resi 5 storeys or more Target&lt;800</b>	<b>Target&lt;900</b>	<b>Target&lt;900</b>	The policy sets a numeric figure rather than a target band.  The policy is divided between residential and non-residential and does not provide an option for mixed use.
<b>South Gloucestershire<sup>108</sup></b>	<b>Emerging (Regulation 18 Publication)</b>	<b>Target&lt;970</b>	<b>Resi 4 storeys or fewer Target&lt;625</b> <b>Resi 5 storeys or more Target&lt;800</b>	<b>Target&lt;970</b>	<b>Target&lt;970</b>	The policy sets a numeric figure rather than a target band.  The policy is divided between residential and non-residential and does not provide an option for mixed use.

**Table 7.6:** Emerging upfront embodied carbon targets within London and nationally.

<sup>107</sup> Available online at: [Climate change | Bath and North East Somerset Council \(bathnes.gov.uk\)](https://www.bathnes.gov.uk/Climate-change)

<sup>108</sup> Available online at: [New Local Plan – Phase 3 towards a preferred strategy | BETA - South Gloucestershire Council \(southglos.gov.uk\)](https://www.southglos.gov.uk/New-Local-Plan-Phase-3-towards-a-preferred-strategy)

\*All targets are up to 2030 where more than one target is included

Borough	Office	Residential (18m+)	Residential (-18m)	Education	Retail
GLA (Minimum)	950	850		750	850
GLA (Aspirational)	600	500		500	550
LETI C (2020 targets)	600	500		500	550
Westminster City Council	475	675	500	400	425
LB Camden	600	500		600	600
LB Tower Hamlets	600	500		600	600
LB Ealing	600	500		500	550
LB Enfield	600	500		600	600
Bristol City Council	600	500		600	600
Bath and NE Somerset	900	800		900	900
South Gloucestershire	970	800		970	970

7.92 **Table 7.7:** adopted and emerging upfront embodied carbon targets set out within Table 7.6. The targets are coloured from green (most attainable) to red (least attainable). Table prepared on behalf of the WPA summarising the information in the table above in a more accessible way. The table shows the targets up until 2030 where Local Planning Authorities are proposing a phased approach to upfront embodied carbon targets. It is important to note that Westminster City Council is the only Local Planning Authority proposing to set different targets for residential developments of different heights.

7.93 The figures of <500 for residential floorspace and <600 for commercial floorspace as proposed by the London Boroughs of Camden, Tower Hamlets, Ealing, Enfield, and Bristol City Council largely align with LETI’s best practice upfront embodied carbon targets for 2020.

7.94 The disparity in approaches to carbon emissions is especially apparent in boroughs which share a border e.g., the City of Westminster and the London Borough of Camden, meaning that office development which may be viability delivered one side of Kilburn High Road, for example, may not be delivered on the other on the basis of the adoption of more stringent targets.

7.95 As set out above, Paragraph 11 of the Retrofit First Topic Paper states that any future benchmarks which have been aligned with the LETI bandings would be acceptable for future use and that if the LETI benchmarks were to alter over the City Plan period, the 2020 benchmarks would remain acceptable. However, the proposed retrofit policy does not align with LETI Band C for non-residential development.

7.96 It is therefore clear that Westminster’s proposed targets are inconsistent with both the adopted GLA benchmarks and the emerging targets within nearby London boroughs. In addition, Westminster’s targets set clearly different expectations on different land uses with the targets which is not reflected in the comparison targets.

Support for inclusion of Whole Life Carbon emissions within Part A of the policy

7.97 The policy seeks to focus principally on upfront embodied carbon emissions for the reasons set out and discussed in Sections 1 and 5 and the WPA recognises and agrees with many of these reasons. However, one assumption made by Westminster City Council is that the current methodology of assessing whole life carbon emissions “usually present dramatically different assumed life spans for new builds versus retrofitted buildings, which further compounds the results as long assumed life spans of new builds, along with distorted (by excluding grid-decarbonisation) assumed savings in operational carbon emissions, usually favour new buildings.”<sup>109</sup>

7.98 Notwithstanding that the delivery of a building of increased life is one of the benefits of redevelopment, when considering the total carbon emissions (A-C) for developments including operational energy, new build schemes performance largely in line with or better than retrofit schemes. This conclusion is demonstrated below with figures extracted from the Arup evidence base (**Appendix C**).

Typology	Emissions (kgCO2e / sqm)
New Build	2,068
Substructure and / or façade retained	1,851
Heavy refurbishment	2,017
Light refurbishment	2,286

<sup>109</sup> Topic Paper. Section 3.1. Paragraph 19. Page 16.

7.99

Retrofit	2,085
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**Table 7.8:** average whole life carbon figures (not split by land use) but split by degree of redevelopment [source: Arup database, Appendix C]

7.100 These conclusions are supported by the WSP report which recognises that “in some cases there may be a trade-off [between low embodied carbon and] increased operational emissions.”<sup>110</sup> Ultimately this would lead to poorer quality buildings being delivered. The WSP report clearly states the assumptions for the low embodied carbon facades used are not as thermally efficient nor airtight as ones currently chosen by industry. Indeed, Paragraph 3.5.3 of the WSP report confirms that “some components [of the façade systems] have been substituted for lower carbon intensive solutions.”<sup>111</sup> This clearly demonstrates the ‘operational-embodied’ interplay and where sound judgement and carbon balancing must be applied in a policy context that continues to require world class sustainable design.

7.101 Notwithstanding that we consider Part A, when considered as a whole, to be unsound, we therefore agree with the inclusion of whole life carbon emissions within this part of the proposed retrofit policy to allow for schemes whose redevelopment proposals deliver greater overall performance in the long term, thereby futureproofing that asset.

### **Clarity and validity over time**

7.102 Rather than specifying numeric targets, the policy refers directly to “target upfront embodied carbon equivalent[s] of London Energy Transformation Initiative (sic) (LETI) band[s].” This approach presents several problems.

7.103 Firstly, the Embodied Carbon Evidence Base prepared by WSP as part of the supporting evidence base for the policy states on Page 47 that “it is expected that the UK Net Zero Building Standard, when released, will supersede the LETI and RIBA embodied carbon targets referenced by this

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<sup>110</sup> WSP Embodied Carbon Evidence Base Report. Section 3.6.2. Page 18

<sup>111</sup> WSP Embodied Carbon Evidence Base Report. Paragraph 3.5.3. Page 14

report. Therefore, it is strongly recommended that any policy looking to set embodied carbon targets should be updated once the standard is released.”

- 7.104 The UK Net Zero Carbon Buildings Standard considers that, following its publication, other voluntary schemes such as the RIBA 2030 Climate Challenge will be updated to align with the UK NZCBS target trajectories.<sup>112</sup>
- 7.105 The City Plan Partial Review states at Paragraph 43.6 that “where subsequent benchmarks are established by other bodies, for example the UKGBC, these may be used where they have been aligned to LETI benchmarks.”
- 7.106 On the basis that LETI are involved in the development of the NZCBS, it is anticipated that LETI may align to the NZCBS rather than the other way round.
- 7.107 It is therefore not clear whether the proposed targets will remain valid following the publication of the UK Net Zero Building Standard later in 2024 or whether the LETI targets will be updated
- 7.108 Secondly, as set out above, LETI is a third-party organisation and the evidence base for their identified targets is not included within the evidence base for the proposed retrofit policy.
- 7.109 Thirdly, the LETI Embodied Carbon Target Alignment document identifies two sets of targets i.e., 2020 targets and 2030 targets and confirms that the dates relate to the year of design.
- 7.110 The supporting text at Paragraph 43.6 of the City Plan confirms that, at the time of writing, the benchmarks recommended are based on guidance published by LETI in 2020, although this presents some confusion as the Embodied Carbon Target Alignment document is not dated.
- 7.111 However, we understand that the upfront embodied carbon emissions included within the proposed retrofit policy are the 2020 best practice targets identified by LETI (regardless of when the document was published).

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<sup>112</sup> Frequently Asked Questions on UK Net Zero Carbon Buildings Standard. Available online at: [Frequently Asked Questions | My Site \(nzcbuildings.co.uk\)](https://www.nzcbuildings.co.uk)

- 7.112 Nevertheless, as set out above, as the targets themselves are not included within the proposed policy wording, the onus is on the Applicant to undertake additional research to identify the correct figures.
- 7.113 Paragraph 11 of the Retrofit First Topic Paper states that any future benchmarks which have been aligned with the LETI bandings would be acceptable for future use and that if the LETI benchmarks were to alter over the City Plan period, the 2020 benchmarks would remain acceptable.
- 7.114 Despite this, the proposed retrofit policy as currently drafted refers to LETI bands and not numerical figures. This drafting could become ambiguous in future if LETI were to update their targets, which, as an independent organisation, LETI could do without consulting Westminster City Council and on the basis of the above, may happen following the publication of the NZCBS.
- 7.115 The inclusion of specific figures would preclude a situation whereby LETI update their targets, resulting in inconsistencies and uncertainty with any adopted City Plan policy. This would also allow subsequent changes to be subject to proper consultation and independent examination in the usual way.
- 7.116 We would therefore request the following:
- i. The inclusion of specific numerical figures for clarity; and
  - ii. The publication of the evidence base supporting the proposed targets.

### **Applicability**

- 7.117 The LETI Embodied Carbon Target Alignment document identifies target bands for upfront embodied carbon split by the following land uses:
- a. Office;
  - b. Residential (over six storeys);
  - c. Educational uses; and
  - d. Retail uses.
- 7.118 This approach follows the approach taken by the GLA in their Whole Life Carbon Guidance LPG. The GLA clarify that, in the case of mixed-use buildings, carbon emissions should be compared with

the benchmark of the typology which makes up the greatest proportion of the development in GIA and if the uses are relatively equally split, then the highest benchmark should be used for comparison.<sup>113</sup>

7.119 Conversely, the proposed retrofit policy sets upfront embodied carbon targets for the following building typologies:

- a. New non-residential buildings;
- b. New residential buildings, including mixed-use buildings, over 18m in height;
- c. New residential buildings, including mixed-use buildings, below 18m in height; and
- d. Bespoke buildings without a recognised LETI benchmark, or self-build or custom-build homes.

7.120 Proposals for building typology D set out above are required to achieve and justify the maximum upfront embodied carbon reductions deliverable rather than a specific target and as such, are not discussed further in this report.

#### Application to mixed-use development

7.121 The proposed retrofit policy sets target bands for residential buildings, including mixed-use development. However, it does not account for the fact that mixed-use development may be predominantly commercial in character. As such, in line with the adopted GLA guidance, carbon emissions would typically be compared to the benchmarks for commercial development.

7.122 As the proposed retrofit policy does not include specific numerical figures, it is not clear whether the mixed-use buildings would be assessed against the residential targets, regardless of the proportion of commercial floorspace. This should be clarified.

7.123 Furthermore, as set out above, LETI specify that the residential targets relate to residential buildings over six storeys in height. The proposed retrofit policy sets target bands for residential buildings, including mixed-use buildings, below and above 18m in height (approximately six

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<sup>113</sup> Mayor of London Plan Guidance Whole Life-Cycle Carbon Assessments. Paragraph 3.2.6. Page 27. Available online at: [Whole Life-Cycle Carbon Assessments guidance | London City Hall](#)

storeys). It is not clear whether the LETI residential targets are applicable to buildings lower than six storeys.

#### Application to all major development

- 7.124 The current policy wording also requires all development involving total or substantial demolition of a building of more than one storey, and all major developments to submit a Whole Life Carbon assessment demonstrating how the relevant upfront embodied carbon targets are achieved.
- 7.125 The definition of major development set out within the Town and Country Planning (Development Management Procedure) (England) Order 2015 includes development proposals which seek, for example, a change of use, public realm improvements or result in limited or no structural alterations to a building.
- 7.126 The requirement for developments which, whilst defined as major applications, do not result in either substantial or full demolition to achieve upfront embodied carbon targets and submit Whole Life Carbon Assessments is disproportionate and not in keeping with the spirit of the objectives of the proposed retrofit policy.
- 7.127 We would therefore request that the policy targets are clarified in the following ways:
- iii. The exclusion of major development which does not result in substantial or full demolition from the policy.

#### **Resourcing**

- 7.128 Currently, Whole Life Carbon Assessments are reviewed principally by the GLA (who outsource this review process) and by Westminster City Council Officers for all applications referable to the Mayor of London and for major applications involving substantial demolition.
- 7.129 The proposed retrofit policy as drafted requires all applications (both minor and major) which involve “substantial” or “total” demolition and all major applications regardless of the proposed quantum of demolition to submit a Whole Life Carbon Assessment. This is a significant increase in the scope of applications required to submit such applications.



- 7.130 The proposed retrofit policy also clarifies at Part B that proposals seeking substantial or full demolition are required to provide a Circular Economy Statement, including a Pre-Redevelopment Audit, a Pre-Demolition Audit and Reclamation Audit, which demonstrates how materials will be reused and repurposed. In order to ensure that Westminster City Council are provided the information they are seeking to enable them to determine an application, it would be helpful for these abovementioned reports to be defined by the Council.
- 7.131 In addition, the policy seeks to require applications proposing total demolition which are justified on the basis of structural constraints to submit viability evidence, as explained in section 6.
- 7.132 Furthermore, as many of these applications will not be referable to the Mayor of London, the responsibility of reviewing the submitted deliverables will fall principally to Westminster City Council Officers.
- 7.133 It is not clarified within the proposed retrofit policy or the accompanying supporting text, whether LETI's Embodied Carbon Reporting Template should be completed to present the carbon performance of proposals. Paragraph 43.3 of the City Plan Partial Review document also states that "where whole-life carbon assessments are relied upon to justify demolition and construction of a new building, these must follow the most up to date RICS methodology and the Mayor of London's Whole Life Carbon London Plan Guidance (LPG)." However, the RICS Professional Statement (2023) has its own reporting template which is more onerous than the LETI reporting template.<sup>114</sup>
- 7.134 For applications which are referable to the Mayor of London, it is also not clear whether Applicants would be required to complete two carbon emissions summaries as there are differences in scope in the information included within the LETI and GLA reporting spreadsheets. The GLA require all building elements to be included within the scope of the Whole Life Carbon Assessment<sup>115</sup>, whereas LETI targets do not explicitly require the reporting of renewable electricity generation (e.g., photovoltaics), external works, or non-fixed fittings, furnishings or equipment (FF&E), although there is function within the LETI results tool to incorporate these.<sup>116117</sup> RICS also have a

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<sup>114</sup> Appendix D. AECOM. Draft Westminster City Plan 2019-2040 Review. Page 7

<sup>115</sup> Appendix L. GLA Whole Life Carbon Reporting Spreadsheet

<sup>116</sup> Appendix K. LETI Whole Life Carbon Reporting Spreadsheet

<sup>117</sup> Appendix D. AECOM. Draft Westminster City Plan 2019-2040 Review. Page 8

reporting spreadsheet whose scope is more complex than the GLA and LETI spreadsheets discussed above. It should be clarified how Westminster City Council propose the carbon emissions information is presented.

7.135 We are concerned that Westminster City Council do not have the resource available to undertake such an increase in application deliverables and that the requirement to submit Whole Life Carbon Assessments and viability assessments will lead to protracted determination timescales.

7.136 The requirement to prepare two different reporting spreadsheets would also place an unnecessary burden on developers noting the number of application deliverables triggered by the proposed retrofit policy. It could also lead to a situation where applications referable to the Mayor of London are judged to different standards, and on the basis of different inputs, compared to applications which are assessed by Westminster City Council alone.

### **Summary**

7.137 WPA continues to support the principle of clear carbon targets to provide clarity on the acceptability or otherwise of development.

7.138 However, as demonstrated above, by both WPA's evidence and that of WSP, the targets proposed are largely unachievable for all but the lightest refurbishment schemes. There is a compelling weight of evidence to this effect. The policy therefore largely precludes the delivery of any new build commercial development within Westminster which is inconsistent with the City Plan itself and the Good Growth objective of the London Plan.

7.139 The targets are also inconsistent with emerging (but not yet formally adopted) policies in many surrounding London boroughs. The target for commercial development is also set more onerously than LETI's 2020 Target Alignment, which the Council consider to be "acceptable."<sup>118</sup> On this basis, the proposed policy is not positively planned, and the proposed targets are unjustified.

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<sup>118</sup> Topic Paper. Section 4.2. Paragraph 11. Page 35.

- 7.140 Finally, the proposed targets will become even more challenging to achieving forthcoming changes to calculation methodologies. They should be revised accordingly.
- 7.141 The potential for the targets to change over time, outside of the development plan process, and their application to mixed use buildings, is unclear.
- 7.142 We continue to share Westminster’s objective to foster innovation and technological advancement within the construction industry and support the use of objective targets. We would therefore support the inclusion of targets which represent industry best practice and suggest aligning Westminster’s approach to that of adjacent boroughs, as shown on Tables 7.6 and 7.7 above. For commercial development, this would equate to 600kgCO<sub>2</sub>/sqm.
- 7.143 We also suggest the emerging plan indicate the City Council’s intention to reduce this to 500kgCO<sub>2</sub>/sqm for commercial buildings in 2030, subject to an early review of this element of the plan to confirm that such a change would be technically feasible at the time.

## **8 Retrofit First Policy - Other Matters**

- 8.1 This section explains a range of other, miscellaneous issues identified in relation to the retrofit-first policy, referring to the tests of soundness for plan-making.

### **Heritage and Design Context Constraints**

- 8.2 The design and heritage context in the City of Westminster is unique. The clear majority of the City falls within designated Conservation Areas and much of it is also listed. This has two main impacts on development in the City when it is applied to applications alongside other development plan policies and the statutory duties on decision-makers, specifically those at:
- i Paragraphs 205 to 214 of the NPPF<sup>119</sup>, seeking to limit harm to designated heritage assets (including both listed buildings and Conservation Areas), resulting from developments; alongside.

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<sup>119</sup> National Planning Policy Framework (December 2023)

- ii Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>120</sup>, placing a requirement on decision makers to have regard to the desirability of preserving the significance of designated heritage assets.
- 8.3 Firstly, it means that the extent of changes which can be achieved to the form of many of the existing buildings in the City, even internally and within their current envelope, (for example by altering layouts to meet changing occupier demand), is limited at most. This means in practice that the proportion of the City’s buildings which can be significantly adapted internally to accommodate the changes in occupier demand which deliver economic growth is already limited.
- 8.4 Secondly, the potential to increase building heights or otherwise extend building envelopes to accommodate growth in floorspace is, in most parts of the City, heavily constrained.
- 8.5 Together, this places more pressure on the remaining sites within the City to accommodate significant change to meet the growth priorities established in the rest of the development plan.
- 8.6 This is a critically important point which the draft policy wording fails to provide proportionate weight to in a number of ways.
- 8.7 No specific regard is had in Policy 43 Part B to the substantial restrictions which the design and heritage context of the City places on development.
- 8.8 Policy 43 Part B sets very stringent carbon intensity targets, by reference to specific LETI bands, for all major development (effectively being those exceeding 1,000sqm floorspace), as well as all those including “total demolition” or “substantial demolition” (as defined at in the City Plan glossary, page 242). As explained elsewhere in these representations (section 7), it is likely to prove unfeasible for many developments to achieve either the target or minimum LETI ratings in the policy, even where buildings are not listed.

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<sup>120</sup> Planning (Listed Buildings and Conservation Areas) Act 1990. Available online at: <https://www.legislation.gov.uk/ukpga/1990/9/contents>

- 8.9 The requirement for development of listed buildings to retain much of their internal form and fabric means that, in relation to listed buildings, once other development plan policies, as well as the statutory duties at sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>121</sup>, are applied, it is likely to be even more unrealistic to expect developments to reach the minimum LETI ratings in the policy. This is likely to prevent developments which would extend the life of listed buildings in a manner consistent with their heritage significance, contradicting the NPPF<sup>122</sup>.
- 8.10 Works to listed buildings also carry a heavy financial cost, irrespective of the works required to meet onerous LETI ratings. Even assuming it is feasible to carry out the interventions to ensure existing listed buildings reach the onerous LETI targets in Part B of Policy 43, the additional cost of doing so is likely to render many more developments unviable than is currently the case. This is inconsistent with the growth ambitions of the development plan and is therefore unsound.
- 8.11 Whilst there is reference in Policy 43 Part B to instances where there are “site specific constraints which make the benchmarks undeliverable”, the nature of the wording suggests these instances are very limited in potential scope. Given the built context of the City, where the vast majority of sites are either listed or within a Conservation Area, this is unlikely to be an accurate basis for policymaking.
- 8.12 This means that in numerous ways, Policy 43 Part B is neither positively prepared nor justified, given other parts of the development plan seek to accommodate growth in central London.
- 8.13 These factors are, in a limited way, acknowledged in the WSP Embodied Carbon report forming the evidence base for the City Plan Review, if only in relation to proposed extensions of floorspace.

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<sup>121</sup> Planning (Listed Buildings and Conservation Areas) Act 1990. Available online at: <https://www.legislation.gov.uk/ukpga/1990/9/contents>

<sup>122</sup> National Planning Policy Framework (December 2023)

- 8.14 The WSP report identifies that substantial carbon emissions can be associated with the creation of new basements in developments<sup>123</sup>. The WSP Embodied Carbon report therefore states explicitly (and logically), the suggestion that “policy looking to discourage the use of basements on the basis of both cost and carbon, could look to provide other financial incentives to developers, by reducing height restrictions on the project to enable an additional floor to create space for amenity and building services plant above ground”<sup>124</sup>.
- 8.15 It appears that the wording in Parts C and D of Policy 43 may be attempting to account for this - “Proposals involving responsible retrofitting, which result in energy, performance, and climate adaptation upgrades, will be supported in principle. When considering the townscape, heritage or design impacts of extensions or alterations, which are demonstrated through the appraisal of the construction options as necessary to viably achieve a wider retrofit of a building, regard will be had to the desirability of securing the retention and retrofit of the building, including improvements to its environmental performance, building longevity and climate change adaptation”.
- 8.16 However, whilst part C of the policy wording appears to be relatively positively drafted, there are numerous issues with the wording of part D, constituting the application of the policy in practice, which make it both unsound and inconsistent with the suggestion in the WSP Embodied Carbon report upon which it appears to be based.
- 8.17 Firstly, the Policy 43 Part D wording as drafted does not explicitly place **additional** weight on the noted (sustainability), or other, benefits, which would be achieved by extensions in this context when weighed against their design and heritage impacts. Instead, it simply states that “regard will be had” to these benefits when weighing them against the design and heritage impacts of a proposal (which are already given great weight in applying other policies in the Development Plan). This fails to make clear that this means the decision-maker should place any greater weight than they currently do on “the desirability of securing the retention and retrofit of the building, including improvements to its environmental

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<sup>123</sup> WSP Embodied Carbon Evidence Base Report. Section 4.2.5. Page 40

<sup>124</sup> WSP Embodied Carbon Evidence Base Report. Section 4.3.2. Page 45

performance, building longevity and climate change adaptation”, when weighing development proposals.

8.18 The risk of this is revealed further at the supporting text at paragraph 43.13, which goes on to state that “Applicants should demonstrate how any harm identified from the development has been avoided, mitigated, or minimised, and identify the potential carbon reduction benefits that the development will deliver, considering both embodied carbon and operational carbon”. The wording does not specifically state that, in making decisions regarding development proposals, greater weight should be placed on supporting extensions in relation to design and heritage ‘harm’ and impacts. This is inconsistent with the suggestion in the WSP Embodied Carbon report, which itself recognises that if a policy approach is to discourage basement development, which it is clear that Policy 43 would do, this would reduce the floorspace associated with a development unless other, restrictive areas of planning policy are adjusted to compensate for this.

8.19 More importantly, this part of the policy fails to directly recognise, and support, any consideration of the wide ranging social and economic benefits which building extensions, by delivering additional floorspace within one of the most productive local economies in the country, could deliver, in weighing development proposals.

8.20 As a whole, therefore, Policy 43 Parts C and D is unlikely to encourage the decision-making process to support extensions. This is likely to mean that there is simply a reduction in the amount of extension floorspace which is approved as part of planning applications.

8.21 This is inconsistent with the stated aims of other parts of the City Plan to increase office floorspace to support growth in jobs, meaning the policy is neither positively prepared nor effective (as part of a Development Plan which explicitly encourages sustainable development and growth).

8.22 This element of policy therefore fails to meet the NPPF soundness tests for plan-making.

### **Changes to Legislation Regarding Energy Performance Certificates**





embodied carbon targets will be offset through a financial contribution towards the council's carbon offset fund".

- 8.30 The use of the terminology 'target' and 'minimum' is somewhat confusing as it is suggested, but not made explicit in a positive manner, that proposals for development reaching LETI targets below the 'minimum' ratings could be supported by policy. The policy is not, therefore positively prepared to accommodate the growth which is presupposed in the remainder of the development plan, as explained in Section 4.
- 8.31 The supporting text (Paragraph 43.11) states that "where applicants fully demonstrate the embodied carbon benchmark is undeliverable due to site specific constraints or justified bespoke design parameters, payments are to be made to the carbon offset fund in lieu of meeting embodied carbon targets on site". No definition of 'site specific constraints or justified bespoke design parameters' is provided in the supporting text, making it difficult to apply the policy in an effective manner, making it unsound.
- 8.32 The supporting text (Paragraph 43.11) then states that "Applicants will also be able to credit embodied carbon reductions below the minimum benchmarks to the total carbon offset payment calculated in their energy statement. Further details are provided in Policy 40 (Energy). Further details on how this is to be calculated will be provided in the POAH Supplementary Planning Document (2024)".
- 8.33 Policy 40, an adopted policy which the City Plan Review, does not seek to change the wording of, clearly relates only to certain elements of energy reduction, which does not include embodied carbon (which is considered only within the new Policy 43). In addition, the POAH SPD (2024), does not provide any specific reference to the calculation of carbon shortfalls associated with embodied carbon assessments specifically.
- 8.34 The application of the methodology for offsetting carbon emissions in the POAH SPD (2024) would clearly be inappropriate and unjustified. This is because this offsetting methodology was prepared for the purpose of offsetting carbon emissions to reach 'net zero carbon' in relation to Energy Assessments (driven by Policy SI2 of the London Plan which relates to **operational emissions**), not embodied carbon assessments and emissions. The methodology

is based solely on a single study, Delivering Net Zero 2023<sup>126</sup>, which presupposes the extensive use of photovoltaic panels. This is unrelated to the offsetting of embodied carbon emissions, which are associated instead with the production of building materials, their transport and the assembly of buildings and is therefore unsound as an approach.

8.35 It is also currently unclear when reading the policy alongside the POAH SPD<sup>127</sup> whether the intention is to apply carbon offsetting at a figure of £880 per tonne. If this is the intention, it would also be unsound as an approach because it is derived from a single study of limited scope which relates only to the cost of deploying photovoltaic panels as a form of renewable energy generation, rather than the local cost (i.e. within the City of Westminster) of offsetting local embodied carbon emissions<sup>128</sup>. The nature of offsetting the via installation of photovoltaic panels which is assumed is clearly impossible in a dense, and historic, urban environment such as Westminster, making the approach unreasonable and therefore unsound. It would also be unsound because it involves levying a cost against developers for indirect embodied carbon emissions which are taking place outside the City of Westminster.

8.36 The viability implications of requiring development to provide offsetting for embodied carbon emissions, on top of that already required under other areas of policy (such as operational carbon emissions), do not appear to have been tested as part of the production of the City Plan Review. This is of critical importance given the substantial additional financial costs this would impose on developments which do not meet the very challenging 'minimum' LETI targets in Policy 43 Part B. This would apply to a wide range of developments, including all developments involving total or substantial demolition of a building of more than one storey (irrespective of the scale of the building), as well as all major developments (which may not involve any physical works at all, merely the change of use a building exceeding 1,000sqm of floorspace).

8.37 If carbon offsetting is applied at the substantial figure of £880 per tonne, the additional financial burden this places on developments is likely to be substantial. This is clearly

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<sup>126</sup> Delivering Net Zero An evidence study to support planning policies which deliver Net Zero Carbon developments. May 2023. Rev 4

<sup>127</sup> Planning Obligations and Affordable Housing SPD. March 2024. Available online at: [New Supplementary Planning Documents \(SPD\) | Westminster City Council](#)

<sup>128</sup> WPA Representations to Planning Obligations and Affordable Housing (POAH) SPD. September 2023, attached as **Appendix J**

incompatible with a development which supports substantial growth in central London as the heart of the nation's economy. Instead, it would constrain development of a variety of scales in Central London.

8.38 It is also proposed within the Topic Paper that “any embodied carbon reduction achieved below the minimal benchmark set in the draft retrofit and embodied carbon policy would be credited to the total amount of carbon to be offset in an applicant's Energy Statement.” As such, if a development were to outperform the proposed upfront embodied carbon targets, the delta between the building's performance could be deducted from the total carbon offset contribution payable in respect of operational energy performance.

8.39 Whilst the WPA recognise that this may incentivise increased retention (where this would contribute to achieving or bettering the upfront embodied carbon targets), we are unclear how this approach would work in practice for the following reasons:

- i. Carbon offset contributions in respect of operational energy performance are required to enable developments to achieve a 100% reduction against Part L of the Building Regulations and therefore achieve policy compliance;
- ii. Carbon offset contributions are typically paid prior to the commencement of development but the total upfront embodied carbon figures for a development would not be finalised until the building was practically completed; and
- iii. As set out above, the figure of £880 per tonne is predicated on assumptions the Council have made on the scope of offsetting required in operational terms and it has not been demonstrated that this figure would be appropriate to offset embodied carbon.

8.40 This element of the proposed policy is, not, therefore, sufficiently justified, would not represent positive plan-making and is therefore unsound.

#### **Local Listed Building Consent Orders**

8.41 There are a range of other measures which have not been included in the City Plan Review but would have helped to achieve the stated aims on which the policy has been created (primarily the reduction of carbon emissions in the context of climate change).

- 8.42 In the neighbouring local authority, the Royal Borough of Kensington and Chelsea, multiple Local Listed Building Consent Orders have been implemented. These allow, in relation to listed buildings, for the alteration of windows (for example to install double glazing to improve thermal efficiency and reduce energy consumption; ref) and the installation of photovoltaic panels (ref), without the need to seek listed building consent, under certain conditions. This removes a regulatory barrier to the installation of renewable energy sources and measures which reduce carbon consumption, both of which act to reduce carbon emissions.
- 8.43 Given the very similar built context within the City of Westminster, where over half of sites are listed or fall within Conservation Areas (often both), it is surprising that the City has not considered using Local Listed Building Consent Orders in a similar manner. This would help to more effectively meet the states aims of the City Plan Review.

## 9 Affordable Housing

9.1 This section of the report provides the response to the proposed new Policy 13 Affordable Housing.

9.2 Policy 13 has been created by substantially altering and expanding adopted policy 9 and introducing new supporting text. Significant cross-reference is also made to the POAH SPD issued in 2024, which is not part of the City Plan Review, or the adopted City Plan 2019-2040.

### Thresholds

9.3 The two main areas of concern relate to the thresholds for applying the new proposed requirement for sites delivering fewer than 10 units to make affordable housing contributions (Policy 13 Part D).

9.4 First, we are concerned that, if adopted as proposed, the proposals would make the delivery of smaller scale residential proposals very significantly more challenging, and would require extensive, and potentially disproportionate, financial contributions even where very little or, in some cases, no, additional area is created. For example, the construction of a small 10sqm residential extension would require financial contributions of £80,000-£160,000, or the submission of potentially complex viability evidence base. We have noted, below, our concerns regarding the viability evidence base.

9.5 We suggest that this could be resolved by adopting a staircasing mechanism, rather than requiring the 'full' contribution (of either 35% or 50% depending on land ownership). This approach is applied to small sites in Camden, the central London local planning authority which is arguably most similar to Westminster. The approach could be related to the net increase in housing floorspace delivered for sites below ten units, or to the total proposed floorspace for the development. This would make the policy more proportionate and would help to avoid discouraging small residential developments, which are likely to have other benefits supported by development plan policy.

- 9.6 Recognising the role of viability testing in this context is welcome, although we would prefer a policy approach that does not seek to rely on extensive use of viability evidence, which can add to determination timeframes and perceived complexity, which may be particularly disproportionate on smaller scale proposals. WPA is keen to promote proposals that create certainty and build transparency and public confidence in the planning system.
- 9.7 Second, we are concerned about the interaction between the proposed '0sqm threshold' in Policy 13 and the adopted Planning Obligations and Affordable Housing SPD (POAH SPD). It appears that the intention is for the policy to rely on guidance within the POAH SPD, which the Topic Paper recognises may need to be updated.<sup>129</sup>
- 9.8 The supporting text states at Paragraph 13.6 that "In line with the London Plan, all affordable housing requirements from residential development will be calculated based on the total gross residential development proposed (Gross Internal Area, GIA). Where residential floorspace is proposed as part of redevelopment and intensification proposals that include existing housing, applicants should have regard to guidance set out in the Planning Obligations and Affordable Housing SPD on how the Gross Internal Area of the scheme will be determined".
- 9.9 The POAH SPD states at Page 14 that "For applications where there are multiple existing homes on-site, affordable housing requirements will be calculated based on the gross level of housing provided by the development, meaning the total level of 'new homes' provided. While the total number of 'new homes' will be determined on a case-by-case basis taking into account site specific circumstances, the key principle in these circumstances is that 'new homes' are those that are providing a new form of housing supply that caters to a different market or level of housing need compared to the homes that previously existed on site. Any judgement on whether the refurbishment or reconfiguration of existing stock counts as new housing supply and should therefore contribute to affordable housing requirements will be based on an assessment of the extent of changes proposed to the existing building, with regard to changes to:

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<sup>129</sup> Small Scale Residential Developments Topic Paper. Section 4.1

- The size of individual dwellings (the number of bedrooms, floorspace, or floor to ceiling heights);
- Communal areas (the provision of stairs, lifts, circulation space, and any new on-site amenities);
- The external appearance of the building (including matters such as re-sizing of windows and provision of balconies); and
- Whether any existing dwellings are single or dual aspect". [Our emphasis]

9.10 The text in the POAH SPD goes on to state at Page 16 that "Proposals for the refurbishment of existing dwellings that encompasses works that would not in themselves need planning permission (e.g. reconfiguration of the rooms within an individual dwelling, with no change to its total floorspace) or that existing tenants have a 'right to return' to (i.e. to move back into upon completion of the works, on equivalent rents and tenancy terms), will not be considered 'new homes', and will be excluded from any affordable housing calculations".

9.11 The text in the POAH SPD goes on to state at Page 16 that "It is recognised that in some circumstances this approach will result in requirements for affordable housing from schemes that only deliver a small uplift in the net number of homes, given the presence of existing housing on site. This is consistent with the approach to affordable housing requirements set out in the London Plan, which states that calculations should be based on gross residential development. Furthermore, scope exists for applicants to demonstrate through a site-specific viability assessment that the level of affordable housing proposed is the maximum amount that can be provided on viability grounds".

9.12 There are two key issues associated with the proposed approach to the threshold for requiring affordable housing contributions from small sites.

9.13 The proposed threshold approach set out in Page 14 of the SPD is not clear and is highly subjective. This would be compounded by the adoption of Policy 13 as proposed. It relies on a list of judgements relating to qualitative factors which cannot be measured in an objective way. It would be difficult for both applicants and the City Council to clearly determine whether some residential developments trigger the policy requirement for an

affordable housing contribution or not. The combined effect of the policy and guidance is unclear and not positively prepared. It is, therefore, not sound.

9.14 Secondly, the wording of policy 13 Part D, when read alongside the SPD, creates the possibility that a residential development which increases the residential floorspace by a de minimis amount (for example due to the provision of a small rear extension of 10 sqm with associated internal alterations, to one unit as described above) or even where no change in floorspace is proposed, could trigger an affordable housing requirement. If the City Council determined that the new unit constituted 'new housing', for example because the number of bedrooms were significantly altered, then the policy compliant requirement would be 35% of the total proposed housing floorspace. This appears to be entirely disproportionate to the nature of the development and is not, we expect, intended.

9.15 The introduction of the policy, given the thresholds are unclear, could have the unintended effect of discouraging the improvement of housing stock in some cases. This appears to be contrary the aims of the City Plan Review and to the adopted development plan, which seeks to improve both the quality and quantity of housing to meet changing housing demands and, for example, adapt to climate change.

9.16 In addition, the threshold for the application of the policy should not be determined using an SPD. The threshold should instead be included within the City Plan itself, allowing it to be tested via the policy examination process. Notwithstanding this, the SPD should in any event be updated alongside the City Plan Review, to ensure the documents are consistent with each other in practice.

9.17 We consider that the review of the SPD suggested in the Topic Paper should be undertaken alongside the preparation of this Partial Review, rather than rely on a future update, so that the effect of the POAH definitions and the change in thresholds can be considered together, or guidance to address this issue and the relationship with the SPD provided in the reasoned justification to the policy, subject to further appropriate consultation.

### **Viability Evidence Base**



- 9.18 WPA has reviewed the BNPP Viability Assessment (“VA”). The central purpose of the VA is to aim of the study is to assess at high level the viability of development typologies representing the types of sites that are expected to come forward to test the impact of adopted Local Plan policies and the approaches set out in WCC’s Local Plan Partial Review, alongside requirements of the Planning Obligations and Affordable Housing Supplementary Planning Document (March 2023).
- 9.19 The VA tests 155 development proposals on sites across the city to represent the types of sites that the Council expects to come forward over the Plan period. These developments are based on submitted applications and considered by the VA to be representative of schemes likely to come forward during the Plan period.
- 9.20 A residual based methodology has been applied to test the viability of development typologies, including the impact on viability of the Council’s emerging planning policies alongside adopted levels of Westminster CIL.
- 9.21 Sensitivity analysis in the VA is confined solely to a single scenario, testing the impact of growth in sales values/capital values of 10% and cost inflation of 5%. No downside viability testing has been undertaken. This is a major failing of the analysis given the current high level of uncertainty on market inputs including finance rates.
- 9.22 Given the complexity of the City of Westminster area the VA does not adequately provide a methodologically sound and comprehensive evidence base for the Plan according to the requirements of the NPPF and PPG for the following reasons:
- i. The typologies selected do not reflect the diversity of development coming forward across the City;
  - ii. Supporting evidence is limited, superficial and in some cases non-existent, thereby not representative of the geographical spread of costs and values across the complex urban area of Westminster; and
  - iii. The VA relies upon a land value benchmark of existing use value plus an arbitrary margin (premium). This is not in accordance with the Paragraphs 13 to 16 of the NPG nor RICS mandatory requirements. This approach disregards the national planning policy and planning guidance considerations which prescribe that

premiums should be determined using market evidence and be informed by cross sector collaboration.

9.23 It is impossible to critically analyse the modelling as the results are only summarised in table form without necessary detail on cost and value components. WPA are concerned by the lack of transparency, and apparent inaccuracies, in the application and testing of the cumulative impact of policies, and therefore request further detail to enable transparent analysis of BNPPRE's modelling.

### **Tenure Split Alterations**

9.24 The proposed policy seeks to change the target affordable housing tenure split from 60:40 intermediate: social tenure, to 70:30 social: intermediate tenure.

9.25 There are concerns regarding the potential impact on the financial viability and practical deliverability of residential development arising from this approach.

9.26 Firstly, the particular economics of Westminster mean that the extremely high service charges and other associated costs in affordable housing development here are likely to make developments unattractive to Registered Providers or other purchasers and therefore unviable or impractical to deliver.

9.27 This is partly due to the fact that tenants can be charged for 'eligible' service charge items in relation to the Social Rent tenure units. As a result, the cost of those items which are considered ineligible to be claimed against are absorbed by the respective Registered Provider. This may lead to Registered Providers experiencing a negative cash flow in some circumstances.

9.28 High service charge costs will flow through to high eligible costs, the recharging of which will impact directly on the social tenants themselves, particularly those impacted by the benefit cap. The alternative, which is to require affordable rents inclusive of service charge, will further increase the risk and reduce the attractiveness of these homes to Registered Providers as described below.

- 9.29 Given the nature of the costs in highly ‘amenitised’ residential buildings, the result could also be a higher level of ineligible costs than is usual for social housing in other locations. This could produce cases where these ineligible service charges are in excess of the Social Rents received, thereby resulting in a negative cash flow. Typically, the Intermediate units within an affordable residential building assist in subsidising, and therefore ‘de-risking’, the full impact of these costs for the respective Registered Provider.
- 9.30 The proposed policy change to 70% Social Rent dwellings is likely to produce a scenario whereby the reduced level of Intermediate product is incapable of subsidising/derisking the uplift in overall Social Rent units. As such, the proposed increased proportion of Social Rented tenure will potentially have an adverse impact of deliverability of schemes within the City. This would have the effect, commercially, of discouraging developments which trigger affordable housing threshold from being pursued by developers.
- 9.31 There is currently limited demand from Registered Providers and many have limited funds for new homes. The proposal to revise the tenure split to a lower value mix comes at a time when viability and deliverability of affordable housing is very challenging. It would be counter-productive for the revisions to the tenure split to result in a lower delivery of affordable housing overall. If a revised tenure mix is to be introduced, we would propose that, to help ensure the delivery of affordable housing, there is provision in the Section 106 agreement for a variation to the tenure mix for a split between the parameters of the current Local Plan and the proposed policy. This could be done by inserting a cascade mechanism, which would only be triggered should there be marketing evidence presented that confirms the proposed tenure mix is not deliverable.

#### **Use of Viability Assessments in Applications for Small Sites**

- 9.32 Policy 13 Part D states that residential developments providing fewer than 10 homes may provide affordable housing contributions via a payment-in-lieu mechanism, rather than requiring on-site or off-site delivery. This flexibility is supported, given the various practical difficulties of accommodating such small numbers of social rented or intermediate homes within a mixed-tenure residential development of fewer than ten units.

- 9.33 There are concerns, however, regarding the proportionality and impact of requiring financial viability evidence to demonstrate that small-scale residential developments are unable to provide policy-compliant affordable housing contributions.
- 9.34 Viability assessments require substantial, detailed specialist work, which it is often not possible for applicants to publish in full, due to commercial confidentiality constraints. Their use also generates a requirement for the City Council to employ a specialist third party to review the assessments' contents, methodology and conclusion. This process is also likely to lengthen the timescales associated with determining planning applications for relatively small residential developments of fewer than ten units in total.
- 9.35 For this reason, it is suggested that the policy thresholds and operation are adjusted as suggested elsewhere in this section, in order to reduce the range of applications which would be required to provide viability evidence.

## 10 Summary and Conclusions

- 10.1 This section provides a summary relating to the retrofit first policy and the affordable housing policy.

### **Retrofit-First Policy - Overview**

- 10.2 The aspiration behind the introduction of the proposed retrofit-first policy is understood and supported. WPA recognises the impacts of climate change as a global problem and supports the drive to reduce carbon emissions within the development industry, which must be balanced against the need to provide sustainable social and economic development.
- 10.3 The proposed retrofit policy as drafted is not, however, sound, because it is not consistent with national policy, is not in general conformity with the published London Plan, and, if adopted in its current form, would lead to the Westminster City Plan being internally inconsistent. This is largely a result of the evidence base upon which the policy has been prepared.

### **Retrofit-First Policy - Evidence base**

- 10.4 A wide variety of issues has been identified with the evidence base used to prepare the policy, which make the evidence base for it unsound. These can be summarised as follows.
- 10.5 The scale of the issue that policy tries to address is not quantified or evidenced. The extent to which demolition and redevelopment contributes to the City of Westminster's annual carbon emissions is not established.
- 10.6 No evidence has been put forward that a modest change in the demand profile which could result from an increase in retrofit, and a reduction in new-build development, will lead to any effect in overall carbon emissions from the manufacturing sectors that form the construction supply chain. Whilst we acknowledge the work being undertaken by Local Planning Authorities to introduce planning policy to this effect, we have been clear throughout this report that attempting to intervene in the demand for construction products to reduce carbon would be better achieved at a national or regional level, as part

of a consistent and coordinated approach, that would encourage continued investment and innovation in lower carbon products.

- 10.7 The evidence base methodology for the City Plan Review is insufficient as its modelling approach adopts a vast over-simplification of the variety and complexity of development in Westminster. It cannot, therefore, provide a proportionate evidence base on which to form sound policy.
- 10.8 Whilst WPA endorses LETI's aim to seek to reduce the carbon emissions arising from development, it is not clear to what extent the LETI targets used have been objectively tested and found sound, given this was not the purpose for which the LETI targets were set.
- 10.9 The City Council's evidence base accepts that the proposed targets are largely unachievable. This matches WPA's experience and other benchmarking information. The evidence base makes assumptions about the availability, usability, and appropriateness of the use of specific materials and construction techniques in development in Westminster. It is most unlikely that all of these techniques and materials will be available, and appropriate, for use in all circumstances in development projects.
- 10.10 The viability approach adopted in the evidence base lacks sufficient evidential integrity. The various key barriers to development have not been adequately accounted for in the viability evidence presented as part of the Plan Review evidence base.

#### **Retrofit First Policy - Part A**

- 10.11 Part A of the policy is too complex to operate in a sound manner in plan-making terms and, if adopted in its current form, would probably be the most complex of the policies in the entire Westminster City Plan to put into practice.
- 10.12 Westminster is a leading example of a high value, relatively low carbon, sustainable economic location. The London Plan provides clear policy direction which supports not only the protection of the various strategic functions which make up the agglomeration of the CAZ environment, but also their growth, improvement, and intensification. The evidence base used to support the proposed retrofit policy is however based on imposing additional

restraint on non-residential development, or prioritising residential over commercial development within the CAZ, which is not consistent with this adopted policy position. This is the key inconsistency within the approach taken to both the evidence base and the policy itself.

- 10.13 There are a number of areas where the intended application of the policy and the definitions used, are unclear and the intricate optioneering exercise at the heart of the policy will not be proportionately applicable to all development proposals when working in the complex built environment of central London. Due to the difficulty of carrying out the optioneering exercise, the structure of this part of the policy is likely to skew decisions toward the refusal of any proposal involving substantial intervention to a building.
- 10.14 The introduction of specific reference to public benefits, particularly those associated with newbuild development, is welcomed. The emphasis on public benefits, and the weight they are given within the operation of the policy, is insufficient and should be enhanced to recognise their role within the context of a development plan which supports growth and intensification in central London.
- 10.15 It is unlikely to prove possible to apply part A of the policy in a positive, effective or proportionate manner alongside the other policies forming the Development Plan. The likely, if unintended, consequence, is that the policy is likely to act to prevent most types of development to which it is applied, meaning the growth and intensification of development in central London which is directed by the strategic elements of the development plan, is prevented. This is not consistent with the aims of the planning system.
- 10.16 WPA considers Part A should be removed. If it is to be retained in some form, substantial changes are suggested that would improve, but not entirely overcome, its existing drawbacks. In the event that this part of the policy is to be retained largely as prepared, some specific adjustments are proposed.

#### **Retrofit First Policy - Part B**

- 10.17 WPA continues to support the introduction of appropriate targets within planning policy, which can provide both clarity and guidance to Applicants and facilitate innovation within

the construction industry. The targets need, however, to be achievable, including being based on evidence of deliverability, and consistent with the rest of the development plan in order to be sound in plan-making terms.

10.18 Currently, the validity, clarity, applicability, and attainability of the targets for development, within Part B of the policy, does not provide a sound basis for plan-making as currently worded.

10.19 The proposed targets do not align with emerging upfront embodied carbon targets proposed by other Local Planning Authorities, are significantly lower than the adopted minimum GLA benchmarks and in some cases the GLA aspirational benchmarks, and exceed what the evidence base, and other benchmarking evidence, suggests is achievable. The proposed targets are largely unachievable for all but the 'lightest' of refurbishment developments.

10.20 Specifically, we have identified the proposed targets to:

- i Preclude almost all new build development and be unattainable for most other developments with the exception of retrofit and light refurbishment schemes;
- ii Be internally inconsistent with the City Plan and not in general conformity with the London Plan;
- iii Be misaligned with the RICS guidance coming into effect in July 2024 according to which carbon emissions will be calculated;
- iv Be inconsistent with the conclusions of the WSP evidence base report;
- v Be incomparable to similar emerging policies both within London and nationally; and
- vi Prioritise residential development over commercial development within the CAZ in a manner that is not in general conformity with the London Plan.

10.21 The policy also seeks to impose a costly offsetting charge for developments which do not reach these targets, to resolve the 'shortfall' in carbon emissions to reach the policy target. The likely impact of this approach will be to make much potential development so



unattractive a prospect financially that it will prevent the growth and intensification of development in central London which is directed by the strategic elements of the development plan.

10.22 Part B of the policy could, however, be adjusted to make it sound as a positive basis for encouraging the enhancement of sustainability in development, which is an aim fully supported by WPA.

10.23 Policy 43 Part B could be adjusted to make it sound as follows:

- i. The publication of the evidence base supporting the proposed targets;
- ii. The inclusion of specific numerical targets within the policy, as suggested;
- iii. The exclusion of major development which does not result in substantial or full demolition from the policy; and principally
- iv. The adjustment of the targets to an appropriate level which better supports the growth and intensification aims set by the development plan.

10.24 In addition, the policy could adopt a staggered approach to target setting, in line with the London Boroughs of Enfield and Ealing, which set interim targets up to 1 January 2030 and point to more stringent targets following this date in order to allow for technological innovation within the industry, subject to an Early Review of the local plan.

10.25 WPA is keen to continue to engage with the City Council on the continued evolution of the retrofit-first policy to develop a sound policy so that the City Council's approach can support and sustain Westminster's role at the centre of London World City offer. It looks forward to review potential pre-submission proposed modifications accordingly.

### **Affordable Housing Policy**

10.26 WPA acknowledges and supports the need to ensure affordable housing policy is adjusted to reflect changing demand. Various areas of concern have been identified and alterations to the policy approach are proposed.

- 10.27 These relate, in particular, to the definition of new homes and the interaction of the 0sqm threshold with the Planning Obligations and Affordable Housing SPD, and to the viability evidence base and are raised to ensure the Plan as a whole will encourage development.
- 10.28 These changes would collectively help to ensure the Plan as a whole will encourage development in a positive and effective way.
- 10.29 The lack of transparency and apparent inaccuracies associated with the evidence base and the modelling flowing from it are also of concern – it would be helpful for these to be published to allow transparent analysis of the modelling.

<b>ID/ Our reference</b>	051/ EXT051
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>SAVE BRITAIN'S HERITAGE</b>
<b>Type of respondent</b>	Charity, campaign group and other clubs/association



## **CITY PLAN PARTIAL REVIEW – RESPONSE TO REGULATION 19 CONSULTATION**

City Planning Policy,  
Innovation and Change,  
Westminster City Council,  
17th Floor, 64 Victoria Street,  
London,  
SW1E 6QP

By email to: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

Our reference: 24032

25<sup>th</sup> April 2024

Dear Sir or Madam,

### **City Plan Partial Review | Introduction of a new Policy 43 Retrofit First to City Plan 2019-2040 | Regulation 19 Consultation**

Please find below our response to the ongoing consultation on the introduction of a new Policy 43 Retrofit First to City Plan 2019-2040. Our response is limited to comments on whether we consider the new Policy 43 Retrofit First to meet the tests of soundness as set out in the National Planning Policy Framework.

#### **General Comments**

SAVE Britain's Heritage welcomes the introduction of Policy 43 Retrofit First and strongly supports the principle that development should adopt a retrofit-first approach where options for retrofitting and the retention of existing buildings are fully and exhaustively explored before demolition is considered.

SAVE has been strongly advocating for a retrofit approach in the landmark case for M&S Oxford Street. We consider retaining and retrofitting historic buildings, and the vast amount of embodied carbon they contain, to be of paramount importance if Westminster City Council (WCC) is to comply with national policy targets, as set out in the NPPF (2023) and its own commitment to be carbon neutral by 2030, as declared on 18th September 2019. Heritage and sustainability go hand in hand and are mutually reinforcing. The retention and restoration of historic buildings has a very powerful role to play in the pursuit of net zero and legal climate change goals.

With regard to listed buildings, any retrofit plan needs to take into account the character and fabric of the building in question. We consider that a CARE accredited engineer is an essential part of any discussion of the structural integrity of historic buildings and should be engaged at this level.

We wish to offer the following comments and suggestions in response to the proposed policy:

Do you consider this section of the new Retrofit First policy to be sound?

Paragraph A (1) of the new policy states that development involving total demolition of a building which has more than a single storey will generally be resisted unless it can be demonstrated that *“the proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option”*.

The use of the term ‘public benefit’ should be further clarified. In Framework terms, paragraphs 207 and 208 require any harm to a designated heritage asset to be weighted against the public benefits of the proposal. The National Planning Practice Guidance (2019) elucidates that heritage benefits, including works to a listed private dwelling which secure its future as a designated heritage asset, are a public benefit. For these reasons, we consider the new Policy 43 Retrofit First should provide a clear definition of public benefit to ensure that retrofit is fully explored as a first option and public benefit is not unduly used to tip the planning balance in favour of demolition. There is clear public benefit in terms of the reduction of embodied carbon emissions that a retrofit first approach would bring. Further to this, the safeguarding of listed buildings through retention and retrofit is a public benefit.

SAVE considers that public benefits, as set out in the NPPF, can be delivered through a retrofit and retention scheme and are not reliant on demolition. Achieving sustainable development is an overarching objective on the NPPF. Para 157 provides that the planning system should *“support the transition to a low carbon future in a changing climate”* and, *“encourage the reuse of existing resources, including the conversion of existing buildings”*. To better meet the test of Para 157 and encourage the reuse of existing building, the new Policy 43 Retrofit First should set out that retrofitting an existing building can be compatible with delivering public benefits.

Suggested changes to policy wording

Finally, we propose the following changes to the new Policy 43 Retrofit First wording to better comply with the overarching aim for sustainable development as set out in the National Planning Policy Framework.

1. Specify what would be considered ‘substantial demolition’ for clarity and to ensure that the proposed appraisal of construction options, as required by the new policy, has been suitably carried out to justify this demolition.
2. Removal of the word ‘generally’ from paragraph A of the new policy. This states that, *“development involving total demolition of a building which has more than a single storey will **generally** be resisted”*. We consider that this undermines the effectiveness of this policy and creates a potential loophole for proposed development which is pursuing demolition.

**Conclusion**

We trust these comments will be of assistance and we ask that SAVE is kept updated with any further amendments under the current consultation.

Yours sincerely,

  
**Lydia Franklin**  
Assistant Conservation Officer

<b>ID/ Our reference</b>	052/ EXT052
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>ARGENT SERVICES LLP/ UK NET ZERO CARBON BUILDINGS STANARD</b>
<b>Type of respondent</b>	Consultancy firm and professional network



# UK Net Zero Carbon Buildings Standard

Net Zero Carbon Buildings Standard Ltd



25 April 2024

To whom it may concern

**RE: Westminster City Plan Consultation**

I am writing on behalf of the Governance Board and Technical Steering Group of the UK Net Zero Carbon Buildings Standard (NZCBS), in response to your proposed updates to the Westminster City Plan.

I would like to start by congratulating Westminster City Council on taking such proactive steps towards prioritising retrofit and low-carbon design through this proposed update to the City Plan. However, I am writing regarding your use of embodied carbon limits. The proposal being shared for consultation uses LETI targets to set limits for the embodied carbon of projects. Given the forthcoming release of the NZCBS later this year, I would like to recommend that you replace your reference to the LETI targets with a reference to the NZCBS limits.

The work of the NZCBS team to set embodied carbon limits that are both informed by what is possible on projects, as well as what is needed to keep the building industry below a 1.5° trajectory, mean that the limits in the NZCBS are likely to become adopted by the construction industry as best practice. LETI have also been strongly involved in our work since the outset and I'm sure would support this recommendation.

I would be delighted to meet with the parts of your team who are involved in this work. Ian Poole, your Senior Whole Life Carbon Officer, has also been heavily involved in our embodied carbon work over the last two years, and I'm sure could share insights into the work we have undertaken.

Yours faithfully,

David Partridge,

Chair of the Governance Board

<b>ID/ Our reference</b>	053/ EXT053
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>UK GREEN BUILDING COUNCIL</b>
<b>Type of respondent</b>	Consultancy firm and professional network



## Westminster City Plan Partial Review - Response to Regulation 19 consultation

### 1. Revised Affordable Housing Policy

UKGBC welcomes the shift from a majority of intermediate housing to a majority of social housing, as well as the commitment to not lose affordable housing floorspace across Westminster.

#### Detailed comments

**13.1/** Westminster also has one of the highest rates of vacancy. There is an opportunity to provide affordable housing and tackling vacancy at the same time. This could address vacant investment properties or empty commercial assets suitable for conversion, among others. Delivering affordable housing while minimising new build presents a crossover with the Retrofit and Affordable Housing policies.

**13.2/** We welcome the ambition to require all residential developments to contribute to affordable housing delivery.

**13.3/**

**13.4/**

**13.5/**

**13.6/**

**13.7/**

**13.8/**

**13.9/**

**13.10/**

**13.11/**

**13.12/** Supportive, no further comments

**13.13/**

**13.14/**

**13.15/**

**13.16/**

**13.17/**

**13.18/** Supportive, no further comments

**13.19/** Supportive, no further comments

**13.20/** Supportive, no further comments

## 2. New Retrofit Policy.

UKGBC welcomes the adoption of a retrofit first approach in the City Plan. We see this as an ambitious local development plan that has the potential to serve as an inspiration for other Local Planning Authorities. We specifically welcome the requirement for demonstration of public benefit as a condition for demolition. We would highlight the importance of clear guidelines where requirements are subject to interpretation, to ensure this plan can deliver on its ambition.

### Detailed comments

**43.1/** Supportive, no further comments

**43.2/** We strongly support the focus on retrofit and its recognition as a climate solution, as well as the requirement for demolition proposals to demonstrate that they are the most sustainable outcome. The success of this policy will depend on the detailed assessments behind that and the rigour with which they are reviewed.

**43.3/** We appreciate the stringent conditions for demolition. We would encourage an additional clause about adapting the design proposal to the existing circumstances. A potential loophole might be an intentionally overly demanding proposal, structurally or otherwise, that makes the retrofit option appear unviable. Therefore, a review of how the outcomes of the building can be maintained (such as the public benefit it creates) within the existing constraints would be a way to prevent such loopholes.

**43.4/** Additional guidance about under which circumstances jobs and investment opportunities count as public benefit to residents of Westminster would be appreciated.

**43.5/** UKGBC supports the use of Site Selection Statements as laid out in this paragraph.

**43.6/** Incorporate a commitment to the emerging Net Zero Carbon Buildings Standard (NZCBS), as the LETI targets are going to be superseded by the NZCBS (though LETI may update their scale-based rating in response). We would recommend that the embodied carbon and operational targets reflect NZCBS limits.

**43.7/** Supportive, no further comments

**43.8/** Supportive, no further comments

**43.9/** Use of LETI's best practice benchmarks is supported, but the Plan should intend to reference the net zero-aligned limits contained in the upcoming UK Net Zero Carbon Buildings Standard, when published.

**43.10/** No comments

**43.11/** One step further would be to not allow any credit for carbon reductions below the minimum benchmarks, to lock in the carbon reductions rather than allowing these amounts to be deducted from carbon offset of energy statements.

**43.12/** Supportive, no further comments

**43.13/** No comments

**43.14/** No comments

<b>ID/ Our reference</b>	054/ EXT054
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>MAX FORDHAM</b>
<b>Type of respondent</b>	Consultancy firm and professional network

## COMMENTS IN RESPONSE TO WESTMINSTER CITY COUNCIL'S NEW POLICY 43. RETROFIT FIRST

We fully support the intentions of this policy, and would welcome a supporting guidance from Westminster to enable project teams to submit a robust case for a development.

A 1 (P 174) Economic and environmental impact statements should quantify as well as benchmark "public benefits" against what would be "business as usual". This should be underpinned via stakeholder engagement and integration with the council wide initiatives.

Item 43.4 (P 176)

"Public benefit" considered only within a narrow project boundary, or just the surrounding streetscape does not acknowledge the much wider impacts of environmental degradation that new construction can bring. Retrofit brings broader public benefit opportunities to develop the skills and precedents in retrofit, which our country needs to meet its NZC commitments.

A 2 (P 174) Defining "Suitably comparable" for a set of emerging/major applications that are likely come forward would encourage the applicants to carefully define the comparison scenarios. This is particularly key for retrofit scenarios increasing GIA or replacing the existing façade, or moving the primary core, as there are a lot of nuances around retrofit and extend rather than refurbishment/ deep retrofit

Item 43.3 (P 176)

Even if new construction has similar/less WLC carbon than retrofit, there are two glaring differences:

- New construction generally has far more upfront carbon, that emitted now at the start of the project, at the critical period when we are trying to reduce emissions.
- Simply looking at carbon metrics does not acknowledge the vast ecological destruction and pollution of materials extraction and processing, which new construction requires.

There are also more subtle issues, such as the greater disruption of new construction, and opportunity to advance retrofit missed (as above).

B (P 175) Defining "substantial" demolition and showing early engagement with demolition contractor as part of the appraisal is important. At planning stage, the assessments may show minimum demolition, but the extent of actual demolition could increase at the construction stage.

It should be flagged that this policy is also applicable to proposals for the demolition of existing residential building to replace with higher GIA newer building.

In addition to reporting a normalised embodied carbon by GIA, it is worth reporting the actual tonnage of carbon for the proposed scenario against other scenario. This will give a better idea of scale of impact as higher GIA buildings would look better on paper than actual carbon emissions. Also, it should be mandatory to report refurbishment carbon from new build extensions.

B1a (P 175) The targets shown appear very low. If the requirements for a replacement new building are more onerous, this would encourage retention.

From our experience meeting LETI band B, 400-475kgCO<sub>2</sub>e/m<sup>2</sup>, for new build non-residential building, is extremely challenging even with lower carbon timber construction and efficient MEP strategy. It is worth highlighting that sequestration should not be accounted within reporting. Publishing an annual league of tables against these targets, at each stage of a project, would be helpful for the wider

industry. Make it clearer if the GLA WLC template submission is mandatory for the proposed scheme, to satisfy this policy. If not, set out the required format for submission.

Encouraging low-carbon new construction is of course great, but where these are replacement buildings (rather than on sites where there was previously only very small) there is a risk that constructions which have very useful attributes such thermal mass (which can be used effectively in offices in conjunction with night-time natural ventilation to cool spaces and reduce energy usage), which will not be replicated in the new low-carbon construction. Thermal mass and less extensive glazing – as is often the case in older buildings – are likely to become even more useful attributes in climate resilience, to counteract overheating.

Reference to UKNZN Buildings Standard should be made, which is due to be published in coming months and will give targets for many other building types, and also additional requirements for certain situations, eg office fitouts.

B2a (P 175)

The proposed requirement for circular economy alongside retrofit needs to be strengthened. In addition to a Circular Economy statement and Pre-demolition audit (London Plan requirement) – a dedicated policy asking for a minimum % of “high value reuse” of actual reuse of stripped out and demolition materials is needed.

Westminster should enable this by actively engaging as well as encouraging applicants to create a “local” online marketplace e.g. Excess Materials Exchange. The applicants should be required to clearly identify and state within the planning submission which items would be reused or will be recovered for reuse – this will truly help to create a local circular economy.

The Council could set out a process as part of pre-app to forge practical connections between the applicants and the wider council teams delivering roads, infrastructure, public spaces, park and schools via sharing of material resources coming out of construction projects.

The policy should make it clearer if the GLA CE statement template submission is mandatory for the proposed scheme. If not, set out the required format for submission.

D (P175)

Consideration of interstitial condensation from the proposed retrofit measures should be made mandatory at the planning stage. Incorrectly installed fabric improvements cause more harm and affect long term performance. Retrofit Plan should include a technical assessment of the existing fabric against the proposed upgrades.

Sustainable Design Statement or Retrofit Plan, it is unclear how is this different from a Pre-redevelopment audit. It is worth explaining to avoid duplication of efforts.

<b>ID/ Our reference</b>	055/ EXT055
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>OXFORD PROPERTIES GROUP</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

## City Plan Partial Review: Regulation 19 Consultation

From Harry Knibb [REDACTED]  
Date Mon 29/04/2024 19:59  
To Planning Policy: WCC <planningpolicy@westminster.gov.uk>  
Cc Rachael Lee [REDACTED]

1 attachment (1 MB)  
240425 - WPA Representations - For Issue.pdf;

You don't often get email from [REDACTED] [Learn why this is important](#)

**Caution:** This email originated from outside of the organisation. Do not click links, open attachments or reply, unless you recognise the sender's email address and know the content is safe.

Dear Westminster City Council

We write to provide representations on your Westminster City Plan Partial Review: Regulation 19 Consultation.

As members of the Westminster Property Association, we endorse the opinion within the attached WPA representations document dated 25 April 2024, noting in particular that:

1. Oxford welcomes the work undertaken by the City Council, the early engagement, and supports the proposed direction of travel towards a low carbon and sustainable Westminster
2. The 'retrofit first' policy approach to urban renewal is important and should be prioritised
3. However, based on the WPA's analysis, the upfront embodied carbon targets outlined within the consultation document of <475 kg/CO2e/m2 for commercial office, would result in a 'retrofit only' approach to urban renewal which would impact wider policy objectives, such as good growth
4. Instead, we support the WPA's proposal of 600kg/CO2e/m2 for upfront embodied carbon targets for commercial office alongside a staircasing policy as identified within the report (item 7.143)

Many thanks,

Harry Knibb

Harry Knibb MRTPI (*he/him*)  
Director, Development (Europe)

Oxford Properties Group





[Click here: 2023 Oxford Global Sustainability Report](#)



<b>ID/ Our reference</b>	056/ EXT056
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>THE POLLEN ESTATE</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

# THE POLLEN ESTATE

Westminster City Council  
15th floor  
City Hall  
64 Victoria Street  
London  
SW1E 6QP



1 May 2024

By email: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

Dear Sir/Madam

## **Representations on Westminster City Council Regulation 19 Partial Local Plan Review**

I am writing on behalf of The Pollen Estate to respond to the Regulation 19 Partial Local Plan Review.

### **Background**

The Pollen Estate is responsible for much of the area around Savile Row, Cork Street and Old Burlington Street. The Pollen Estate has a 400 year presence in this location and is committed to a long term role as a steward of this distinctive and important part of London's West End.

The Estate is entirely within Conservation Areas and composed largely of heritage buildings. The last two completed development projects were both heritage-led retrofits and a comprehensive redevelopment has not been undertaken for over 100 years. We therefore have considerable experience working with existing buildings, retaining and refurbishing where possible.

Given this experience, having reviewed Policy 43 of the Partial Review of the Local Plan in its current form, we are concerned that it is unsound, inconsistent with national policy and not in general conformity with regional policy. We object to it on this basis.

### **Strategic Approach**

We do not consider Policy 43 is consistent with national policy and in general conformity with London Plan policy because it seeks to introduce a strong presumption against the replacement of buildings in all circumstances, irrespective of the way in which wider development plan requirements for sites may be best met, which will vary from case to case.

It is not consistent with London Plan policy and its Good Growth objectives that promote central London to seek to make the best use of land and to meet needs, including London's needs for good quality workspace. Achieving these objectives will, in some cases, require the replacement of buildings and the presumption against such work that Part A seeks to introduce is unsound.

### **Part A**

We consider that Part A of Policy 43 should be removed.

If it is retained, significant further change should be made to the policy.

Part A seeks to introduce complex requirements for the testing of alternative options by comparing public benefits of redevelopment with alternative retrofit proposals, whilst showing at the same time a redevelopment proposals lead to lower, or similar, whole life carbon omissions.

There may be cases where delivery of an alternative retrofit option is not commercially deliverable or viable due to the constraints of the site or the space that could potentially be created, even if doing so was feasible from an architectural or engineering perspective. This should be recognised by policy, with criterion 1 adjusted to be clear that any alternative against which a redevelopment may be compared would need to be commercially viable and deliverable.

The “and” at the end of criterion 1 in Part A should be replaced by an “or”, so that it is possible for redevelopment to come forwards in such circumstances even if the embodied carbon cost differs.

The proposed policy does not recognise the range of public benefits that could flow from development, although the supporting text at paragraph 43.4 provides some limited explanation of this. If retained in its current form, the text of 43(A) should also be amended so that the extent of potential public benefits, including the contribution to economic objectives, is set out within the policy itself.

## **Part B**

Part B of the draft policy sets out minimum and aspirational thresholds for embodied carbon (A1 – A5) with which proposals for total or substantial demolition are required to comply, of 350kgCO<sub>2</sub>e/sqm and 475kgCO<sub>2</sub>e/sqm.

We are committed to driving down carbon emissions from the built environment, from both operational and embodied emissions. However, we do not support the targets proposed because they are not deliverable. They will prevent both redevelopment, where otherwise appropriate, and other retrofit works.

They are inconsistent with the established GLA targets set out in London Plan Whole Life Carbon guidance.

The detailed representations prepared by the Westminster Property Association, of which we are Board members, have shown that the embodied carbon performance of new buildings is very significantly higher than the proposed levels. They are not achievable, and will amount to an effective prohibition on new buildings, even when the policy tests within Part A, with which we also have serious concerns, are satisfied. We note that WSP has confirmed in its January 2024 report, included within the City Council’s evidence base, that the targets are not currently achievable, stating in the executive summary **“This analysis shows that even adopting good practice design and high levels of material substitution, each of the buildings still will not achieve carbon reductions in line with UK Net Zero Target, 1.5 degrees and The Paris Agreement (LETI Band A or below).”**

We support the use of objective targets to drive down embodied carbon emissions from new buildings and ensure there is a standardised, and consistent, approach in this complex and rapidly emerging area. However, it is vital that these targets are set at a level that is achievable and continues to allow for new buildings in appropriate circumstances, where such buildings are the best way of achieving overarching development plan requirements for sites.

We note the proposed introduction of carbon offset payments on embodied carbon, where the minimum threshold is not achieved. At this stage, given our serious concerns with the achievability of these targets, we do not support the use of offset contributions for embodied carbon where they are not met. This is not necessary to make development proposals acceptable in planning terms.

Furthermore, we are unclear on the methodology that would be used to secure embodied carbon offset contributions and the carbon price that would be charged; this is not set out within the draft plan.

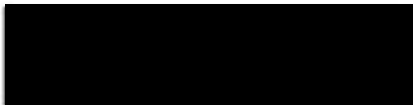
**Conclusion**

We trust that these objections will be passed to the Inspector in advance of the EIP and taken into account by Westminster City Council in developing any pre-submission proposed modifications.

We request that the Council consider our representations, and modifications are brought forward to ensure the proposed policy is positively prepared, justified, effective and consistent with national policy.


If it would be useful to discuss the content of this letter further we would welcome a meeting.

Yours faithfully

A solid black rectangular redaction box covering the signature area.

Jenny Casebourne, Head of Portfolio  
The Pollen Estate

<b>ID/ Our reference</b>	057/ EXT057
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>BENTHAL GREEN OAK (BGO)</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

A large black rectangular redaction box covering the top right portion of the page.

City Planning Policy  
Innovation and Change  
Westminster City Council  
17th Floor 64 Victoria Street  
London  
SW1E 6QP

**By Email:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

Dear Sir/Madam,

**RE: City Plan Partial Review – Response to Regulation 19 consultation**

These representations are provided in response to the Westminster City Council (WCC) consultation on a new City Plan for Westminster in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('Draft Local Plan').

BGO are a global real estate investment, management and development business and BGO London manage the WELPUT Fund that owns real estate and current developments within Westminster and therefore have an interest in how the emerging policies will impact the Council's assessment of development Proposals.

Our representations, are in addition to the WPA representations (copy attached for ease of reference) as reinforcement of their conclusions which we believe challenges whether the draft plan has been prepared in accordance with the following;

- Positively
- Justified
- Effective
- Consistent with national policy

Our representations focus on the Draft Policy 43 – Retrofit First, however it is important to note that BGO support the aim of enhancing sustainability in the built environment through innovative re-use of existing building stock where feasible; however, we are very concerned that the retrofit policy would compromise, rather than support ongoing development in Westminster by preventing continued innovation and investment in Westminster's building stock. BGO's additional representations relate to the Office sector.

BGO were contributors to the WPA Retrofit First paper, but the proposed draft policy is set as a **retrofit only policy** as a result of the tests required to be able to justify the full demolition and rebuild, even in the case that it is the correct solution following the Whole Life Carbon Assessments currently required as part of WCC Planning Applications. The required threshold in the draft policy is ahead of the current GLA Whole Life Carbon Guidance and at odds with every other borough.

The draft policy requires the applicant to achieve a minimum of LETI B and aspire to LETI A and it should be noted that LETI, by its own website, confirms that its figures are there to “*support project teams to design buildings that deliver ambitious embodied carbon reductions*” rather than be the basis for planning policy.

The **justification** for the proposed target LETI figures principally relies on the Embodied Carbon Evidence Base document prepared by WSP (‘the WSP report’). The WPA report highlights the issues/concerns/observations with the report, including the data that is used to suggest how these targets can be achieved. Like other developers in London, we would be pleased to share a detailed Whole Life Cycle Carbon Analysis of an actual project in Westminster that is in construction.

*105 Victoria Street is the BGO comprehensive redevelopment of the site previously known as Southside/House of Fraser Victoria Street. At planning stage/ Stage 2, we set an aspirational target of less than 650kgCO<sub>2</sub>e/sqm, with the desire to continue to reduce embodied carbon through the design process. At the time of writing, the development is at Stage 4, and through detailed design and supporting analysis, anticipate embodied carbon has been reduced to 590kgCO<sub>2</sub>/sqm.*

*This is below the proposed LETI B target in the draft policy but meeting the GLA Aspiration requirements*

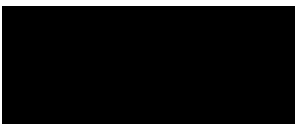
*It should be noted, that the project embodied carbon would be repaid with the saving in operational carbon within 6 years of the project completion. The existing energy use intensity was over 400 kWh/sqm/yr and the new scheme will be circa 96 kWh/sqm/yr, which will lead to a very significant reduction in operational emissions over the lifespan of the building whilst providing space that is far attractive to occupiers and will substantially improve the wellbeing and working experience of the building’s occupiers.*

With reference to this project and others available from other Westminster Owners/developers the WSP report does not provide the justification for the draft policy.

In addition to the above it should be noted that the drafting of the policy would also be hard to implement in an efficient and proportionate manner and thus challenges the **effectiveness** of the draft Policy. Its purpose is to promote retrofit, but does not provide any weight to retention as a public benefit that can be weighed against the planning balance against any heritage harm. As over 70% of Westminster is within a conservation area it is difficult to see how investment in creating sustainable real estate for the future including redevelopment can be considered or encouraged in large areas of Westminster on this basis.

BGO are committed to delivering sustainable buildings, and with adjustments to the draft policy to reflect the above would be supportive in the goals of Westminster of reducing embodied and operational carbon spend within real estate, however we also need to provide real estate to attract the required occupiers to underwrite the investment.

Yours sincerely,

A solid black rectangular box used to redact the signature of Alexander Morris.

**Alexander Morris**  
Managing Director, BGO

<b>ID/ Our reference</b>	058/ EXT058
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>TATE (THE PLANNING LAB)</b>
<b>Type of respondent</b>	Consultancy firm and professional network



25 April 2024

Westminster City Council  
Planning Policy Team  
20<sup>th</sup> floor Portland House  
Bressenden Place  
London  
SW1E 5RS

**By email only**

Dear Officers

**Representations to the Westminster CC City Plan 2040 Partial Review Regulation 19 consultation, April 2024  
Tate Britain, Queen Alexandra Military Hospital Site, Millbank, London**

**Introduction**

We write on behalf of our client, The Board of the Trustees of Tate Gallery (Tate), to make representations to Westminster City Council's ('WCC') City Plan 2040 (the 'City Plan') Partial Review Regulation 19 consultation.

We understand that this partial review of the City Plan has focused on matters considered to require urgent attention by WCC. These are: affordable housing; retrofitting; and four new site allocations. Tate has already engaged extensively with WCC on the selection of the new site allocations and reiterates its need for the reinstatement of its own site allocation for surplus land on the former Queen Alexandra Military Hospital (QAMH) adjacent to the Gallery, to safeguard its future development. It urges WCC to revisit this in the next iteration and more comprehensive revision of the City Plan, should the site allocations be broadened to include more sites.

The remainder of this letter provides comments in response to this Regulation 19 consultation, therefore focuses on the proposed new Retrofit First policy and amended Affordable Housing policy.

In summary:

- Tate supports the retrofit first policy in principle, but strongly advocates the need for flexibility in applications where there are special circumstances such as for existing low density, underutilised older building stock and where exceptional public benefits can be demonstrated.
- Tate supports WCC's approach to affordable housing and maximising social homes in line with viability testing. However, Tate considers an exception to the 50% requirement on public land is appropriate, where this will result in exceptional public benefits to other areas of its estate (e.g. Tate Britain).
- Tate considers WCC's approach to vacant building credit in Part K to be onerous, goes beyond the remit of planning policy and is not positively-prepared. This part of the policy should be updated to reflect the NPPF.

**Background**

Tate Britain is the home of British Art and a major cultural asset in South Westminster. It is a Grade II\* listed building within the Millbank Conservation Area, the Central Activities Zone, the Millbank Strategic Cultural Area and the Thames Policy Area. The QAMH site falls within Tate's ownership, occupying a 1ha plot immediately adjacent to the main Gallery and wrapping around the Clore. This site consists of a range of buildings totalling approximately 7,000sqm, some of which are also identified as being of townscape merit (albeit were not considered of sufficient quality to merit listing, as confirmed in the formal listing assessment undertaken independently by Historic England in 2008).

As noted above, it has been Tate's long-held ambition to release the QAMH site for a mixed-use development. There have been many discussions with WCC and HE over the years on the best way to deliver this. It is essential that Tate can recoup the funds generated through the release of its land to a commercial partner so that it is able to reinvest it for public good through modernisation and rationalisation of its estate in support of its cultural remit and objectives.

Tate is therefore mindful of the potential impact that the proposed new City Plan policies for retrofitting and affordable housing may have on the future of the QAMH site and Tate Britain, and makes the following comments below.

## **New Policy 43: Retrofit First**

### **Prioritising retrofitting over demolition (Parts A + B)**

Tate notes the proposed new Retrofit First policy and that the City Plan overall promotes and prioritises retrofit and refurbishment of existing buildings over substantial or total demolition. Tate declared a climate and ecological emergency in 2019. It aims to demonstrate leadership within the museums and gallery sector to strive towards achieving net zero emissions by 2030. Tate, therefore, understands the benefits of considering options that focus on first retrofitting existing buildings and supports the aims of the new policy in principle. However, as the policy acknowledges, Tate also strongly agrees that there are some instances where substantial or total demolition may still be appropriate and an important part of renewing and upgrading the city's building stock.

It is acknowledged that the draft policy currently proposes that 'total demolition' over one storey is to be generally resisted unless an appraisal is produced to demonstrate that greater public benefits can be delivered and lower or similar whole-lifetime carbon can be achieved, or where there are clear operational or structural constraints. Tate supports WCCs approach for flexibility to be applied to enable a proper assessment of whole life cycle and the circular economy with these factors also in mind. It also supports the inclusion of considerations of the public benefits and bespoke operational requirements as important components when assessing total or substantial demolition.

### **Additional flexibility for certain sites**

Tate believes that a retrofit approach will not be appropriate for all buildings, particularly those with inefficient floorplates and limited accessibility. Tate considers that the policy could provide an acknowledgement in support of demolition where buildings exhibit this criteria. Flexibility should also be extended to sites with a very low density in comparison to their surroundings; where the existing site is underutilised generally; and where new build development would deliver significant public and socio-economic benefits, thereby aligning to other objectives of the City Plan and the London Plan, including optimising density.

### **Tate's special circumstances**

As an example of the points outlined above, the QAMH site is a former military hospital that houses some of Tate's admin functions. Many of the buildings on the site are in poor condition and/or vacant. The buildings on site do not provide adequate accommodation, they absorb valuable resources in maintenance, and in many areas the accommodation is simply not suitable for modern business (or residential) use. Ultimately, the site no longer meets Tate's needs. Despite Tate's in principle support for prioritising a retrofit approach, there are significant issues associated with delivering a full retrofit scheme at a site such as QAMH, which essentially comprises a set of buildings built for a different purpose and with associated present-day structural, spatial and environmental inefficiencies.

### **Delivering other public benefits**

Tate needs to realise the equity held within the site to facilitate delivery of Tate's broader plans, and in order for Tate to be able to deliver strong and wider public benefits, namely reinvestment into Tate's estate to deliver public good, as well as potential for the delivery of affordable workspace, affordable housing, new jobs and contributions to local estate regeneration. Development must also allow Tate to provide an improved public arts offer, both via the reorganisation and redistribution of its staff and facilities across its sites and also from funds released by the sale of parts of the QAMH site and resultant lower maintenance costs. Tate considers its plans for redevelopment at QAMH exist in special circumstances, and given its high public profile and offering, and its specific institutional and operational requirements, it should benefit from flexibility to the retrofit-first approach.

Notwithstanding these special circumstances, Tate understands that if demolition is to occur, there is a sequence of analysis that must be undertaken in the early stages of appraising options for the site, including optioneering, demolition audit, whole life cycle carbon assessment (in line with LETI targets) and circular economy analysis. In addition, and crucially, any proposals for redevelopment would need to be of the highest quality and respond to wider site complexities including heritage designations, which would need to be sensitively considered with plans reflecting the varying levels of significance.

## Glossary comments

Tate acknowledges the definitions in the Glossary of 'Retrofit'; 'Substantial Demolition' and Total Demolition'. It has the following comments on each:

- **Retrofit:**
  - i. The current definition does not lend itself very well to larger sites that have more than one building affected by development proposals. Clarity would be helpful on how re-use/retrofit of 'at least 50% of an existing building' would be applied in these circumstances to meet policy requirements. Tate advocates for the target to be applied across larger sites as a whole, to facilitate a balanced approach.
  - ii. The reference to retaining, 'as a minimum', 'the foundations, core and floor slab' is also considered too restrictive to meet the definition of retrofit, and would predominantly apply to buildings with a specific set of characteristics that enables retrofit, e.g. those with robust foundations and efficient floorplates. Tate suggests that instead of '*as a minimum*', the glossary text be adapted to reflect the retention of these aspects '*where appropriate*'. This is especially applicable to older building stock, built for a very specific purpose (i.e. a hospital such as the QAMH), which are much more difficult to adapt for modern viable uses. As is the case with the QAMH site, the foundations for older building stock are often insufficient for modern building needs. Core may take up an overly large and inefficient area, conversely, they may be too small to accommodate new viable uses (particularly in former public buildings). Older buildings are also more likely to have floor slabs that need significant strengthening or have room configurations or heights that are insufficient to accommodate alternative uses and their modern requirement.
- **Substantial Demolition:**
  - i. It is noted that this definition appears to reflect larger sites, applying the 50% threshold to above ground structures by volume or area. Tate recommends the same site-wide approach is applied to the definition of 'retrofit', removing the current reference to 'building'.
- **Total demolition**
  - i. Tate has similar comments to the Retrofit definition above and requests greater clarity on application to larger development sites with more than one building. It again supports the definition of total demolition reflecting the sitewide approach where appropriate. Consistency should be applied across these definitions.
  - ii. Tate would question whether the retention of a façade would be more aligned to 'substantial demolition' than 'total demolition'.

## Amended Affordable Housing Policy (now Policy 13)

### Public sector land threshold

Tate notes the amendments to the affordable housing policy in this version of the City Plan, including the requirement for 50% affordable housing for '*land that is owned or in use by a public sector organisation, or a company or organisation in public ownership, or land that has been released from public ownership and on which housing development is proposed*'. We would support a site-specific exception to this approach where development is enabling wider public benefits.

### Vacant Building Credit (Part K)

Vacant Building Credit (VBC) is an important incentive for developers tasked with the regeneration of brownfield land and redundant buildings. Tate notes that the draft policy suggests WCC will apply stringent tests to proposals with a view to vacant building credit (VBC) not being applied unless certain criteria are met, as follows –

1. *All buildings on site have been continuously vacant for a period of at least 3 years;*
2. *The site has not been vacated for the purposes of redevelopment;*
3. *There is no interest in using the existing buildings on site, having been marketed with reasonable terms and conditions throughout the period of vacancy;*
4. *There are no extant permissions to use the site for alternative uses; and*
5. *There are site specific barriers to the re-occupation or redevelopment of the site that mean it would remain vacant in the absence of Vacant Building Credit.*

It is noted that the National Planning Policy Framework (2023) only stipulates the first two requirements above are met in order for a site to benefit from VBC. Moreover, the requirement for there not to be an extant permission in place goes above and beyond the remit of planning policy in our view. A planning permission does not have to be implemented, and a developer may not be able to deliver an extant permission

because of various factors. In these circumstances, a developer should be able to pursue other redevelopment scenarios without being required to meet all of the above criteria and risk losing VBC.

Ultimately, the current draft policy encourages the Council to disregard VBC in certain circumstances which go above and beyond national legislation. It is not clear on what evidence base this deviation is considered acceptable. It is also considered that this negatively-worded policy will reduce the quantum of development and delivery of housing overall, contrary to the priorities of the City Plan. We would ask that WCC reviews its approach to VBC in this regard, to ensure it is positively prepared and in line with national legislation.

**Viability and payments in lieu (Part F)**

Tate maintains that where genuine viability barriers exist to developing buildings on brownfield land in Westminster that do not qualify for VBC, the applicant should be able to employ the use of a site-specific financial viability appraisal. In this respect, the Council should have regard to robust market tested inputs around values and costs (not purely BCIS for instance) and with a fair benchmark land value attributed to the site. This is particularly important for sites such as QAMH with non-standard existing uses and buildings.

We hope these comments are helpful and would welcome a further discussion with your officers on the proposed amendments. If you wish to do so or have any questions, please contact Susie Taylor on [REDACTED]

Yours faithfully

**The Planning Lab**

<b>ID/ Our reference</b>	059/ EXT059
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>SOHO ESTATES</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

[REDACTED]

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**From:** Nick Lawson [REDACTED]  
**Sent:** 30 April 2024 14:14  
**To:** Planning Policy: WCC  
**Subject:** City Plan Partial Review 2024 - New Retrofit First Policy - Soho Estates' Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from nicklawson@sohoestates.co.uk. [Learn why this is important](#)

**Caution:** This email originated from outside of the organisation. Do not click links, open attachments or reply, unless you recognise the sender's email address and know the content is safe.

Dear Sir/Madam

Please see our comments on the City Plan Partial Review 2024 below.

- We fully endorse the WPA's position on the City Plan Partial Review 2024.
- The draft plan is not positively prepared and severely restricts development in Westminster, it is therefore incompatible with the NPPF, London Plan, and City Plan policies.
- The process of 'carbon optioneering' has already become a disproportionately onerous, costly, and inefficient task. The proposed policy is unclear and ill-considered and subsequently creates an uncertainty that will restrict investment.
- The research and interrogation carried out by the WPA clearly highlights the failings of the BNPPRE Viability Review document. Our own lived experience supports this position.

Kind regards

Nick

**Nick Lawson**  
Investment & Development Surveyor



[www.sohoestates.co.uk](http://www.sohoestates.co.uk)

[LinkedIn](#)

[Instagram](#)

<b>ID/ Our reference</b>	060/ EXT060
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>HISTORIC ENGLAND</b>
<b>Type of respondent</b>	Statutory consultee



City Planning Policy,  
Innovation and Change,  
Westminster City Council,  
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64 Victoria Street,  
London,  
SW1E 6QP

Our ref: PL00016709  
Date: 07/05/2024

By email: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

Dear City Planning Team,

**Re: City Plan Partial Review – response to Regulation 19 consultation 2024**

Thank you for your notification of the draft Westminster City Council's partial review of the adopted City Plan. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the planning process. Therefore, we welcome the opportunity to comment on the draft document. I have provided a summary of our advice below with more detailed advice in Appendix 1.

**Historic England's Advice:**

With c.11,000 listed buildings and three quarters of the borough designated as conservation areas the concentration of heritage assets in Westminster is unlike any other part of London. It is not just the number of listed buildings, the magnificent historic parks or percentage of conservation area that are significant, but the quality and importance of the townscapes and the distinctive identity of Westminster's world-famous neighbourhoods that need to be kept in focus. All of these contribute to this being one of England's most historically and culturally important places.

In line with the NPPF's requirement for sustainable development, we expect the draft City Plan policies to fully recognise Westminster's historic value and to outline a robust positive strategy for its conservation and enhancement. At present we have serious issues regarding the proposed policies. In summary:

- The scale and ambiguous nature of development envisaged upon the allocation sites cannot be delivered without wide-reaching implications for the historic environment. The greatest ambiguity concerns the extent of demolition, lack of height parameters, and the land use ambitions for the sites, which remain unarticulated in all four allocation policies.



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- The policies do not contain adequate development requirements or criteria. As a result, they are vague and undefined and so are not realistically deliverable, nor do they provide a plan-led approach to strategic development. We consider that the policies are ambiguous and do not give a clear indication to applicants or decision-makers as to what would forms of development would be acceptable.
- There are gaps in the evidence to show that a design-led approach has been followed in relation to the site allocation policies, as required by the London Plan.
- The indicated quantum, scale, and potential height of development promoted by the site allocations would result in harm to the historic environment from the outset. Therefore, the plan would build in harm and creates conflict, therefore undermining the Council's positive strategy for the historic environment.
- The allocation policies may fail to align with the adopted plan policies in terms of building heights, creating an inherent conflict.
- Historic England strongly supports the Council's aspirations to reduce carbon emissions through its built environment and its specific focus on engaging with climate change and heritage. However, Policy 43 is largely silent on heritage and, as written, contains conflicting messages. We advise that more detail is added to provide a solid policy basis for retrofit-first and heritage. It may be useful to consider a separate retrofit/heritage policy, as well a separate embodied carbon policy as these two issues seem to be entangled amongst new build criteria in the policy.

Given the above, it is our view that the draft plan is unjustified, and we do not consider that it will be deliverable, effective or consistent with the London Plan and NPPF policies, and the statutory obligations of national legislation. The plan does not set a positive strategy for the conservation of the historic environment, the policies build-in harm to heritage from the outset and so pose a risk to heritage. We do not consider the plan to be sound at this stage. We feel that these issues can be addressed however, and we wish to work with you to resolve our concerns.

I hope these comments and the detailed advice in the appendix are of assistance and we would welcome the opportunity to discuss these issues as the Plan progresses. In the meantime, we would be happy to comment on revised wording, evidence methodologies or the content of the Plan prior to publication of the next draft.

Regards

Katie Parsons  
Development Advice Team Leader, London



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## Appendix 1: Detailed Advice

### Site Allocations

We have provided some specific comments on St Mary's Hospital, but we have a number of overarching comments relevant to all four allocations and the introduction on page 54 of the emerging City Plan:

- Page. 54 – The City's Plans introduction to the site allocations is currently silent on heritage. Given the value of heritage to Westminster and London, we advise that this "vision" is amended to explicitly reference the need to conserve or enhance the historic environment. Heritage is an issue common to all of the proposed sites and will be a key consideration in the development process and assessment of applications upon these sites. The wording also presupposes the extent of growth on the on the allocations despite there being no detail as to what this would entail in the policies themselves or in the evidence. Some suggested wording is provided below.

*"The site allocations included here merit additional site-specific guidance to help shape and unlock ~~significant levels~~ growth at these key sites in a manner that responds to site context, ~~conserves or enhances the historic environment~~, conforms with our spatial strategy, and secures benefits for local residents ..."*

- Adequate criteria should be provided at allocation stage to guide development from the outset, and to make it clear as to what would be acceptable. We believe this can be achieved without being overly prescriptive. It is necessary to be clear as to what the development parameters are upon an allocated site for it to be deliverable. The policies at present are vague and provide almost no development requirements, criteria, or land use quantum. Strategic development such as that proposed must be genuinely plan-led, at this stage the policies defer development to application stage. To this end we suggest the wording below:

*"The purpose of the site allocation policies is to clearly set out what land uses are suitable, the core principles for development and the design parameters which should be considered by applicants, ~~without being overly prescriptive and impeding creative design solutions~~ to address the sites' constraints"*

- The policies do not include any height parameters. These should be defined in line with London Plan policy D9, and to provide a plan-led approach to development. In terms of building heights, the policies must also consider long range, mid-range, and immediate range views – this is required to align with the London Plan (3.9.2).
- The allocations are supported by Heritage Impact Assessments (HIA) which we welcome. However, the findings and recommendations made in the HIAs have not been reflected in the policies.





- The HIAs are helpful, but there is a major gap in the evidence base when it comes to understanding or justifying building heights. The policies need to be more specific about what sorts of development would be acceptable on the sites.
- Site capacity should be defined by a design-led approach and this should also determine the most appropriate form of development for the site's context. We would expect a master-planning exercise to have been carried out at allocation stage to include 3D modelling, height and massing testing.
- Due to the strategic scale of the anticipated development on the allocation sites we request that all of the site policies include the requirement to submit an HIA upon application. This should build off the HIAs already produced as part of the evidence base for the plan. The supporting HIAs are helpful for allocation purposes, but more detailed HIAs will be needed for specific schemes.
- All of the allocation policies need a strengthened approach to managing impacts to heritage. The policies should explicitly require proposals to take account of, and avoid harm to, the significance of London's heritage assets and their settings to better align with London Plan policy D9 Part C (d). We appreciate other adopted City Plan policies will also come into play in decision-making but given that heritage is going to be a critical factor it warrants specific consideration in the allocation policies themselves.
- Where policies mention reducing harm, we request the wording is changed to avoid harm.
- Heights must be expressed in metres and not storeys, at both above ground level and AOD – this is for clarity for both decision makers and applicants.
- Each site policy should include a criterion that requires the submission of an archaeological Desk Based Assessment upon application.

## Policy 8: St Mary's Hospital

This policy indicates a substantial level of growth in an area of rich in heritage assets and high-quality historic townscape, with the HIA testing a building height of 170m. The adopted City Plan states that tall buildings within the Paddington area of 2 to 3 times the context height may be appropriate – i.e. 40m-60m – dependent upon the impacts and compliance with other policy criteria. A height of 170m would be a major departure from the adopted policy on building heights.

The HIA also tests a 60m height scenario, even at this height the HIA identifies harm to a range of assets. In order for this policy to be effective it must contain clear guidance on what form of development, and land uses, will be appropriate for the site in this context. We do not consider that the proposed site allocation is supported by adequate evidence and testing; we consider that it conflicts with the evidence base that underpins the adopted plan policies; and, that it is ambiguous and lacking in detail. Existing tall building policies in the adopted Westminster Local Plan and the London Plan would not currently support the approach taken to a tall building over 60m.





For these reasons the plan would not be positively prepared, effective, justified, or consistent with national policy, the tests of soundness. We have provided further points below:

- We are concerned by the policy's approach to demolition. While the Council has a general policy to resist the loss of listed buildings except in exceptional circumstances, it is not clear from the draft allocation whether listed buildings might be partially or wholly demolished, or other buildings the City Council considers of merit. The HIA presumes that heritage assets will not be demolished, noting that proposals that involve the demolition of heritage assets would clearly have more significant impacts than it has accounted for that would need testing and justification at planning application stage.
- To this end Part C of the policy should be clearer and require the retention of listed building within the site, the current wording is *approach* to retention which is a less specific requirement as it could be interpreted in different ways.
- Part D – the premise behind this policy is to deliver additional hospital floorspace, however this part of the policy plans for surplus. At this stage we would expect the policy to be clear on land uses, and what is needed in terms of hospital uses. Part D conflicts with Part E which suggests that the projected floorspace needs would require a tall building. We advise you to provide a justification for the hospital and non-hospital use floorspace projections using a design-led approach to determine the capacity of the site, and to then specify these evidence-based figures (for both hospital and non-hospital uses) within the policy.
- Part E – this criterion needs to be clear as to what precisely would be acceptable with regards to tall building on the site. The policy should specify height parameters that have been subject to testing and would avoid harm to heritage, and should be clear on whether a single tall building would be acceptable or whether there would be several.
- Part E – this part of the policy requires development to *respond* to heritage, we request that this is changed to require development to *conserve* heritage to reflect national policy and legislation.
- The policy states that development should come forward as part of a master-planned approach, but it provides no indication as to when this should be done, or by whom it would be done (e.g. the Council or the hospital Trust). The master-plan should be objectively developed in line with the City Plan and London Plan. We would expect a master-planning exercise (not a full master-plan) to have been carried out at allocation stage to help provide a concept plan and development requirements that can then be refined further as specific proposals develop.
- Section 5.12 of the HIA (LUC) sets out a series of development principles which have not been transposed into the policy

#### Comments on HIA:

- With exception of consideration of cumulative effects (as per the London Plan policy HC1(c)) the methodology is policy/guidance compliant and implemented correctly.



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- The HIA would benefit from a tabulated summary of the setting effects and from colour coding the effects for quick visual reference. Also, in some places the articulation of change and its effect on specific heritage values/ the ability to appreciate significance could be improved.
- The HIA assessed a 60m high (18 storey) maximum quantum of development as per the City Plan tall buildings policy, it also assessed a building height of 170m which is a significant departure from the adopted City Plan. There is no justification as to why this height was chosen, furthermore it suggests that this is the scale of development envisaged on the site which raises serious concerns on heritage and townscape grounds.

### Policy 43: Retrofit First

Historic England supports the principle of this policy which could have the dual benefit of maximising embodied carbon and helping to retain existing buildings of local heritage value. However, as written we have concerns as to how effective the policy would be, given that it is ambiguous in places and includes some contradictory criteria. Specifically:

- The policy does not recognise the heritage benefits associated with retaining and retrofitting existing buildings. We advise that the policy is amended to reflect this as it is understood that this is a driver behind its production. This will also help set a positive strategy for the conservation of the historic environment.
- The policy is largely silent on heritage, with the exception of part D which refers to heritage but only in the context of extensions. If the policy is to deal with historic buildings there needs to be an emphasis upon an understanding of significance. It may be better at this stage to create a separate retrofit and heritage policy to deal with these issues.
- From our point of view, a "retain first" approach would be more meaningful, since it is understood that not all buildings need retrofitting as a first measure.
- Part A includes prominent exceptions to retrofit first, and so effectively builds in a degree of policy support for demolition if "justified". While we appreciate there will be occasions where demolition would be needed, the policy's focus on how demolition can be acceptable negates the objective of the policy.
- Part A also refers to "deep retrofit" as being a preferable option over substantial or total demolition. However, the glossary defines deep retrofit as involving substantial demolition, which will create confusion.
- Notwithstanding the above we have provided some suggested wording for Part A below:

*New Policy 43*

*Prioritising **retention** and retrofitting over demolition*





Part A - Development should adopt a *retain or retrofit-first* approach, where options for the retention and retrofit ~~retrofitting and retention~~ of existing buildings are *prioritised considered* before demolition. Where substantial or total demolition is proposed, applications should be accompanied by ~~this should be fully justified through~~ an appraisal of the construction options, assessing the carbon cost and public benefits of refurbishment, retrofit, deep retrofit or newbuild options. Development involving total or *substantial* demolition of a building which has more than a single storey will *generally* be resisted, unless demonstrated through the appraisal that:

- Part B relates to embodied carbon, rather than retrofit, and applies to new buildings rather than existing. It follows that it would be more effective to move this into a separate standalone policy for clarity as it currently dilutes the thrust of the policy's overall aim i.e. retention of existing buildings. The policy makes reference to "bespoke requirements" as a way to justify demolition. At present this is vague in terms of what bespoke means and this could be open to a wide range of interpretations.
- Part B (1.d) deals with benchmarking, which is useful for new builds. However, enforcing certification requirements may not be suitable for traditional buildings, as there is no one-size-fits-all approach. Instead, it is advisable to promote the retrofit measures including the efficient use of materials ensuring the durability and the preservation of the building fabric.
- Part D remains unclear as to what is meant by "*extensions or alterations necessary to visibly achieve retrofit*". We would like more clarification on this point, and the plan should be more specific as to what this means and the rationale.
- If this policy seeks to deliver retrofit then it must refer to the need to maintain historic properties, maintain the retrofit system itself, and ensure that the property is in a good state of repair before retrofit systems are installed. This is critical if the systems used are to be effective and provide long-term benefits and to deliver genuine energy efficiency. We advise that this is made clear in the supporting text for the policy.
- The policy should explicitly define what retrofit entails to ensure clear guidance, or alternatively provide clear links to other Council guidance. It is crucial to emphasise the importance of including maintenance, repairs and conservation to the retrofit process alluded to over demolition, especially for traditionally constructed buildings.
- Before introducing significant changes to historic buildings such as adding internal wall insulation or replacing heating systems, having a detailed picture of how the fabric forming the envelope of the building interacts with its environment is key. A thorough condition survey of historic buildings is the first step to determine the causes of deterioration and to identify opportunities for climate change adaptations and for mitigation measures to reduce the carbon emissions of historic buildings. We advise that this is made more explicit in the supporting text.
- The policy should acknowledge the benefits of light-retrofit and less invasive options in the first instance. These sorts of measures can be installed easily and can make an immediate difference to owners.



<b>ID/ Our reference</b>	061/ EXT061
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>HEIKE SCHUERINGS-BAUSCHKE</b>
<b>Type of respondent</b>	Individual

**From:** [Heike Schuerings](#)  
**To:** [Planning Policy: WCC](#)  
**Subject:** City Plan Partial Review – response to Regulation 19 consultation  
**Date:** 07 May 2024 12:19:13

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Good afternoon,

as a mum of two young children I strongly oppose any plan for redevelopment of the patch of land next to Royal Oak tube station.

In the past, a coach station was proposed and after a significant outcry of the local community the plans were shelved.

As shown at the time, Bayswater/Maida Vale/Paddington has amongst the worst pollution levels in the country yet the density of school children/sqft is extremely high.

Using the site for waste transfer or coaches is completely unacceptable as it would further raise pollution levels in the area. We were promised green spaces to absorb CO2, instead we are getting additional pollution from vehicles transporting waste to and fro our neighbourhood.

I am happy to follow up with research around the detrimental impact of pollution on our health (in particular on the health of children), the local nurseries and primary schools affected and already ridiculously high pollution levels.

Please find attached a link to the research done by Imperial College on the matter.

<https://www.imperial.ac.uk/air-quality/>

Best Regards

Heike Schuerings-Bauschke, Kildare Terrace



<b>ID/ Our reference</b>	062/ EXT062
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>MICHAEL ROSE</b>
<b>Type of respondent</b>	Individual

**From:** [Michael Rose](#)  
**To:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**Subject:** City Plan Partial Review-response to regulation19 consultation  
**Date:** 07 May 2024 14:17:32

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Dear Sirs

I strongly object to the proposal to use the empty site next to Royal Oak Tube Station as a temporary waste transfer site. The use of the word temporary is misleading if not untrue. In these times of austerity it is not credible that the Council will spend a large amount of money on a "temporary" facility. The likelihood of it becoming permanent is very real.

The site has been described as not very attractive despite it being planted with pollution abating trees. Whose fault is that? The owners? In fact who are the owners. TFL or Westminster Council? Should this not be clarified to the relevant stakeholders before any plans are set in motion. In any case the pollution abatement function of the area will improve as the plants grow and develop.

The original plan for the site was to build a bus station. While this proposal has been put on hold it has not been abandoned. One of the main objections was the difficulty of vehicular access to the site. That has not changed and would be equally applicable to a waste transfer usage.

This part of Westminster is already exposed to significant air pollution from the Westway and Paddington Railway. This could be further increased if Heathrow manages to change the flight path to pass right over the site.

NO to the waste transfer site.

Yours truly

Michael Rose

<b>ID/ Our reference</b>	063/ EXT063
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>WESTBOURNE PARK RESIDENTS ASSOCIATION</b>
<b>Type of respondent</b>	Neighbourhood Forum, Amenity Society or Resident's Association

**From:** [charlie.avis](mailto:charlie.avis@westminster.gov.uk)  
**To:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**Cc:** [Nicky Hessenberg](#)  
**Subject:** Reg 19 Consultation specifically the repurposing of land between the Westway and Royal Oak.  
**Date:** 07 May 2024 15:36:13

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It has come to my attention that consideration is being given to put a Waste Transfer Station on the piece of green land opposite Royal Oak station. This follows the ideas of putting a Bus Station on the site as well as developing housing.

There have been numerous objections around very difficult vehicular site access in an area which already has significant traffic bottlenecks, and the inherent significant pollution and poor air quality that exists given its position between the Westway and the railway.

It has been suggested by many of the local population that leaving the area broadly 'green' and perhaps using it as a community space for activities such as a Farmer's market or the like would benefit the area by creating a space that helps absorb the pollutants that emanate from the daily traffic.

A Waste Transfer Station would only add to the pollution as well as noise, smells and an increase in heavy goods traffic. These are all the things that local residents are trying to reduce.

On behalf of Westbourne Park Residents Association I would like to lodge my objection to this idea.

Charles Avis  
Chairman WPRAE.

<b>ID/ Our reference</b>	064/ EXT064
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>MARGARET MOUNTFORD</b>
<b>Type of respondent</b>	Individual

**From:** [Margaret Mountford](mailto:planningpolicy@westminster.gov.uk)  
**To:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**Subject:** City Plan Partial Review 2024-response to Regulation 19 consultation  
**Date:** 07 May 2024 18:07:20

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Dear Sirs

I was surprised to learn today, from a neighbour, about this partial review; I had assumed, clearly wrongly, that residents living close to an area involved would have received official notification. I live [REDACTED] close to the Royal Oak site, and am writing to you in my personal capacity and also as Chairman of Marylebone Boys' School in Paddington Basin, which is also near that site.

I wish to put on record my objections to the proposal to use the site adjacent to Royal Oak station as a waste management area, as appears to be under consideration (although seemingly as an after-thought) from core principle F and the ends of clauses 10.1 and 10.6 of New Policy 10.

Use as a waste management site is in direct opposition to the long-term Vision for the site as set out in the document. I appreciate that this is described as a "meanwhile use" but there is no indication of how long "meanwhile" might be, and experience suggests that once something is developed on a temporary basis, it eventually becomes permanent. To use this site which has so much potential, as indeed is expressed in the Vision, as a Waste Management facility seems perverse, and it is difficult to see how a reasonable authority promoting that Vision could reasonably come to the conclusion that it is a proper use, even "meanwhile".

The impact of additional waste vehicles, in an already highly congested area, would be akin to that involved in the (rightly abandoned) coach station proposal for this site. We cannot stand more traffic in this area, even if Lord Hill's Bridge is ever repaired/strengthened. And it is difficult to imagine a waste management facility that would not increase the level of pollution, both traffic and other, which is already high, in the vicinity of Westminster Academy as well as Marylebone Boys' School, and of course residents in the area.

I would urge you to speed up work on the longer term proposals and not to spend time and money on this untenable proposal.

Yours faithfully  
Margaret Mountford

Sent from my iPhone

<b>ID/ Our reference</b>	065/ EXT065
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>BELGRAVIA NEIGHBOURHOOD FORUM</b>
<b>Type of respondent</b>	Neighbourhood Forum, Amenity Society or Resident's Association



## City Plan Partial Review – response to Regulation 19 consultation

### Response from Belgravia Neighbourhood Forum

#### 1. Context

The Belgravia Neighbourhood Area has an adopted Neighbourhood Plan following a full process of consultation, examination and finally achieving a vote in favour from 94% of those voting in a local referendum. The Plan was duly adopted by Westminster City Council on 7<sup>th</sup> March 2024.

It is the aim of the Belgravia Neighbourhood Forum, who produced the Plan, to ensure that its policies and objectives are achieved, in line with the wishes of the local community.

Our responses with respect to the proposed changes to the Westminster City Plan 2019-2040 are made in the context of these policies and objective.

#### 2. New Site Allocations: Policy 11 – Grosvenor Sidings

The proposed site allocation at Grosvenor Sidings is not within the Belgravia Neighbourhood Area. However, it is immediately adjacent to it and therefore has the capability of affecting its character and residential amenity. The Belgravia Neighbourhood Area is rich in heritage assets, being largely covered by a Conservation Area and comprising many listed buildings, some even of Grade 1 status.

Therefore, it is vital that, as stated in the introduction to the new Policy 11, any “Development will respect and respond to the site’s context, history and character, and integrate sensitively with the surrounding townscape” which we consider to include the Belgravia Area. Sensitive integration of any realized development into the surrounding townscape, and the likely effect on Belgravia, is of the utmost importance to the Belgravia Neighbourhood Forum.

With this proviso, we are happy to support the proposed change.

#### 3. Retrofitting

We wholeheartedly support the proposed new Policy 43: Retrofit First. This is fully in line with the Belgravia Plan’s Section 5.3 “Mitigating the Effects of Climate Change”.

However, we would encourage the Council to go even further, with more stringent tests applied to the option of demolition. The first question should always be “is this redevelopment really necessary?” An example is given in the draft City Plan, 43.3, where redevelopment may be acceptable, such as, “Some purpose-built structures [which] pose technical challenges for retrofitting, such as multi-storey car parks, and single storey garages”. Our view is that claims of “difficult buildings” should not be such an easily overcome obstacle, in terms of the ability to argue that they pose too great a challenge / cost. Buildings in this category should only be



redeveloped with designs specifically taking into account their challenges, ie working with the existing building rather than simply demolishing it.

We applaud the sentiments and direction of paragraph 42.10, Sustainable Design. However, we would wish these to go even further and be more explicit. In this connection we would like to draw attention to the precedent of Belgravia Plan's Sustainability Charter (BEL1c and Section 5.3.2) which seeks to ensure that any new building or major building renovation **MINIMISES** future energy consumption and **MAXIMISES** effective land drainage, and sets out a schedule of 15 measures which should be taken into account when designing a sustainable building. The Forum would welcome a similar charter and a more robust approach to these matters in the revised City Plan.

#### **4. Affordable Housing**

The Belgravia Neighbourhood Plan recognises the importance of affordable housing. In Section 6.2 it states "A permanent residential population is the life and soul of any neighbourhood, and Belgravia is no exception" and also that "The continued provision of social housing in the area is to be welcomed for several reasons including that many social housing tenants often become lifelong Belgravia residents and thus will support, use and work in the local shops, services and amenities such as post office, library, places of worship, charities, businesses and local schools, thus contributing positively to Belgravia's community and 'village feel'"

Whilst we appreciate the motives underlying the switch in the required proportion of affordable homes (ie from 60% intermediate housing and 40% social housing, to 70% social housing and 30% intermediate housing) we are concerned that the lack of suitable sites within the Belgravia Neighbourhood Area will preclude any housing development being able to deliver the required quota of affordable housing, either on site or at sites within the vicinity. This means that all development will be required to make payments in lieu to the Council's Affordable Housing Fund. Effectively this is an additional 'tax' on development which will make the economic viability of many projects challenging or even impossible. We are concerned that far from achieving the Council's desire for more affordable housing, developers will simply seek to build elsewhere and as a result Westminster will have less development than it might otherwise have had (i.e. without the proposed changes). We therefore consider the proposal as too demanding to be effective.

We also have serious concerns about the proposal to extend the requirement to provide affordable housing to "all residential proposals, including sites delivering fewer than 10 homes". As stated, the likelihood of such small residential developments to deliver the necessary affordable housing on site is minimal, requiring virtually all such development to have to pay the in lieu 'tax', considerably increasing project costs. No definition of 'residential proposals' is made in the glossary, so it could be taken to mean any changes to a single residence, e.g. a granny flat, an extension, a loft conversion etc. Again, this is likely to suppress initiatives to extend and improve homes, which is surely not the objective of the City Plan. We strongly suggest that WCC think again about this change to policy.

Monica Lucas

Chairman

8<sup>th</sup> May 2024

<b>ID/ Our reference</b>	066/ EXT066
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>THE CROWN ESTATE</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

Ezra Wallace  
Director of Policy and Projects  
Westminster City Council  
64 Victoria Street  
London  
SW1E 6QP

08 May 2024

Dear Mr Wallace

### **Response to Westminster City Plan Partial Review Regulation 19 by The Crown Estate**

I am writing on behalf of The Crown Estate to set out a brief response to the Regulation 19 consultation on the City Plan that the City Council is currently conducting. The Crown Estate welcomes this opportunity to respond to emerging policy on these important issues and looks forward to continuing to engage constructively with the City Council on these topics, alongside our other areas of close partnership working.

#### **Overview of The Crown Estate**

The Crown Estate is an independent commercial business, uniquely positioned between public and private sectors with a clear mandate to enhance the value of its portfolio for the benefit of the nation both now and in the future. We return 100% of our net revenue to HM Treasury and over the last decade we have contributed over £3.2 billion towards public spending.

We have a Group Strategy which emphasises our clear ambition to work in partnership with Government and other stakeholders to be a company for the country and to deliver lasting and shared prosperity for the nation. This Group Strategy focuses on delivering the following three strategic objectives:

- Being a leader in supporting the UK towards a net zero carbon and energy-secure future;
- Helping to create thriving and inclusive communities and support regional growth across the UK, and;
- Taking a leading role in stewarding the UK's natural environment and biodiversity.

We do this through the holistic, long-term management of a diverse portfolio, which includes our 10 million sq ft West End estate, primarily around Regent Street and St James's. We are committed to building upon the outstanding heritage of the West End, as a world-renowned destination, to deliver modern, connected and sustainable spaces that are designed to meet the challenges of today and those facing future generations.

#### **Retrofit first and embodied carbon - our approach**

In this context, we strongly support the principle and objectives of Policy 43, which seeks to promote a retrofit-first approach to development to reduce embodied carbon emissions. In particular, we fully agree that the urgency of the climate emergency dictates the need for decisive action, including from Westminster City Council, to drive down emissions from all sources, including embodied carbon, alongside other sources from within the built environment sector.

That is why we have set our own ambitious approach to addressing this issue in our Development Sustainability Principles. We recognise the fact that industry standards in this area continue to evolve at an incredibly fast pace and our approach in future will be to continually base our position against the latest science-based thinking and sector

decarbonisation pathways. We will also move away from considering this issue on a building-by-building basis and instead consider our carbon impact at an entire portfolio and business level.

### **Our experience and the proposed City Plan embodied carbon targets**

Based on our experience and knowledge of the sector, the embodied carbon targets as set by LETI (A and B) are currently very difficult to achieve within a new build or deep refurbishment context. The City Council should be aware that, at present, the likely impact of setting LETI B as the minimum target (as Policy 43 currently does) would be to preclude new buildings or significant alterations to / extensions of existing buildings, which will not be able to achieve it.

As such, we would support keeping the targets under regular review. This is a fast-moving area with technology, material availability and building techniques evolving quickly, alongside assessment methodologies. We would certainly welcome a commitment to an early review of the targets following adoption of the plan and suggest that this be undertaken in the context of the emerging Net Zero Carbon Building Standard.

We would also be very pleased to share our practical experiences and detailed analysis of some of our current schemes to provide more examples of complex, deep-retrofit schemes in a conservation context. As you will be aware, the scale and complexity of our historic estate presents a series of challenges and considerations in terms of design, structural solutions and material choices to ensure their resilience over the long term. We hope such practical examples would add to the City Council's evidence base which, at present, relies considerably on a WSP report which itself acknowledges that the LETI A targets are likely unachievable at present without further innovation in the industry.

### **Other matters regarding retrofit first and embodied carbon**

At present, minimum operational energy / EPC standards are being imposed on all buildings, which prevent their occupation if they do not meet minimum standards. It is therefore vital, in our view, that targets are set that continue to allow for investment in buildings, to improve their fabric and operational performance so they do not become stranded assets.

In broad public policy terms, it would not make best use of land – especially in an area with central London's exceptional transport connectivity – if this led to buildings becoming vacant and impossible to occupy, because the complexity of retrofitting them to a standard where they could be occupied exceeded the maximum embodied carbon permitted under this policy.

It is important for the overall ecosystem of the West End and its attraction as an employment location and economic flagship for London, that this risk of stranding is mitigated in the design of the policy and the standards set in that context.

### **Complexity, resourcing and process**

We are mindful of the complexity and resource intensity of this process, and the demands placed both on property owners / investors, and on the City Council as regulators. We suggest clarification that the requirements for extensive carbon modelling analysis are clarified with consistent methodology so that they relate principally to major developments involving total or substantial demolition. Proposals that involve limited or no physical works, such as changes of use, internal refurbishments that do not require planning permission or that only require planning permission for limited elements such as external plant, and proposals that are not major applications, (i.e., below the 1,000sqm threshold) should be excluded. We suggest that the introductory paragraph to Policy 43 be amended to suggest this.

### **Other environmental considerations**

As outlined above, we are committed to being a leader in supporting the UK towards a net zero carbon future and our commitment to sustainability extends well beyond this to include matters such as air quality, urban greening and the

promotion of biodiversity, accessibility and inclusivity. Urban greening, for example, can help mitigate the effects of climate change by reducing heat island effects whilst promoting local biodiversity.

Incorporating these features into buildings, and public realm projects, will generally have a knock-on carbon effect, even if low in the scale of a development as a whole. This should be taken into account when assessing proposals against Policy 43. To recognise this, we suggest inclusion of text that recognises, perhaps in Part A, that the other sustainability and environmental features of the building or proposal will be considered as part of the mix of public benefits proposed.

### **Affordable Housing**

We recognise the challenges facing London's housing market and ask that as policy to address this is developed the City Council also carefully consider any potential unintended consequences of reducing the threshold for affordable housing to 0sqm when applied alongside the recent adoption of the Planning Obligations and Affordable Housing SPD, as this indicates works to existing residential accommodation will be subject to affordable housing expectations in some cases.

We are concerned about the potential for unintended consequences, whereby minor alterations to existing housing stock (including works necessary to upgrade or invest in it to ensure it remains good quality and liveable) lead to extensive affordable housing requirements that could, at best, lead to considerable additional delay and complexity in bringing those proposals forward or, at worse, discourage and prevent them altogether.

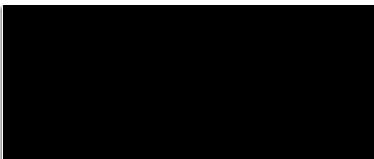
We suggest that this element of the proposals is subject to further evolution, development and explanation to ensure it supports the objectives of the policy.

### **Conclusion**

We recognise the considerable work that the City Council has undertaken in developing this response to these key issues and welcome the opportunity to respond.

I trust that these comments are helpful and constructive and we look forward to continuing to work with the City Council to support the delivery of our shared ambitions for central London. If it would be useful to discuss the content of this letter further, or shared more detailed technical information on our experience, I would be very happy to do so.

Yours sincerely,



**Simon Harding-Roots**  
**Managing Director, London**  
**The Crown Estate**

<b>ID/ Our reference</b>	067/ EXT067
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>KONRAD KOTOWSKI</b>
<b>Type of respondent</b>	Individual

**From:** [Konrad Kotowski](mailto:Konrad.Kotowski@westminster.gov.uk)  
**To:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**Subject:** Proposals Re use of land adjacent to Royal Oak Tube Station  
**Date:** 08 May 2024 17:53:55

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Sent from my iPhone Dear Sir/Madam, as a resident of the eastern end of [REDACTED], I am once again very concerned about your various ideas/proposed projects for some form of commercialisation of this land. All in our area were so happy that the quite ludicrous idea of transferring Victoria Coach Station to this area was sensibly shelved, and no one who lives within several miles of this area could have told Westminster that this was an unbelievably stupid idea as it would have been impossible to work and would have caused total blockage of all roads for miles around as well as contributing to massive pollution, already well exceeding all European accepted standards of urban pollution. Your latest idea to put some form of waste storage/recycling on this land just appears to be the same sort of thinking as former project ideas. This area already has major congestion and pollution issues and any such ideas as waste storage—could you perhaps try to explain what this really means, as you have not done so yet in any concrete terms—are once again just making the living conditions of all in this area even worse. Are local authorities such as Westminster actually allowed under law to try to make our lives worse and are your Fopplans legal under UK and EU regulations? This space should be used to increase carbon capture, by planting more trees, use it as a recreational area or similar. For the record you have probably broken certain legal precedents by not informing local residents of your proposals nor allowing us time to put in our complaints. This area is considered a Conservation Area and your proposals do not seem to take any account of this—why then should local residents have to confirm with building requirements Re this Conservstion area when you as a Council are blatenly not taking this into account. Once again, as you know only too well, parts of the Marylebone and Edgware Roads were recently reported as having the worst levels of pollution of any city in Europe—and you intend to make this even worse? In conclusion, and for the record, I am a doctor with over 50 years experience and have hence seen the worse aspects of urban pollution. We all hope that you will see common sense and listen to all the complaints made by the people who actually live in this part of London. Yours faithfully, Dr. Konrad Kotowski.

<b>ID/ Our reference</b>	068/ EXT068
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>SUSANNE WALTON</b>
<b>Type of respondent</b>	Individual



**From:** [Susanne](#)  
**To:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**Subject:** Royal Oak  
**Date:** 08 May 2024 20:39:56

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Dear Planning team,

I am a local resident in Bayswater and strongly oppose the idea of creating a waste transfer station on the green land opposite Royal Oak.

This is a vital green patch that provides local residence with much needed trees and greenery that help clean the air. The space is near a particularly polluted intersection of the A40 and we do need these trees and green space to soak up as much harmful carbon as possible.

Thank you for thinking about the welfare and health of local residents.

Kind regards,

Susanne Walton  
Sent from my iPhone

<b>ID/ Our reference</b>	069/ EXT069
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>MARTIN WALTON</b>
<b>Type of respondent</b>	Individual

**From:** [martin.walton](#)  
**To:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**Subject:** royal oak waste transfer plant  
**Date:** 08 May 2024 20:47:40

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Dear Planning team,

I am a local resident in [REDACTED] Bayswater and strongly oppose the idea of creating a waste transfer station on the green land opposite Royal Oak. This is a vital green patch that provides local residents with much needed trees and greenery that help clean the air. The space is near a particularly polluted intersection of the A40 and we do need these trees and green space to soak up as much harmful carbon as possible.

Thank you for thinking about the welfare and health of local residents

Best wishes  
Martin

<b>ID/ Our reference</b>	070/ EXT070
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>HARRY ROKEBY-JOHNSON</b>
<b>Type of respondent</b>	Individual

**From:** [Harry Rokeby-Johnson](#)  
**To:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**Subject:** Royal Oak  
**Date:** 08 May 2024 22:03:05

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Dear Sir / Madam,

I note that Westminster Council are considering a plan to potentially develop a waste management site on the site adjacent to Royal Oak tube station.

I note that few residents were aware of this until the last minute, i.e. no consultation has occurred in a visible format and the real aim of the exercise has been partially shrouded by 'alternative options'.

I vehemently oppose any development that would increase the pollution in an already incredibly polluted area. This is exactly why the proposed relocation of Victoria Coach Station failed.

This feels like seeking to obtain planning for a wholly unsuitable development by stealth.

Best regards,

Harry

Harry Rokeby-Johnson, Resident  
[REDACTED]

Sent from [Outlook for iOS](#)

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<b>ID/ Our reference</b>	071/ EXT071
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>CC LAND LTD</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

25 April 2024

Westminster City Council Planning Policy,  
Westminster City Council,  
17th Floor, 64 Victoria Street,  
London,  
SW1E 6QP

DP9 Ltd

[www.dp9.co.uk](http://www.dp9.co.uk)

Sent: By Email

Dear Sir/Madam,

#### REPRESENTATIONS ON THE WESTMINSTER CITY PLAN PARTIAL REVIEW (REGULATION 19)

Thank you for providing us with the opportunity to comment on the Westminster City Council (WCC) City Plan partial review (Regulation 19) consultation ending 25<sup>th</sup> April 2024. These representations are submitted on behalf of CC Land Ltd, specifically relating to New Policy 43 'Retrofit First', with a focus on commercial development schemes. CC Land are also a member of the Westminster Property Association (WPA) who have submitted detailed representation on behalf of the circa 250 members it represents, which are fully supported.

#### Part A – Prioritising Retrofitting Over Demolition

Part A of Policy 43 generally resists development involving the total demolition of a building which has more than a single storey, unless the following criteria can be demonstrated:

1. The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and
2. The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or
3. The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s); or
4. It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.

Carbon optioneering and the 'planning balance' in order to establish the best use of a site is very site-specific and nuanced process which Part A of new Policy 43 looks to 'test' for any development involving the demolition of a building greater than one storey in WCC. Our main concern is how this complex policy will work in practice and weighted alongside the Development Plan as a whole, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. For example, employment or housing need; design improvements; transport improvements; enhancements to heritage settings; public realm improvements





and/or wider sustainability improvements can sometimes only be most successfully achieved or maximised through redevelopment options. It is in these instances where the presumption in favour of sustainable development must apply and environmental considerations balanced against other social and economic objectives of the plan. This is not currently reflected in Policy 43.

The tests do not cover a sufficient range of scenarios to allow for developments to come forward that are most suited to a site in planning policy terms. If adopted, this policy could result in WCC refusing redevelopment proposals that otherwise accord with the Development Plan. Particularly those that encourage the best and most sustainable use of brownfield land, optimisation, high quality design, improvements to social infrastructure and economic growth. It would therefore harm the delivery of other key planning policy targets, goals and aspirations contained within the Development Plan.

The proposed new Policy 43 is inherently complex, is of critical importance, and should be proportionately justified and allow for sufficient clarity for practical application. As worded, in practice we anticipate the policy could result in a large amount of planning applications for total demolition/redevelopment being refused.

Notwithstanding, we provide detailed comments on Part A of Policy 43 as it is currently drafted.

1. *The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and*

Further clarification should be provided as to what would constitute “significant public benefit” in respect of commercial schemes as it is currently open to wide interpretation and lead to uncertainty for developers and inconsistency in decision making. Noting the recent 18-20 Saville Row redevelopment scheme (Ref: 22/03276/FULL) resulting in an uplift of 1,040 sqm GIA and 43 FTE Jobs compared to the existing building, along with substantial contribution package was considered “modest” by WCC Officers.

In addition, when evaluating opportunities for “*comparable retrofit options*”, it is important to ensure that they are realistic and capable of being successfully delivered within the given context and constraints. We are therefore of the view “*deliverable*” should be inserted after comparable in order to make this policy justifiable.

2. *The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or*

We reiterate our earlier comments in further clarification as to what is meant by a “suitably comparable” scheme.

Supporting paragraph 43.3 provides further guidance in relation to WLCCA optioneering, requiring “...*a realistic whole life cycle for a retrofit scheme should be used which accounts for the extended life of a building resulting from a high-quality retrofit...*”. This explanatory text takes a retrofit-only approach and is applicable to both retrofit and new builds.

3. *The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s); or*

Further explanation is provided at supporting paragraph 43.5 for Criteria 3 of Part A, stating “*Where a change of use is proposed that has **bespoke design requirements**, applicants should demonstrate the suitability of the site through a **Site Selection Statement** and set out why those design requirements are*



*integral to the proposed use or operations of the building, providing evidence of any technical requirements or standards” (emphasis added).*

This guidance is too ambiguous and further clarification is required. Design requirements should also take into account less ‘bespoke’ but key deliverability considerations such as floor to ceiling heights, internal and efficient space requirements, flexible floorplates and daylight/sunlight quality for example. The ‘Site Selection Statement’ should also only be supplementary to the optioneering study and not be used to preclude certain land uses from coming forward if relevant planning policies deem them suitable on site.

4. *It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.*

Paragraph 43.3 goes on to state that “...Where retrofitting is unfeasible due to structural or safety concerns, applicants should demonstrate this through a structural statement from a suitably qualified engineer. Where structural reinforcement is possible, but the extent of which would make the development unviable to retrofit, this should be supported by a **viability report**...” (emphasis added).

This does not have regard to instances where structural reinforcement may be possible but not to an extent that would result in a suitably comparable option i.e uplift in floorspace to make it deliverable as per our commentary for criteria 1. Additional floorspace or public benefits directed by planning policies and objectives is often limited by the structural capacity or constraints of the existing structure. While it may therefore be possible to retrofit an existing building to some extent, it may not always represent the best use of the site and therefore always be direct comparison. Furthermore, while structural interventions can be made, it should also be recognised that it can often be more carbon intensive than a new build.

It is unclear whether the required viability report is in relation to financial viability or the carbon cost. A financial viability statement should not be required in any event as it is unclear how it would work in practice and be considered alongside other quantifiable factors which can render a development scheme deliverable or not.

#### Substantial or Total Demolition Definitions

Part A of new Policy 43 requires development involving “**substantial or total demolition**” to be fully justified through an appraisal of the construction options, assessing the carbon cost and public benefits of various scales of intervention. The Glossary (pages 236-243) defines substantial or total demolition as follows:

**Substantial demolition** - “Development consisting of the demolition of 50% or more of existing above ground structures, by area or volume, but not constituting total demolition”.

**Total demolition** - “The removal, deconstruction or demolition of an existing building, which will entail the removal of all of its fit out, superstructure, cores, and basement slab(s), but may involve the retention of the façade”

However, the definition of what would constitute ‘total demolition’ over ‘substantial development’ is unclear. For example would it only be considered ‘total demolition’ if it involves all of the criteria listed in the definition (“fit out, superstructure, cores, basement slab(s) and façade”) and therefore ‘substantial demolition’ if it comprises one or more of the criteria? Both definitions also exclude reference to foundations. The definition of substantial demolition only makes reference to above ground structures so it is unclear whether the retention of any foundations would constitute as substantial rather than total



demolition. It is also not clear if the volume referred to in the definition of substantial relates to the space inhabited by the building or the volume of for example, the structure?

#### Total demolition of a building which has more than one storey

The proposed trigger of “*total demolition of a building which has more than one storey*” is likely to capture a significant number of applications which WCC will be solely responsible to review and resource, as the GLA only require Whole Life-Cycle Carbon Assessments (WLCCA) and Circular Economy Statements (CES) for larger, referable schemes. This current definition of a building with more than storey is also likely to capture some householder applications, which should not be subject to the same level of technical and specialist requirements akin to major development schemes with dedicated technical teams. The proposed trigger should therefore be reviewed to capture only major development schemes, in line with the remainder of the policy requirements.

### **Part B – Reducing Embodied Carbon Emissions**

#### LETI Benchmarks

Part 1A sets out upfront embodied carbon targets for development involving total or substantial demolition of a building greater than one storey and all major development for new non-residential buildings, with a minimum requirement to achieve an equivalent LETI Band A with absolute minimum of B. These targets are significantly more onerous than current GLA minimum and aspirational benchmarks for office development as set out in the GLA WLCCA LPG Guidance March 2022, which we summarise as follows for ease of reference:

- GLA minimum benchmark - <950 kgCO<sub>2</sub>e/m<sup>2</sup> GIA
- GLA aspirational benchmark - <600 kgCO<sub>2</sub>e/m<sup>2</sup> GIA
- LETI B benchmark - <475 kgCO<sub>2</sub>e/m<sup>2</sup> GIA
- LETI A benchmark - <350 kgCO<sub>2</sub>e/m<sup>2</sup> GIA

Insufficient evidence has been provided to demonstrate how achievable these targets are in order to ensure this is fully evidenced and justified. The supporting Topic Paper in the evidence base show that none of the latest new-build developments being brought forward in WCC have an upfront embodied carbon of LETI Band B or better, emphasising the challenge of achieving these proposed targets. Furthermore, the evidence highlights that an element of retrofit is required to achieve these aspirational targets. This is not a ‘retrofit-first’ approach, rather a ‘retrofit-only’ one. On this basis, the proposed LETI Targets as minimum benchmarks are not considered to be *justified* or *effective* when considered against reasonable alternatives and the evidence base provided.

While it is acknowledged that WCC want to introduce more onerous targets than the GLA 2022 Guidance, it is queried how two benchmarks and methodologies will work in practice for GLA referable schemes. Two differing approaches will double the amount of information needed to support applications and will produce two differing assessments and opinions of compliance. It is noted that any CES submitted to WCC would only have to comply with GLA LPG.

Paragraph 43.6 also requires the most up to date RICS methodology to be followed to calculate embodied carbon. This would have serious implications for developers as it includes the requirement for WLCCA to account for emissions from any demolition that has occurred by the owner or previous owner, within three



years of the sale or new proposal. This approach will likely delay developments from coming forward and therefore local plan objectives being met.

As such, the latest GLA WLCCA Guidance and associated benchmarks should be used to calculate embodied carbon for a more standardised approach.

It is also understood that both LETI and RICS are involved in developing the new Net Zero Carbon Building Standard (NZCBS) which is being developed by major property-related organisations to provide a clear definition of net zero and targets for all new building projects. This demonstrates the dynamic nature and fast-moving pace in embodied carbon benchmarks and guidance and further supports the benefit of local policies requiring compliance with the latest GLA Guidance or forthcoming agreed industry standard such as NZCBS, as opposed to its own prescriptive benchmarks to avoid the policy becoming out of date soon after adoption.

#### Part E – Offset

Part E proposes to introduce a new carbon offset fund for any shortfall against the minimum embodied carbon targets as set out in Part 2. Paragraph 43.11 states that further details on how this is to be calculated will be provided in a future update to the Planning Obligations and Affordable Housing (POAH) SPD. It is therefore unclear at this stage how this will work in practice.

It is acknowledged that WCC's carbon offset fund was recently raised to £880 per tonne of carbon (with a discounted rate of £330 for all-electric buildings) under the POAH, which has had significant cost implications for developments in comparison to the former £95 per tonne London Plan rate. Any carbon offset payment in addition to this should therefore be produced and consulted alongside the City Plan given its implications for viability for future schemes. Especially if unachievable targets are proposed for new build commercial buildings as per our comments above as offsetting will be inevitable. These viability considerations do not appear to have been tested in the evidence base for the City Plan.

It is also assumed that a new evidence base will need to be produced to support and develop a new embodied carbon offset methodology given the £880 per tonne rate is based on operational carbon.

Notwithstanding the above, it is unclear what "minimum embodied carbon target" is needed to be achieved to avoid a carbon offset payment. i.e does a scheme need to offset if it achieves LETI B?

#### Supporting Text 43.4 – Economic benefits

Supporting text 43.4 recognises the opportunities for significant public benefits that new builds can bring, and how applicants should demonstrate how they cannot be practically or viably be achieved through retrofit. However, it is currently very misleading and suggesting that economic benefits can only be delivered in the WERLSPA, NWEDA and Opportunity Areas. It does not make any reference to the CAZ, which covers the vast majority of the borough and central London, and one of the world's most attractive and competitive business locations. This paragraph should be revised accordingly.

The Local Plan should also acknowledge qualitative / non-tangible "Employment, job and investment opportunities" benefits beyond quantitative jobs and floorspace uplift – such as public realm, townscape improvements etc which can all contribute to the viability and vitality of Westminster.



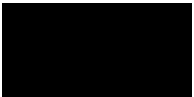
## Summary

We are concerned with the proposed introduction of new Retrofit-First Policy 43 as it could potentially preclude suitable redevelopment sites from coming forward which might otherwise make the best use of the site and meet wider development plan objectives. Furthermore, while we recognise the importance of reducing embodied carbon emissions in the context of the climate emergency, a 'retrofit-only' approach, which appears to have been taken for the minimum LETI embodied carbon benchmarks at Part B, is not always the best or effective way to do so, where refurbishments can be more carbon intensive than a new build counterpart.

For the reasons set out in these representations and as a member of the WPA, CC Land share the industry's concerns that the policy is not positively justified, effective, effective or consistent with national policy in order to meet the soundness tests of the NPPF for plan-making,

We trust our comments will be taken on board in progressing the City Plan review and we look forward to engaging further with you in the future.

Yours sincerely,



**DP9 Ltd**

<b>ID/ Our reference</b>	072/ EXT072
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>MARGOT PIORO</b>
<b>Type of respondent</b>	Individual

**From:** [Margot Pioro](#)  
**To:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**Subject:** Royal Oak  
**Date:** 09 May 2024 10:51:27

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City Plan Partial Review – response to Regulation 19 consultation

**This is a representation from a local resident:**

[REDACTED]

Please note my strong opposition to any development on the northern part of the Royal Oak station other than GREEN SPACE available to the public. We are already badly affected by the proximity of the Westway and Harrow Road intersection and the adverse effect that part of the urban environment has on the psychology of local population, children and adults alike. Please do not expose us to more negative views, noise, air pollution and ugliness. Please respect local people. Please turn that space into a beautifully designed garden.

Thank you.

M. A. PIORO

<b>ID/ Our reference</b>	073/ EXT073
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>MARISA BELL</b>
<b>Type of respondent</b>	Individual



**From:** [Harry and Marisa Rokeby-Johnson](#)  
**To:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**Subject:** Royal Oak Planning Proposal  
**Date:** 09 May 2024 12:15:46

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To whom it may concern,

I have recently been advised that Westminster Council are considering a potential plan to develop a waste management site on the land next to Royal Oak tube station.

Information has certainly not been adequately distributed amongst the local community and proper consultation has not been undertaken amongst local residents who would be hugely affected. Instead the proposed scheme seems to have been almost purposefully kept 'under wraps' to avoid opposition.

Any development that would increase the pollution in an already incredibly polluted area is unsuitable and I strongly oppose the proposed scheme. The previously suggested relocation of Victoria Coach Station failed for this exact reason.

Kind regards,

Marisa

Marisa Bell  
Local Resident, [REDACTED]

<b>ID/ Our reference</b>	074/ EXT074
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>STEPHEN WILLIS</b>
<b>Type of respondent</b>	Individual

**From:** [Stephen Willis](#)  
**To:** [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)  
**Subject:** Westminster City Council Partial Review - proposed Site Allocations ; 2 ) site adjacent to Royal Oak Station  
**Date:** 09 May 2024 14:07:27

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Dear Planning Policy Team,

I have submitted my comments today online to the consultation website managed by Commonplace.is in relation to the Site Allocations proposal for Policy 10 : Land Adjacent to Royal Oak  
<https://cityplanpartialreview.commonplace.is/proposals/new-site-allocations/step2>

I have received no confirmation from Commonplace.is that my comments have been received . Therefore I am copying and pasting to this email my comments as submitted , which are :

The proposal to permit a Waste Transfer Station to be installed as a temporary waste management facility is deeply flawed , on two principal grounds :

1) If the site , including all essential access and egress for vehicular traffic and foot traffic, is to be a suitable and environmentally sustainable location for a Waste Transfer Station then the essential qualifying parameters, and conditions and limits , including permitted daily usage volumes for the site should be approved in principle BEFORE any such Allocation be permitted for such site usage ; AND 2) a temporary use , without clarity on the permitted conditions and usage including vehicular access on a temporary basis without the necessary investment in infrastructure, runs the risk of a temporary but unsatisfactory facility becoming a permanent de facto installation without the necessary environmental and transportation aspects being fully and properly considered by the City Council's elected officers.

Thank you .

--

Stephen Willis  
[REDACTED]  
[REDACTED]

<b>ID/ Our reference</b>	075/ EXT075
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>HOUSE OF PARLIAMENT RESTORATION AND RENEWAL PROGRAMME (R&amp;B) AND UK PARLIAMENT STRATEGIC ESTATES</b>
<b>Type of respondent</b>	Developers, landowners and real estate company



9.05.2024

City and Planning Policy  
Innovation and Change  
Westminster City Council  
17th Floor  
64 Victoria Street  
London SW1E 6QP

Matthew White  
Programme Director  
Houses of Parliament  
Restoration and Renewal  
Delivery Authority Ltd

Gemma Collins  
Director Property and Asset  
Strategy  
Strategic Estates  
UK Parliament

(By email to [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk))

Dear Sir/Madam,

### **City Plan Partial Review – response to Regulation 19 Consultation**

This representation is submitted on behalf of the Houses of Parliament Restoration and Renewal Programme (R&R) and UK Parliament Strategic Estates.

The R&R Programme has been established to restore the Grade I listed Palace of Westminster for future generations.

This representation is submitted in broad support of the City Plan Partial Review and in particular draft new Policy 43 'Retrofit First'.

Further clarification is, however, requested on the intended application of Part B of Policy 43, 'Reducing Embodied Carbon Emissions', which states that "*all major developments are required to [...] submit a Whole Life-Cycle Carbon assessment*". Criteria (a) to (e) subsequently set out a series of embodied carbon targets that the Whole Life-Cycle Carbon assessment should address depending on the nature of development proposed. However, these criteria do not account for development which does not involve construction of new buildings but may be defined as major on the basis of:

- Involving construction of 1,000sqm of additional floorspace at an existing building (we presume that the targets set out would apply to the new floorspace only);
- Involving change of use of over 1,000sqm additional floorspace at an existing building (we presume that the targets as set out would not apply); or
- Comprising a site area of over 1ha (we presume that the targets as set out would not apply).

Clarity is, therefore, requested as to whether Policy 43 Part B is applicable to such developments, and if so whether there is a specific embodied carbon emissions target that they are required to achieve.

The above concludes the comments we wish to raise. We are supportive of the aims and objectives of the City Plan Partial Review and hope the Council will consider the need for clarification on the above point when revising and updating the draft document.

Yours sincerely,



**Matthew White**

**R&R Programme Director**



**HOUSES OF PARLIAMENT**  
RESTORATION & RENEWAL



**UK  
Parliament**



**Gemma Collins**

**Director Property and Asset Strategy, Strategic Estates, UK Parliament**

<b>ID/ Our reference</b>	076/ EXT076
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>CLEAN AIR BAYSWATER</b>
<b>Type of respondent</b>	Charity, campaign groups and other clubs/association

Royal Oak Bayswater

From Nicky Hessenberg [REDACTED]  
Date Thu 09/05/2024 17:04  
To Planning Policy: WCC <planningpolicy@westminster.gov.uk>  
Cc Planning Policy: WCC <planningpolicy@westminster.gov.uk>

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**Re: Westminster City Plan Partial Review- Site Allocation, Land Adjacent to Royal Oak Station**

**Response from Clean Air Bayswater**

Dear Policy Team,

We are responding formally to your consultation on the Westminster City Plan Partial Review- Site Allocation , land Adjacent to Royal Oak Station.

We strongly oppose any use of the land adjacent to Royal Oak ( between Ranelagh Bridge and Lord Hill's Bridge) for any use of the land, other than for greening and community engagement purposes.

Any other use would be unacceptable to the local community as it already suffers from air pollution impacts from the railway, the A40 and Harrow Road.

The canopy cover in Bayswater is below the London average and below the London target set by Mayor Sadiq Khan, and the Westminster Arboricultural team have confirmed that the nearby road, Porchester Road, cannot accommodate any more trees, which is devastating to the community.

It is paramount that the land adjacent to Royal Oak (between Ranelagh Bridge and Lord Hill's Bridge) be permanently retained and used as a green space for our local community, to enable the ward to increase its tree canopy cover, to increase vegetation and increase bio-diversity for the benefit of all. The space can be used for a small urban forest, or for a combination of permanent green nature based initiatives. If anything is to be built on the land it must only be to grow local produce in a state-of-the-art permanent community greenhouse, including to act as a permanent local pantry with an innovative energy solution, and thus as a learning location for green skills.

External funding can be found for this permanent future proof leading edge inner city urban sustainability project and the council should take pride in its greening ambition and pride in the council's original formal commitment to ensuring that the site is used for greening and community engagement purposes meeting the needs of the local area.

Kind regards,  
Nicky Hessenberg on behalf of Clean Air Bayswater



<b>ID/ Our reference</b>	077/ EXT077
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>NEW WEST END COMPANY</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

Cllr Geoff Barraclough  
Cabinet Member for Planning and Economic Development  
Westminster City Council  
64 Victoria Street  
London SW1E 6QP

9<sup>th</sup> May 2024

Dear Councillor Barraclough,

**RE: WESTMINSTER CITY COUNCIL'S PARTIAL REVIEW OF THE CITY PLAN**

I am writing to you on behalf of New West End Company - a Business Improvement District representing over 600 property and occupier businesses across the West End – in response to the Partial Review of the City Plan.

The Partial Review is tasked with enabling development alongside a host of environmental, social and economic policy objectives, and your review rightly seeks to find the right balance between these various policy aims whilst also facilitating growth in the district.

That said, we are in agreement with other industry bodies – including the Westminster Property Association (WPA), who shared a detailed response, appended in this letter - that there are a few clear areas where further revision of your proposed policies is required in order to unambiguously realise these objectives.

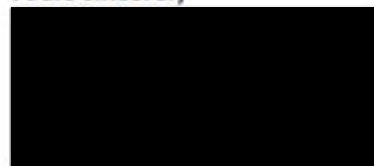
Whilst described as a Partial Review, it is clear the plans put forward could have far-reaching implications for development and economic growth in Westminster, which comprises almost half of London's strategically important Central Activities Zone (CAZ) and contributes to 14% of London's economy (GVA), despite occupying just 0.87% of London's total land area.

As such, we are keen to continue to work with the City Council, in conjunction with WPA, to ensure that emerging policy is consistent with shared 'good growth' objectives, and that areas of potential misinterpretation (outlined further below) are addressed in full.

This will also help ensure that the proposed modifications are found to be sound by the Secretary of State at the Examination in Public, enabling Westminster to fulfil its obligations under the London Plan to support jobs and economic growth within the CAZ.

We thank you for taking our feedback onboard and look forward to continuing to work closely together to deliver a West End – and Westminster – that benefits from truly sustainable, long-term economic growth.

Yours sincerely



Dee Corsi  
CHIEF EXECUTIVE

<b>ID/ Our reference</b>	078/ EXT078
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>MARKS AND SPENCER PLC</b>
<b>Type of respondent</b>	Developers, landowners and real estate company

9 May 2024

Westminster City Council Planning Policy,  
Westminster City Council,  
17th Floor, 64 Victoria Street,  
London,  
SW1E 6QP

DP9 Ltd



[www.dp9.co.uk](http://www.dp9.co.uk)

Sent: By Email

Dear Sir/Madam,

#### **REPRESENTATIONS ON THE WESTMINSTER CITY PLAN PARTIAL REVIEW (REGULATION 19)**

Thank you for providing us with the opportunity to comment on the Westminster City Council (WCC) City Plan partial review (Regulation 19) consultation ending 9<sup>th</sup> May 2024 – as extended. These representations are submitted on behalf of Marks and Spencer PLC, specifically relating to New Policy 43 'Retrofit First' and in relation to non-residential development.

Marks and Spencer (M&S) is one the UK's leading retailers, committed to delivering sustainable value for customers and shareholders. To reflect the climate emergency we all face, M&S are focussing on becoming a net zero business by 2040. As part of this strategy, M&S aim to be a leading retailer making all stores fit for the future, including the proposed redevelopment at Marble Arch in the borough of Westminster. M&S have an excellent track record of refurbishment of existing buildings, and this is very much at the forefront of the M&S UK property reshaping and renewal programme.

#### **Part A – Prioritising Retrofitting Over Demolition**

##### **Context**

As noted in our previous representations, we support the principle of 'retrofit-first' (where appropriate and consistent with wider planning objectives) but this cannot and should not be interpreted as a 'retrofit-only' approach to development. Although prioritising carbon objectives is an important consideration in light of the climate emergency, plan-making and decision-taking must also strike a balance with other environmental, social and economic objectives. This holistic approach is essential to achieving truly sustainable development as outlined in paragraph 8 of the NPPF and carbon considerations cannot be assessed in isolation or prioritised over the other strands of sustainability. An approach which also underpins the London Plan's objective of Good Growth which looks to achieve sustainable development that is socially and economically inclusive and environmentally sustainable.



The NPPF sets a clear direction at paragraph 123 that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, while also safeguarding and improving the environment, with this balance in mind. This includes making as much use as possible of previously-developed land to accommodate objectively assessed needs. London Plan Policy GG2 echoes this national policy direction to make the best use of land and directs growth towards the most accessible and well-connected places to achieve it. This national and strategic direction to growth is particularly relevant to WCC, with ambitious growth targets including 63,000 additional jobs by the end of the plan period and representing one of the most sustainable areas in London and the country as a whole by virtue of its existing and central urban context. Planning policies should therefore take a proactive role in identifying and helping to bring forward suitable sites for meeting local plan objectives in order to make the best use of the land and not override carbon considerations over wider environmental benefits or securing Good Growth.

We have concerns with the wording of the proposed introduction of new Retrofit-First Policy 43 in this regard. In its published form it is likely to be interpreted as creating an overriding presumption in favour of retrofit rather than a requirement to properly consider it and review merits of a scheme in the round and against wider Development Plan Policies. Such a policy would not be Positively Prepared; Justified, nor would it be Effective for the reasons given below, nor Consistent with national policy or in general conformity with the spatial development strategy for London.

#### Prioritisation vs Consideration

Carbon optioneering and the ‘planning balance’ in order to establish the best use of a site is very site-specific and nuanced process which Part A of new Policy 43 looks to streamline for any development involving the demolition of a building greater than one storey in WCC.

As currently worded, the second sentence of Part A would impose a requirement to run a detailed whole-life cycle carbon assessment and public benefit balance against various levels of interventions to the building on any proposal involving demolition regardless of whether the retention of the building in whole or in part is technically feasible. This serves no proper purpose and is not Justified where retention is technically unfeasible. For example, where the existing structure was purpose built for a bespoke use not suited or adaptable for other uses as recognised at Part 3 of Part A or has structural issues preventing its reuse or refurbishment as recognised at Part 4 of Part A. Furthermore, while we recognise the importance of reducing embodied carbon emissions in the context of the climate emergency, a ‘retrofit-first’ approach is not always the best or effective way to do so, where refurbishments can be more carbon intensive than a new build counterpart.

The Policy also has no regard to whether the existing building is suited to the requirements for the site when considering the feasibility of retention and refurbishment options as per the GLA Circular Economy LPG Decision Tree at Figure 4. In the event where it does not meet the requirements for the site, the decision tree directs you to disassembly and reuse or demolition and recycle. In practice, as currently drafted, Policy 43 would therefore potentially preclude suitable redevelopment sites from coming forward which might otherwise make the best use of the site and meet wider development plan objectives. We also have concerns how this complex policy will work in practice and weighted alongside the Development Plan as a whole, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.



In these circumstances, as currently drafted we do not consider the Policy to be *Positively Prepared* in order to meet objectively assessed development and infrastructure requirements; will not be *Effective* in delivering Good Growth over the plan period; and do not consider it is *Consistent with national policy* which supports sustainable development and does set any presumption against demolition, but rather requires consideration of reuse as part of a range of measures.

### Proposed Amendments to Part A

On this basis, the title '*PRIORITISING RETROFITTING OVER DEMOLITION*' should therefore be deleted from the initial part of the policy on the basis that retrofitting should only be prioritised where the relevant criteria are met.

We consider that Part A of Policy 43 should be re-worded as follows [noting the comments in relation to the relevant trigger below]:

- A. *Development should adopt a retrofit-first approach, where options for retrofitting and retention of existing buildings are considered before demolition. Where ~~substantial or a Major development involving~~ total demolition is proposed, this should be fully justified through an appraisal of the construction options, ~~assessing considering the~~ *planning policy requirements for the site, ~~carbon cost and~~ public benefits of refurbishment, retrofit, deep retrofit or newbuild options. In the case of a Major Development involving total demolition of a building which has more than a single storey, the policy preference is for reuse and/or retrofit will generally be resisted, unless demonstrated through the appraisal that:**

### Part A – Criterion 1-4

We note that as currently drafted, the first criteria (public benefits) would have to be met in every case, together with one or more of the other criteria. We do not consider this to be soundly based or justified, on the basis that any one of the criteria could be justification for demolition, particularly when the policy is read in the context of the NPPF and the Development Plan read as a whole. Accordingly, we recommend that the word 'And' at the end of the first criteria is replaced with 'Or'.

Our detailed comments on the criteria are set out below:

1. *The proposed development will deliver public benefits which could not be delivered through a suitably comparable retrofit option; and*

When evaluating opportunities for "*comparable retrofit options*", it's crucial to ensure that they are realistic given the requirements for the site and capable of being successfully delivered within the given context and constraints. We are therefore of the view "*deliverable*" should be inserted after "*comparable*" in order to make this policy justifiable. It is also unclear on what is meant by "*suitably comparable*" i.e would this be based on floorspace GIA as well as the same use type?

Part A or the full list of criteria also excludes recognition of the need to meeting the objectives of the Development Plan as a whole, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. For example, employment or housing need; design improvements; enhancing heritage settings; public realm improvements and/ or sustainability improvements – which can



sometimes only be achieved or maximised through redevelopment options. It is in these instances where the presumption in favour of sustainable development must apply and environmental considerations balanced against other social and economic objectives of the plan.

2. *The whole-lifetime carbon of a new building would be less or similar to a suitably comparable retrofit option; or*

We reiterate our earlier comments in further clarification as to what is meant by a “suitably comparable” scheme.

3. *The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s); or*

Further explanation is provided at supporting paragraph 43.5 for Criteria 3 of Part A, stating “Where a change of use is proposed that has bespoke design requirements, applicants should demonstrate the suitability of the site through **a Site Selection Statement** and set out why those design requirements are integral to the proposed use or operations of the building, providing evidence of any technical requirements or standards” (emphasis added).

This statement should only be supplementary to the optioneering study and not be used to preclude certain land uses from coming forward if relevant planning policies deem them suitable on site.

4. *It is demonstrated that a retrofitting option is not possible or achievable due to structural constraints, demonstrated through an independently verified structural engineers report.*

As per our commentary for criterion 1, it is crucial to ensure that any retrofit option is realistic and deliverable in order for it to be a robust and fair comparison. This should also be reflected in this criterion.

Additional floorspace or public benefits directed by planning policies and objectives is often limited by the structural capacity or constraints of the existing structure. While it may therefore be possible to retrofit an existing building to some extent, it may not always represent the best use of the site and therefore be a direct comparison. Furthermore, while structural interventions can be made, it should also be recognised that it can often be more carbon intensive than a new build.

#### Proposed Amendments to Criteria 1-4

These should be referred to in the criterion, as follows:

1. *The proposed development will deliver public benefits (or meet development plan requirements for the site) which could not be delivered through a suitably comparable and deliverable retrofit option; ~~and~~ or*
2. *The whole-lifetime carbon of a new building would be less or similar to a suitably comparable and deliverable retrofit option that would similarly meet development plan requirements for the site; or*
3. *The proposed development has bespoke operational requirements which could not be provided through the repurposing, adaptation and/or extension of the existing building(s); or*



4. It is demonstrated that a retrofitting option that would similarly meet development plan requirements for the site is not ~~possible realistically or~~ achievable due to structural or other constraints, demonstrated through an independently verified structural engineers or equivalent report.

### Substantial or Total Demolition

Part A of new Policy 43 requires development involving “**substantial or total demolition**” to be fully justified through an appraisal of the construction options, assessing the carbon cost and public benefits of various scales of intervention. The Glossary (pages 236-243) defines substantial or total demolition as follows:

**Substantial demolition** - “Development consisting of the demolition of 50% or more of existing above ground structures, by area or volume, but not constituting total demolition”.

**Total demolition** - “The removal, deconstruction or demolition of an existing building, which will entail the removal of all of its fit out, superstructure, cores, and basement slab(s), but may involve the retention of the façade”

The definition of what would constitute ‘total demolition’ over ‘substantial development’ is unclear. For example would it only be considered ‘total demolition’ if it involves all of the criteria listed in the definition (“fit out, superstructure, cores, basement slab(s) and façade”) and therefore ‘substantial demolition’ if it comprises one or more of the criteria? Both definitions also exclude reference to foundations. The definition of substantial demolition only makes reference to above ground structures so it is unclear whether the retention of any foundations would constitute as substantial rather than total demolition. It is also not clear if the volume referred to in the definition of substantial relates to the space inhabited by the building or the volume of for example, the structure?

Part A then goes on to state that “Development involving **total demolition of a building which has more than one storey will generally be resisted, unless demonstrated through the appraisal that...**” (emphasis added) [then listing 4 criteria to be met]. On this basis, it is assumed that any proposals involving substantial demolition does not need to comply with the optioneering and public benefit balance requirements of Part A and only the relevant benchmarks set out at Part B.

The proposed trigger of “total demolition of a building which has more than one storey” is likely to capture a significant number of applications which WCC will be solely responsible to review and resource, as the GLA only require Whole Life-Cycle Carbon Assessments (WLCCA) and Circular Economy Statements (CES) for larger, referable schemes. This current definition of a building with more than storey is also likely to capture some householder applications, which should not be subject to the same level of technical and specialist requirements akin to major development schemes with dedicated technical teams which can add substantial additional cost. The proposed trigger should therefore be reviewed to capture only major development schemes, in line with the remainder of the policy requirements.





## Part B – Reducing Embodied Carbon Emissions

### LETI Benchmarks

Part 1A sets out upfront embodied carbon targets for development involving total or substantial demolition of a building greater than one storey and all major development for new non-residential buildings, with a minimum requirement to achieve an equivalent LETI Band A with absolute minimum of B.

These targets are significantly more onerous than current GLA minimum and aspirational benchmarks for office development as set out in the GLA WLCCA LPG Guidance March 2022, which we summarise here for comparison:

- GLA minimum benchmark - <950 kgCO<sub>2</sub>e/m<sup>2</sup> GIA
- GLA aspirational benchmark - <600 kgCO<sub>2</sub>e/m<sup>2</sup> GIA
- LETI B benchmark - <475 kgCO<sub>2</sub>e/m<sup>2</sup> GIA
- LETI A benchmark - <350 kgCO<sub>2</sub>e/m<sup>2</sup> GIA

While we are fully supportive of minimising embodied carbon emissions, we question whether the benchmarks proposed are justified. Firstly, LETI targets do not differentiate between new-build and retrofits and it is acknowledged by both LETI and the WCC Evidence Base that an element of retrofit is required to achieve these aspirational targets. This is not a ‘retrofit-first’ approach, rather a ‘retrofit-only’ one. Insufficient evidence has also been provided by WCC to demonstrate the achievability of these targets to ensure this policy test is fully evidenced and justified. The supporting Topic Paper in the evidence base show that none of the latest new-build developments being brought forward in WCC have an upfront embodied carbon of LETI Band B or better, emphasising the challenge of achieving these proposed targets.

Arup has collected embodied carbon data on a number of central London office and retail planning schemes involving new builds, partial retention or heavy refurbishment over the last three years, as extracted below. This demonstrates that even under the original RICS v1 calculation methodology, no new build projects were anticipating achieving LETI Band A. Introduction of the updated RICS v2 methodology is expected to result in an increase in modelled output.

## Benchmark Data

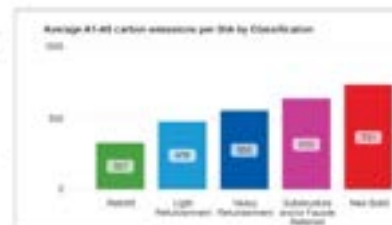
### Embodied Carbon data from London planning portals

Arup has collected embodied carbon data on major projects from planning portals of a number of central London boroughs for projects applying for planning applications within the last 3 years. The data is illustrated below in form that dataset and includes office and office/retail schemes (classified as either New Build, Partial Retention (substructure facade) or Heavy Refurbishment). Data is taken from published Whole Life Carbon Statements, and as the ability to derive insight from the data is limited by the contextual data available in these reports.

**Data Accuracy:** Some of the data will provide important industry guidance such as CIBSE TM65. As a result it is reasonable to expect that some of the data will under-report embodied carbon intensity due to completeness gaps in the analysis. In addition there are likely to be significant variations in the material carbon intensity assumptions. Due to the timing of the assessments it is anticipated that all will have been completed with reference to the RICS 2017 guidance, as opposed to RICS version 2.

**Averages:** The New Build average is similar to that presented in the Topic Paper (221 vs. 212kgCO<sub>2</sub>e/GIA). Both Heavy Refurbishment and Partial Retention averages are significantly above the overall average from the Topic Paper of 177kgCO<sub>2</sub>e/GIA. It should be noted that Heavy Refurbishment projects cover a wide range, from full internal refurbishment to partial demolition of superstructure.

**Conclusion:** The new build data broadly aligns with that presented in the Topic Paper. It supports the view that the proposed WCC minimum of 475kgCO<sub>2</sub>e/GIA at 35% below the reported average, will be out of reach for the majority of new builds and partial renovations, while a large proportion of heavy refurbishments are within this range. The target (350kgCO<sub>2</sub>e/GIA) is considered out of reach for all but a small minority of heavy refurbishments.



### Embodied carbon (A1-A6) for developments in London





On this basis, the proposed LETI Targets as minimum benchmarks are not considered to be *justified* or *effective* when considered against reasonable alternatives and the evidence base provided.

Paragraph 43.6 also adds that *“...The most up to date RICS methodology should be followed to calculate embodied carbon. Where subsequent benchmarks are established by other bodies, for example the UKGBC, these may be used where they have been aligned to LETI benchmarks. At the time of writing, the benchmarks recommended are based off guidance published by LETI in 2020”*.

Paragraph 43.10 goes on to state that *“It is expected that these benchmarks will likely become business as usual during the City Plan period as building standards improve and the push for sustainable development gains greater momentum...”* to justify the approach.

Applying the latest RICS methodology (2<sup>nd</sup> Edition) to calculate embodied carbon has serious implications for developers as it includes the requirement for WLCCA to account for emissions from any demolition that has occurred by the owner or previous owner, within three years of the sale or new proposal. This approach will likely delay developments from coming forward and therefore local plan objectives being met, until the time period has expired, especially if the applicant acquired the site and was not responsible for any demolition.

It should also be noted that both LETI and RICS are involved in developing the new Net Zero Carbon Building Standard (NZCBS) which is being developed by major property-related organisations including the BRE, CIBSE, RIBA, and UK-GBC, amongst others. The intention is to provide a clear definition of net zero as well as robust targets for all new building projects. Once released, the NZCBS is likely to become a single reference point for any developer wishing to demonstrate that their development or building has achieved net zero carbon. It is therefore anticipated that LETI will align with its co-authored new NZCBS standard and we would endorse such an approach.

This demonstrates the dynamic nature and fast-moving pace in embodied carbon benchmarks and guidance. With this in mind, it may be more appropriate for Part B of Policy 43 to require developments to adhere to the minimum benchmarks as outlined in the latest GLA Guidance or the forthcoming agreed industry standard i.e NZBCS to avoid the policy becoming out of date soon after adoption.

Additionally, while it is acknowledged that WCC want to introduce more onerous targets than the GLA 2022 Guidance, it is queried how two benchmarks and methodologies to calculate embodied carbon will work in practice for GLA referable schemes. This is likely to double the amount of information needed to support applications and will produce two differing assessments and opinions of compliance. It is noted that any CES submitted to WCC would only have to comply with GLA LPG.

#### Part E – Offset

Part E requires *“any shortfall against the minimum embodied carbon targets will be offset through a financial contribution towards the council’s carbon offset fund”*. Paragraph 43.11 states that further details on how this is to be calculated will be provided in a future update to the Planning Obligations and Affordable Housing (POAH) SPD.

It is unclear how this will work in practice as it would not be as simple as an update to the SPG, but involve developing a new evidence base and methodology that should be consulted on by the wider industry. This is because the existing carbon offset methodology in the POAH SPD only relates to operational emissions in accordance with current net zero carbon requirements. Whilst described as a carbon offset, the WCC



Carbon Offset Fund does not to our knowledge meet any recognised industry standard for a carbon offset fund, for example that defined by UKGBC in its 2023 guidance. We are concerned that a requirement for an “offset payment” to a non-accredited fund will if anything discourage engagement in genuine offsetting and could therefore be counter-productive.

These viability considerations and cumulatively with the new operational carbon offset, does not appear to have been tested in the evidence base for the City Plan. While it is acknowledged that WCC propose to “credit” any embodied carbon reductions below the minimum benchmarks to the operational carbon offset payment at paragraph 43.10, it is again questioned how this new system will work in practice. Based on our understanding that the proposed minimum LETI targets are unachievable for new builds, this would also only benefit and apply for retrofit schemes.

It is on this basis that the carbon offset guidance should be produced and consulted alongside the City Plan given its implications for viability for future schemes. A detailed viability appraisal then needs to be run which models the impacts of introducing such offset in order to Justify this approach.

Furthermore, it is not clear what the “minimum embodied carbon target” is in reference to i.e does the new carbon offset have to achieve LETI A or B.

## **SUPPORTING TEXT**

### **Paragraph 43.3 – The tests for demolition**

Paragraph 43.3 provides further guidance in relation to WLCCA optioneering. Stating “...*When presenting comparisons between retrofit and newbuild options, a realistic whole life cycle for a retrofit scheme should be used which accounts for the extended life of a building resulting from a high-quality retrofit; and how the material choices for a retrofit option and a newbuild both aim to deliver the lowest embodied carbon achievable...*” (emphasis added). This explanatory text should apply to both retrofit and new builds in respect of realistic whole life cycles and lifespans of buildings. The current wording takes a retrofit only approach and does not acknowledge that new builds can often result in much extended lifespans.

The supplementary text goes on to state “...*Where retrofitting is unfeasible due to structural or safety concerns, applicants should demonstrate this through a structural statement from a suitably qualified engineer. Where structural reinforcement is possible, but the extent of which would make the development unviable to retrofit, this should be supported by a viability report...*” (emphasis added). This does not have regard to instances where structural reinforcement may be possible but not to an extent that would result in a suitably comparable option i.e uplift in floorspace to make it deliverable and viable. It is unclear whether the required viability report is in relation to financial viability or the carbon cost? A financial viability should not be required in this instance as it is unclear how it would work in practice and be considered alongside other quantifiable factors which can render a development scheme deliverable or not.

### **Supporting Text 43.4 – Economic benefits**

Supporting text 43.4 recognises the opportunities for significant public benefits that new builds can bring, and how applicants should demonstrate how they cannot be practically or viably be achieved through retrofit. It then goes on to state “*In recognition of the global, national and local economic importance of the West End Retail and Leisure Special Policy Area (WERLSPA), the Paddington and Victoria Opportunity*



*Areas and North West Economic Development Area (NWEDA), optimising the site capacity to achieve significant employment, jobs and investment opportunities may also be considered a public benefit justifying the replacement of a building. Any economic benefits would need to be fully justified and the applicant must demonstrate to the council's satisfaction why they could not be achieved through a retrofit option through a meaningful and honest comparison" (emphasis added).*

This supporting text implies that economic benefits can only be realised in sites located within the WERLSPA, NWEDA and Opportunity Areas. While these are of global, national and local economic importance, the vast majority of WCC falls (with the exception of a small section to the south-west) within the Central Activities Zone (CAZ) – “of profound economic importance to London and the wider UK” and “contributing to 14% of London’s GVA and 13% of the capitals jobs” according to a recent Arup and WPA ‘Delivering Good Growth in Westminster’ March 2024 report. The CAZ, and consequently Westminster as a whole, therefore has a borough-wide potential to realise economic benefits which could potentially justify the replacement of a building, and this should be recognised in supporting paragraph 43.4.

Further clarification should also be provided as to what would constitute “significant public benefit”. Noting the recent 18-20 Saville Row redevelopment scheme (Ref: 22/03276/FULL) resulting in an uplift of 1,040 sqm GIA and 43 FTE Jobs compared to the existing building, along with substantial contribution package was considered “modest” by WCC Officers, amongst the wider public benefits package.

The Local Plan should also acknowledge qualitative / non-tangible “Employment, job and investment opportunities” benefits beyond quantitative jobs and floorspace uplift – such as public realm, townscape improvements etc which can all contribute to the viability and vitality of Westminster.

### **Summary**

Planning policies should take a proactive role in identifying and helping to bring forward suitable sites for meeting development needs in order to make the best use of the land and be applied pragmatically by decision-makers. There are concerns regarding the introduction of this policy in this respect and how it may preclude development on certain sites which may have otherwise come forward and that would meet the wider development plan objectives. While M&S endorse a retrofit-first approach wherever feasible, it is also recognised that it is not always technically achievable or the most sustainable outcome. Commercial deliverability and financial viability must also be considered in the context of the overall scheme proposals and individual site priorities.

While M&S understand the drivers behind the introduction of the new Policy 43, it is not considered that the policy meets the soundness tests of the NPPF for plan-making for the reasons set out in these representations. The proposed new Policy 43 is inherently complex, is of critical importance, and should be proportionately justified and allow for sufficient clarity for practical application.

We welcome the opportunity to comment on this consultation and trust the comments are of assistance in progressing the City Plan Partial Review.

Yours sincerely,



**DP9 Ltd**

<b>ID/ Our reference</b>	079/ EXT079
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>BRITISH LAND</b>
<b>Type of respondent</b>	Developers, landowners and real estate company



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09 May 2024

Dear WCC Planning Policy Team,

### **British Land Plc - City Plan Partial Review - Response to Regulation 19 Consultation**

These representations to the Draft City Plan Partial Review (Regulation 19) are submitted by British Land.

British Land is one of Europe's largest listed real estate companies with a portfolio of high-quality UK commercial property focussed on London Campuses and Retail & Fulfilment assets across the UK. We own or manage a portfolio valued at £12.7bn (British Land share: £8.7bn) as at 30 September 2023, making us one of Europe's largest listed real estate investment companies. Our three Campuses across London offer dynamic neighbourhoods, attracting growth customers and sectors. One of these is Paddington Central - comprising an 11-acre mixed use campus delivering c.950,000 sq ft of development in the heart of Paddington. We also jointly own West One Shopping Centre on Oxford Street comprising office and retail space in the heart of London's West End, in addition to assets at York House, Marble Arch House and 10 Portman Square. We are also a founding Member of the Westminster Anchor Alliance.

As a landowner and stakeholder in Westminster, we welcome the opportunity to respond to the City Plan Partial Review Regulation 19 consultation. Our representation focusses on two elements under review - namely the Council's proposed Policy 43 'Retrofit First' and Policy 10 'Site Allocations'.

British Land is a member of the Westminster Property Association (WPA) who have provided detailed representations. As a member of the WPA, we broadly endorse the findings and recommendations set out within its written representation to WCC regarding Draft Policy 43.

### **Our approach to sustainable development**

Sustainability is fundamental to our business - it helps us to make informed environmentally and socially intelligent decisions. Through our Sustainability Strategy, we have established a set of clear environmental objectives for 2030, focussed on how our buildings are constructed and managed. In doing so, we have committed the decarbonisation of our portfolio - achieved via the reduction of embodied carbon in our developments and reduction in operational carbon across our standing portfolio. In 2020, we set out a Pathway to Net Zero, identifying steps to deliver on our net zero commitments. Since then, we have made significant progress, including a 39% reduction in operational carbon intensity (offices) vs 2019 and a 35% reduction in the embodied carbon of our office developments vs 2019 industry benchmarks.

In development, we seek to minimise carbon in construction. Firstly, by reusing and recycling where possible, followed by the specification of low carbon materials. Only then, as a last resort do we consider the offset of residual carbon through certified carbon credits. As a business, we have an excellent track record of preserving and reusing buildings where we can (e.g. 1 Triton Square, Camden and 100 Liverpool Street, City of London). All of our major developments delivered since April 2020 have measured, reported on, and reduced their embodied carbon and have offset residual emissions.

### **Draft Policy 43 - Retrofit First**

Noting the above, we consider ourselves a leading developer in this field. However, whilst we are committed to sustainability



and carbon reduction, we have serious concerns regarding the deliverability of Draft Policy 43. As drafted, we consider the policy to be unsound when considered against the national tests for plan-making and consider it to be inconsistent with national policy and not in general conformity with the London Plan. We also raise concern regarding the prematurity of the policy when considered against current national requirements.

The Written Ministerial Statement made on 13 December 2023 directly addressed the change in Building Regulations Part L (2021) and the Future Homes and Buildings Standards, and their interaction with Local Plans. It noted:

*“The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government’s commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planning building regulations should be rejected at examination if they do not have a well-reasoned and robustly costed rationale...”*

Whilst specific to energy efficiency standards, the Ministerial Statement clearly discourages the layering of standards that go beyond current or planned building regulations unless there is a well-reasoned and robustly costed rationale for doing so. In this context, we consider that the approach to Draft Policy 43 is not well-reasoned and robustly costed and is inconsistent with national and London Plan policy on carbon.

With regard to embodied carbon specifically, the Future Homes and Buildings Standards consultation (December 2023) states:

*“Embodied carbon, the carbon emissions generated from the production and transportation of building materials, construction process and maintenance of a building - is beyond the scope of this consultation and the existing Building Regulations. We recognise, however, that embodied carbon is a significant contributor to the whole life carbon of a building and that it is therefore crucial that we take steps to address it. The government intends to consult on our approach to measuring and reducing embodied carbon in new buildings in due course” (paragraph 1.1.4).*

Draft Policy 43 is premature in advance of consultation on the government’s approach to measuring and reducing embodied carbon and risks creating multiple layers of competing standards, adding complexity and potentially undermining delivery of new homes and economic growth.

#### Part A - Public Benefits & Options Testing:

As drafted, Part A of Policy 43 promotes a retrofit-first approach, where options for retrofitting and retention of existing buildings should be considered before demolition. The approach as to whether to retrofit a building or to demolish and rebuild is often seen as a binary decision, which from our experience isn’t the case. In making this assessment a number of factors need to be considered - including:

- **Site constraints** - heritage & conservation and immediate infrastructure.
- **Building condition & adaptability** - including structural integrity, physical configuration, and floor to ceiling heights.
- **Occupier demand** - including accessibility, future flexibility and adaptability and demand for alternative uses, such as labs.
- **Regulatory & corporate objectives** - increasing scrutiny on ESG and operational requirements, as well as other planning policy objectives, such as housing delivery, and social objectives.

As drafted, the Part A tests are too complex and likely to discourage/prevent new development proposals. Further, Part A does not account for the commercial viability and deliverability of alternative proposals and places carbon as the most important consideration, ignoring other national, regional and local planning policy objectives. Further, defining the public benefits of growth as being solely within WERLSPA, NWEDA and Opportunity Areas is unnecessarily limiting given the wider policy objectives for the CAZ and Westminster as a whole. We would support the removal of Part A from the policy, in line with the WPA response.

#### Part B - Targets

Whilst we strongly support the need to focus efforts on carbon reduction both during construction and operation of buildings; where its deployment is unavoidable, we must do it as efficiently as possible. There could be a significant embodied carbon saving by refurbishing a building, however if it means a building is significantly compromised leading to additional operational requirements, it could have a greater Whole Life Carbon impact and/or become obsolete, if it fails to meet market requirements.



Whilst not expressly detailed in the draft policy, Part B proposes LETI commercial targets equating to 350-475kgCO<sub>2</sub>e/sqm. From our experience, this is not currently achievable for all types of development and is likely to restrict future development in Westminster. Targets of this nature will certainly discourage 'new' development, particularly when coupled with the increased carbon offset payments set out in the March 2024 Planning Obligations SPD, rendering this a 'retrofit only' policy rather than the intended 'retrofit first'. The targets are not necessarily achievable for all building types, requiring flexibility in the application of policy.

If a target is set within the City Plan, from our experience, we believe it would be more appropriate to set a target of 600 kgCO<sub>2</sub>e/sqm for commercial development - which would still represent a very ambitious target for developers. We have a corporate target of delivering commercial development below 500kgCO<sub>2</sub>e/sqm by 2030 and would support a reduction in the WCC target over time, or when the technology, knowledge and viability allows. Part B of the policy should be drafted to set out how targets will adapt overtime and throughout the life of the City Plan. The development of the Net Zero Carbon Building Standard is a good example of this.

Carbon targets for residential are more challenging due to the range of typologies - principally relating to scale and height. We do not believe there are currently credible benchmarks establishing realistic targets for the range of residential typologies. By way of reference, within our portfolio which currently comprises taller residential buildings - we have established a target of delivering below 750kgCO<sub>2</sub>e/sqm by 2030. Targets below 750kgCO<sub>2</sub>e/sqm are likely to only be achievable on more traditional residential developments of lower height.

It is critical that Policy 43 establishes realistic targets in order to be considered sound.

### **Draft Policy 10 - Site Allocation, Royal Oak**

We note the introduction of Draft Policy 10 which sets out a site allocation for 'Land adjacent to Royal Oak' which is located immediately west of our ownership at Paddington Central. We support the introduction of a commercial-led, allocation for the land and its role in facilitating appropriate development in this location. It will be important to consider an appropriate use at lower levels of any future development due to the site's proximity to the railway lines and elevated Westway.

We support the aspiration to enhance access and pedestrian permeability through the site to local transport hubs, Paddington Central and the wider Paddington area. Reference to the 'grading down' of development towards Paddington Central and specifically towards Kingdom Street is supported.

Draft Policy 10 notes potential time constraints with the redevelopment of the land and therefore suggests potential meanwhile use(s) including public recreation, waste management and urban logistics. Whilst we support the aspiration to drive value from a meanwhile use, we strongly object to the proposals for a waste management facility on the site. A waste facility in this location would detrimentally impact on the setting and attractiveness of the campus environment and neighbouring residential development - due to noise, odour, and visual impacts. The nature of the vehicles accessing the site may also give rise to highways and amenity issues.

Logistics is also noted in the draft policy as a potential meanwhile use for the site. Planning permission was granted for a logistics hub at 5 Kingdom Street in 2023. We are currently working through detailed design to facilitate delivery of the hub. Any plans for an additional logistics facility immediately adjacent to the site should be carefully tested and consulted on accordingly, taking into account the consented scheme.

### **Summary**

Westminster an important part of London for British Land. We want to continue to work with you and deliver leading, sustainable real-estate in Westminster. However, we are concerned that the direction of some of the Council's policies - in particularly Draft Policy 43 and associated carbon offset payments will jeopardise future investment in the Borough. As a major stakeholder and partner in Westminster, we hope that you appreciate our feedback on this matter. We would be happy to undertake a focussed session with WCC's policy officers aimed at explaining the considerable opportunities that exist to decarbonise developments, whilst highlighting the potential challenges.

Yours sincerely,



Jayne McArthur  
Planning Director





<b>ID/ Our reference</b>	080/ EXT080
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>KNIGHTSBRIDGE NEIGHBOURHOOD FORUM</b>
<b>Type of respondent</b>	Neighbourhood Forum, Amenity Society or Resident's Association



Councillor Geoff Barraclough  
Cabinet Member for Planning and Economic Development  
Westminster City Council  
City Hall  
64 Victoria Street  
London SW1E 6QP

By email: [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk)

9 May 2024

Dear Geoff

### **Westminster City Plan Partial Review – Response to Regulation 19 Consultation**

I am writing on behalf of the Knightsbridge Neighbourhood Forum (“KNF” or “the Forum”) in response to the Westminster City Plan Partial Review Regulation 19 consultation (the “Consultation”).

#### **Retrofit First**

The KNF welcomes the proposed addition of Policy 43 (Retrofit First) to the City Plan. Ensuring that development minimises emissions is a fundamental part of sustainable city living and one of the objectives of the Knightsbridge Neighbourhood Plan (“KNP”)<sup>1</sup> (which was made on 11 December 2018). However, the principle must be that, whether buildings are retrofitted or demolished, they contribute fully towards meeting the requirement of ‘zero air emissions’ by 2040. The KNF is keen that all development contributes towards making the City of Westminster’s building stock ‘2040 ready’.

The KNF is particularly keen that the policy should avoid creating loopholes that could be exploited. Policy 43(A) proposes four circumstances when the demolition of a multi-storey building is permissible. Given that most buildings in Westminster have more than a single storey, most major developments will seemingly offer applicants the opportunity to justify demolition when retrofit may be suitable.

- 1. Delivering public benefits.** The KNF does not consider that any public benefit can be considered more important than protecting public health and the climate over the short, medium and long term (including inter-generational justice). The examples listed in paragraph 43.4 could all be provided in existing buildings. It should be made clear in Policy 43 that such benefits would have to be exceptional in their nature and/or scale to be justified against the above imperatives.
- 2. Comparison of whole-lifetime carbon.** If such an assessment results in a ‘similar’ outcome to anything near a suitably comparable retrofit option then the retrofit-first option should still apply – the principle should be ‘retrofit unless there are exceptional circumstances’. The KNF is concerned that there is a lack of suitably comparable retrofit examples in existence to enable this comparison and that ‘similar’ as a requirement is highly subjective and vulnerable to exploitation.

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<sup>1</sup> [https://www.knightsbridgeforum.org/media//documents/knp\\_made\\_version\\_december\\_2018\\_131218\\_website.pdf](https://www.knightsbridgeforum.org/media//documents/knp_made_version_december_2018_131218_website.pdf)

3. **Bespoke operational requirements.** This could be used to gain planning permission but it is unclear how any continuation of that use – which necessitated the bespoke operational requirements proposed – would be secured in the long term. In other words, applicants could secure permission for demolition on the basis of a use that is quickly discarded in favour of an alternative use that does not have to same requirements. Please protect against this risk through legal conditions.
4. **Structural constraints.** Civil engineering matters should be considered fully at the design stage.

Policy 43 could be improved by recognising that retrofitting proposals for a major development will be particularly supported where they provide benefits to neighbours e.g. those retrofitting buildings at a later date. This would cover matters such as the provision of energy, infrastructure and utilities.

The requirements of Policy 43(B) are generally supported. These align with KNP Policies KBR35: Renewable energy and KBR40: Healthy people. It should be made clear that the test of ‘exceptional circumstances’ in sub-clause 1e sets the bar high and that there will be few circumstances where making a contribution to the Council’s carbon offset fund will be acceptable. This is an obvious ‘loophole’.

Policy 43(B) ties Whole Life-Cycle Carbon assessments to the London Energy Transformation Initiative (LETI) bandings. Paragraph 43.7 acknowledges that these standards were published in 2020 and therefore the evidence used to inform them is likely to be older than this. The policy therefore needs to reflect that if the LETI guidance is updated then the targets in the policy must be applied using the new guidance. It is imperative that Policy 43 does not lag behind the likely rapid advances in technology, policy and legislation that aim to minimise carbon in the built development sector e.g. through revisions to the London Plan. The KNP is clear on the 2040 ‘end points’ and ‘outputs’ it wishes developers to achieve and aims to remove hurdles e.g. Policy KBR40 D (b) on air quality.

The KNF encourages Policy 43 to be extended to apply to the substantial refurbishment of buildings where a planning application is required. This will then apply to many of our historic buildings. In a historic part of London such as Knightsbridge there are a number of listed and heritage buildings that leak energy and are at risk of flooding. This policy provides an opportunity to Westminster City Council to ensure this building stock is made 2040-ready at every opportunity. This would align with KNP Policy KBR36: Retrofitting historic buildings for energy efficiency and KBR40: Healthy people. Please address sustainability and climate mitigation and adaptation at every opportunity.

Clauses C and D in Policy 43 make reference to climate change ‘adaptation’. This is supported and aligns with KNP Policy KBR40: Healthy people. This should be signposted more consistently through the policy, recognising that buildings, whether retrofitted or demolished, need to be designed to be more resilient to the changing climate and the genuine (not superficial) achievement of biodiversity net gain e.g. plants, insects and small birds. In particular, the KNF would welcome recognition that this must have genuine benefits e.g. synthetic greenery on buildings should be actively resisted through condition.

The KNF welcomes this opportunity to input into the Partial Review the Regulation 19 stage. We would be pleased to engage constructively with the Partial Review at ‘Examination in Public’ stage (and participated orally in almost all sessions for the current City Plan).

Thank you for considering our representations.

Yours sincerely  
Simon Birkett  
Chair  
Knightsbridge Neighbourhood Forum

<b>ID/ Our reference</b>	081/ EXT081
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>HILSON MORAN/ ARUP/ 3XN/ GXN/ ATELIER TEN</b>
<b>Type of respondent</b>	Consultancy firm and professional network

10<sup>th</sup> May 2024

Westminster City Council  
Planning Department  
64 Victoria Street  
London, SW1E 6QP

Dear Westminster City Planning Department,

**Subject: Westminster City Plan Partial Review - Regulation 19 Consultation**

We the undersigned are writing to express our concerns and recommendations regarding the recent Regulation 19 Consultation for the Westminster City Plan Partial Review. As professionals deeply involved in the development and consultancy sectors, we appreciate the opportunity to contribute to shaping the future of our built environment. We wholly support the overall goals of reduced emissions and sustainable development, but we advocate for realistic, evidence-based policy changes in particular through these formative years of learning.

We are currently witnessing a significant learning curve in lifecycle or embodied carbon assessment, paralleling the early days of operational carbon reporting. As all stakeholders, including developers, designers, consultants and planning officers, enhance their proficiency, we are seeing a significant increase in reported embodied carbon figures. This adjustment will reflect more accurately the real impact of buildings, akin to the performance gap observed in operational carbon before the adoption of standards like NABERS UK. It is imperative to recalibrate our 'best practice' benchmarks to reflect these more accurate, albeit higher, figures without detracting from the genuine advancements we are making in reducing the embodied carbon through smarter design, procurement, and waste management practices.

We welcome the Council's forward-looking stance on promoting a 'retrofit first' approach and the proposal to provide clarity on the embodied carbon performance expected from new applications. This clarity aids in effectively planning projects to meet set targets, emphasising the importance of considering upfront emissions relative to the future discounting typically applied to whole lifecycle emissions.

Our experience dictates that while achieving LETI band C targets is challenging yet manageable, aiming for band B, particularly for new build commercial projects, is currently highly aspirational. This challenge is compounded by intricate designs and site constraints typical to London's unique architectural and regulatory landscape. Hence, it is critical that policies are grounded in empirical evidence and not theoretical models, reflecting real-world complexities such as site constraints, existing urban policies and economic viability.

While we support the ambition outlined in the updated plan, we advocate for a dynamic approach to setting benchmarks. Learning from projects completed since the establishment of the original LETI

targets in 2019-2020, it is clear that benchmarks should evolve to reflect new knowledge and technologies, ensuring they remain both challenging and achievable.

In addition, although retrofitting is a preferred approach in the current Climate Crisis, it must be acknowledged that it is not universally applicable. Where retrofitting is not feasible, thorough pre-redevelopment audits and innovative construction methods should be explored to push towards lower carbon targets.

In conclusion, we commend the City Council for its ambitious and proactive stance on these issues. We believe that a collaborative approach, involving continuous dialogue between the Council and industry stakeholders, will be key to achieving the ambitious targets set forth in the Plan. We look forward to further engagement and are eager to contribute to the development of practical, effective solutions that meet our shared objectives.

Thank you for considering our insights and recommendations.

Yours sincerely,

**Marie-Louise Schembri**  
Sustainability Director  
Hilson Moran



**Mel Allwood**  
Director – Sustainable Buildings  
Arup



**Adam Ozinsky**  
Senior Associate  
3XN/GXN



**Younha Rhee**  
Technical Director  
Atelier Ten



<b>ID/ Our reference</b>	082/ EXT082
<b>Channel</b>	Email Letter
<b>Respondent Name</b>	<b>MICHAEL MILLERSHIP</b>
<b>Type of respondent</b>	Individual

**From:** [Michael Millership](#)  
**To:** [Planning Policy: WCC](#)  
**Subject:** Royal Oak Land usage scheme  
**Date:** 13 May 2024 09:13:34

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Dear Sirs,

I understand "WCC is considering to put a Waste Transfer Station on the piece of green land opposite Royal Oak station.

There are so many reasons why this would be a terrible idea in terms of environmental harm. It is also incomprehensible given the Mayor's much vaunted boast to have a mandate for the "transforming of London." I assume that would not include filling in important open spaces in polluted areas with projects that will degrade further the already contaminated atmosphere of inner London.

I appreciate this response is out of time now , but I was only made aware of this possible scheme last week, and as a local resident and property owner wish to register my opposition to it

Michael Millership

[REDACTED]



<b>ID/ Our reference</b>	083/ CMP083
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Abby Foster</b>
<b>Type of respondent</b>	Consultancy firm and professional network

**Response 01**

**Tenure split**

**What is your name? (survey responses without this field populated are not valid)**

Abby Foster

**Are you completing this survey as a..**

Consultancy

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Co-operate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider the new Retrofit First policy to be sound?**

Yes

<b>ID/ Our reference</b>	084/ CMP084
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Annegret Seebass</b>
<b>Type of respondent</b>	Individual

## **Response 02**

### **Tenure split**

**What is your name? (survey responses without this field populated are not valid)**

Annegret Seebass

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's revised Affordable Housing policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's reviewed Affordable Housing policy to be legally compliant?**

Yes

**If you answered yes, please provide details of why you consider this section of the Affordable Housing policy is legally compliant.**

I am not a professional and therefore not able to know all the legal requirements. However, I believe that Westminster has with these proposals complied with the legal requirements.

**Do you consider this section of the revised Affordable Housing policy to be sound?**

Yes

**If you answered yes, please provide details on why you consider this section of the Affordable Housing policy is sound.**

It appears to be very sound to me.

### **Small-scale developments**

**What is your name? (survey responses without this field populated are not valid)**

Annegret Seebass

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's revised Affordable Housing policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's reviewed Affordable Housing policy to be legally compliant?**

Don't know

**Do you consider this section of the revised Affordable Housing policy to be sound?**

Yes

**Please set out what modification(s) you consider necessary to make this section of the Affordable Housing policy review legally compliant.**

It appears very sound to me.

<b>ID/ Our reference</b>	085/ CMP085
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Barbie Campbell Cole</b>
<b>Type of respondent</b>	Individual

**Response 03**

**Site Allocation – Grosvenor Sidings**

**What is your name? (survey responses without this field populated are not valid)**

Barbie Campbell COle

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Grosvenor Sidings complies with the Duty to Cooperate?**

No

**If you answered yes, please provide details on why you consider the preparation of Westminster's Site Allocation policy complies with the Duty to Cooperate**

Pimlico residents live in a Conservation Area and we value our 'low-rise' and village atmosphere and our unspoilt Victorian houses. We do not want large modern developments in or next to Pimlico

**If you answered no, please provide details on why you consider the preparation of Westminster's Site Allocation policy does NOT comply with the Duty to Cooperate**

Conservation and the desires of Pimlico local residents and our desired Local Plan should have priority should come first

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be legally compliant?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be sound?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

Conservation and the desires of Pimlico local residents and our desired Local Plan should have priority should come first

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

Approval should be sought from Pimlico Forum and other local Conservation groups



<b>ID/ Our reference</b>	086/ CMP086
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>The Institution of Structural Engineers</b>
<b>Type of respondent</b>	Charity, campaign groups and other clubs/association

## **Response 04**

### **Prioritising Retrofit**

**What is your name? (survey responses without this field populated are not valid)**

Will Arnold (The Institution of Structural Engineers)

**Are you completing this survey as a.. In**

Charitable/Voluntary Organisation

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**If you answered yes, please provide details on why you consider this section of the new Retrofit First policy to be sound.**

The only way the Global North will slash carbon emissions in the built environment is to prioritise retrofit and circularity. The UK's recent signing of the Declaration de Chaillot signals that as a country, we intend to prioritise such things. WCC are in a unique position to lead the way in this area, and such policy is long overdue.

### **Embodied Carbon targets**

**What is your name? (survey responses without this field populated are not valid)**

Will Arnold

**Are you completing this survey as a..**

Charitable/Voluntary Organisation

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

No

**If you answered no, please provide details of why you consider this section of the new Retrofit First policy to NOT be sound.**

Speaking as an embodied carbon expert, I know that LETI Bands A and B are very hard to achieve, without overuse of GGBS as a cement replacent, and recycled scrap steel. Both are globally constrained materials, meaning that if WCC increases the use of either, then somewhere else in the world will have less available to them. This results in a net balancing of emissions savings, and so global emissions will not decrease. I'd be happy to share more details of this - or you can google "IStructE GGBS" to find our cross-industry whitepaper on the topic.

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

Targets should be realigned with the forthcoming Net Zero Carbon Buildings Standard, which takes into account (1) globally constrained materials, (2) what is possible today, and (3) the required pace of decarbonisation in order to stay within a 1.5 degree carbon budget.

**Promoting retrofitting**

**What is your name? (survey responses without this field populated are not valid)**

Will Arnold

**Are you completing this survey as a..**

Charitable/Voluntary Organisation

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**If you answered yes, please provide details on why you consider this section of the new Retrofit First policy to be sound.**

What is proposed seems very sensible

<b>ID/ Our reference</b>	087/ CMP087
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Julija Sungailaite</b>
<b>Type of respondent</b>	Individual

**Response 05**

**Site Allocation – Grosvenor Sidings**

**What is your name? (survey responses without this field populated are not valid)**

Julija Sungailaite

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Grosvenor Sidings complies with the Duty to Cooperate?**

No

**If you answered no, please provide details on why you consider the preparation of Westminster's Site Allocation policy does NOT comply with the Duty to Cooperate**

The development plans / proposal are not clear. Residents are not given enough detail or sufficient time to respond. 2 weeks window is not enough for those who are traveling or preoccupied with other matters.

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be legally compliant?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be sound?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

First of all, the proposed plans are not clear. Is it possible to see the actual size of the proposed buildings and how many housing units they will provide? Secondly, the area is already crowded with affordable and social flats, which are often associated with an increase in antisocial behaviour and crime. It is concerning that adding more such housing types will increase crime in Pimlico and the wider area. The removal of Belgravia Police Station in recent years has already reduced policing in the area, so the idea of crime rates going up with fewer police resources is of grave concern.

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

Consider the social and affordable housing already available in the area: Churchill Gardens Estate, Abbots Manor Estate, Peabody Estate, etc. How much more of these developments can a neighbourhood handle?

<b>ID/ Our reference</b>	088/ CMP088
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Harry Dodd Noble</b>
<b>Type of respondent</b>	Individual



**Response 06**

**Site Allocation – Grosvenor Sidings**

**What is your name? (survey responses without this field populated are not valid)**

[harrydoddnoble](#) [REDACTED]

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Grosvenor Sidings complies with the Duty to Cooperate?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be legally compliant?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be sound?**

Yes

**If you answered yes, please provide details on why you consider this Site Allocation policy is sound.**

I'm not sure what it means 'to be sound' but this is an area that it would be great to see developed. As a resident it should respect the guidelines voted for in the Pimlico Plan and it would be great to see a mixed use of space include shops, affordable housing and other residential/office space. It should certainly include large open spaces for residents - it could also be a good opportunity to revisit the nine elms bridge as this could be a good place to bring the two together. The bridge would provide easy access to the power state and facilities and with young children being able to easily walk over there without having to go along the main road and over Chelsea bridge this would be a fantastic addition

<b>ID/ Our reference</b>	089/ CMP089
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Elizabeth Carey</b>
<b>Type of respondent</b>	Individual

## **Response 07**

### **Tenure Split**

**What is your name? (survey responses without this field populated are not valid)**

Elizabeth Carey

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's revised Affordable Housing policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's reviewed Affordable Housing policy to be legally compliant?**

Don't know

**Do you consider this section of the revised Affordable Housing policy to be sound?**

Yes

**If you answered yes, please provide details on why you consider this section of the Affordable Housing policy is sound.**

We need to keep Westminster as an affordable place to live for everyone, not just wealthy residents, short-stay tenants via Air BNB (or similar) or foreigners who collect [largely empty] properties as investments.

**Please set out what modification(s) you consider necessary to make this section of the Affordable Housing policy sound.**

Further clarification of what "Affordable" means, who will monitor actual use of so-called affordable units (to be sure they are not being rented out to short-stay visitors for financial gain) and other details need to be worked out to ensure that what is delivered is what was intended.

### **Small-scale developments**

**What is your name? (survey responses without this field populated are not valid)**

Elizabeth Carey

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's revised Affordable Housing policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's reviewed Affordable Housing policy to be legally compliant?**

Don't know

**Do you consider this section of the revised Affordable Housing policy to be sound?**

Yes

**If you answered yes, please provide details on why you consider this section of the Affordable Housing policy is sound.**

I agree that smaller in-fill developments, when added together, can make a difference. I have seen several such developments in the Church Street/Edgware Road area and they look like attractive places to live. They also break the monotony of large mansion block housing estates.

**Please set out what modification(s) you consider necessary to make this section of the Affordable Housing policy sound.**

Actively encourage development of several smaller sites to help meet the affordable housing requirements for new developments. It would help keep more affordable housing in Westminster. Perhaps consider giving >1:1 credit for Affordable units in small-scale developments.

<b>ID/ Our reference</b>	090/ CMP090
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>The Woodland Trust</b>
<b>Type of respondent</b>	Charity, campaign groups and other clubs/association

**Response 08**

**Site Allocation - Royal Oak**

**What is your name? (survey responses without this field populated are not valid)**

Bridget Fox (Woodland Trust)

**Are you completing this survey as a..**

Charitable/Voluntary Organisation

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Royal Oak complies with the Duty to Cooperate?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be legally compliant?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be sound?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

New Policy 10 point D mentions biodiversity but is silent on the subject of tree planting. The Royal Oak area is identified as a high priority for tree planting on the UK Tree Equity Scorecard (<https://uk.treeequityscore.org/>), with average tree cover of 7% compared to the London average of 20%, and high levels of air pollution.

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

To better comply with para 136 of the NPPF, we recommend adding to point D to read "... maintaining and enhancing biodiversity on the site, including maximising opportunities for new tree planting;"

**Site Allocation – Westbourne Park Bus Garage**

**What is your name? (survey responses without this field populated are not valid)**

Bridget Fox (Woodland Trust)

**Are you completing this survey as a..**

Charitable/Voluntary Organisation

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Westbourne Park Bus Garage complies with the Duty to Cooperate?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Westbourne Park Bus Garage to be legally compliant?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Westbourne Park Bus Garage to be sound?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

New Policy 9 is silent on the subject of tree planting. The Westbourne Park area is identified as a high priority for tree planting on the UK Tree Equity Scorecard (<https://uk.treeequityscore.org/>), with average tree cover of 6% compared to the London average of 20%, high levels of air pollution, and poor public health.

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

To better comply with para 136 of the NPPF, we recommend adding to point C6 to read "and maximising opportunities for new tree planting;"

**Site Allocation – Grosvenor Sidings**

**What is your name? (survey responses without this field populated are not valid)**

Bridget Fox (Woodland Trust)

**Are you completing this survey as a..**

Charitable/Voluntary Organisation

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Grosvenor Sidings complies with the Duty to Cooperate?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be legally compliant?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be sound?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

New Policy 11 is silent on the subject of tree planting. The Sidings area is identified as a priority for tree planting on the UK Tree Equity Scorecard (<https://uk.treeequityscore.org/>), with average tree cover of 9% compared to the London average of 20%, high levels of air pollution, and poor public health.

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

To better comply with para 136 of the NPPF, we recommend adding to point C5 to read "and maximising opportunities for new tree planting;"

### **Site Allocation – St Mary's Hospital**

**What is your name? (survey responses without this field populated are not valid)**

Bridget Fox (Woodland Trust)

**Are you completing this survey as a..**

Charitable/Voluntary Organisation

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for St Mary's Hospital complies with the Duty to Cooperate?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for St Mary's Hospital to be legally compliant?**

Don't know



**Do you consider Westminster City Council's Site Allocation policy for St Mary's Hospital to be sound?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

New Policy 8 is silent on the subject of tree planting. The Hospital area is identified as one of the highest priority for tree planting on the UK Tree Equity Scorecard (<https://uk.treeequityscore.org/>), with average tree cover of 5% compared to the London average of 20%, high levels of air pollution.

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

To better comply with para 136 of the NPPF, we recommend adding to point C5 to read "and maximising opportunities for new tree planting;"

<b>ID/ Our reference</b>	091/ CMP091
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Theatres Trust</b>
<b>Type of respondent</b>	Statutory consultee

**Response 09**

**Prioritising Retrofit**

**What is your name? (survey responses without this field populated are not valid)**

Tom Clarke MRTPI (Theatres Trust)

**Are you completing this survey as a..**

Other public body

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Yes

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy legally compliant.**

N/A

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

N/A

**Embodied Carbon targets**

**What is your name? (survey responses without this field populated are not valid)**

Tom Clarke MRTPI (Theatres Trust)

**Are you completing this survey as a..**

Other public body

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Yes

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

### **Promoting retrofitting**

**What is your name? (survey responses without this field populated are not valid)**

Tom Clarke MRTPI (Theatres Trust)

**Are you completing this survey as a..**

Other public body

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Yes

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

<b>ID/ Our reference</b>	092/ CMP092
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Talya Davies</b>
<b>Type of respondent</b>	Individual

## **Response 10**

### **Prioritising retrofitting**

**What is your name? (survey responses without this field populated are not valid)**

Talya Davies

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Yes

**Do you consider this section of the new Retrofit First policy to be sound?**

No

**If you answered no, please provide details of why you consider this section of the new Retrofit First policy to NOT be sound.**

Because not effective or consistent with national policy, as no mention of swift bricks which are in NPPG Natural Environment paragraph 023. I am concerned that swifts will lose nest sites when retrofit undertaken.

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

Please add reference to swift bricks and protection of existing nest sites in buildings. (Swifts nest exclusively in buildings and need more protections as their nest sites are being lost.)

### **Promoting Retrofit**

**What is your name? (survey responses without this field populated are not valid)**

Talya Davies

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Yes

**Do you consider this section of the new Retrofit First policy to be sound?**

No

**If you answered no, please provide details of why you consider this section of the new Retrofit First policy to NOT be sound.**

Because not effective or consistent with national policy, as no mention of swift bricks which are in NPPG Natural Environment paragraph 023. I am concerned that swifts will lose nest sites when retrofit undertaken.

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

Please add reference to swift bricks and protection of existing nest sites in buildings. (Swifts nest exclusively in buildings and need more protections as their nest sites are being lost.)

<b>ID/ Our reference</b>	093/ CMP093
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Jane Hill</b>
<b>Type of respondent</b>	Individual



## **Response 11**

### **Tenure Split**

**What is your name? (survey responses without this field populated are not valid)**

Jane Hill

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's revised Affordable Housing policy complies with the Duty to Cooperate?**

Yes

**Do you consider this section of the revised Affordable Housing policy to be sound?**

No

**If you answered no, please provide details of why you consider this section of the Affordable Housing policy is NOT sound.**

I think the move from 60% to 30% intermediate housing rather drastic and suggest 50% intermediate and 50% social housing more reasonable.

**Please set out what modification(s) you consider necessary to make this section of the Affordable Housing policy sound.**

See above - 50/50 social/intermediate housing

### **Prioritising Retrofit**

**What is your name? (survey responses without this field populated are not valid)**

Jane Hill

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**If you answered yes, please provide details on why you consider this section of the new Retrofit First policy to be sound.**

I think it's essential for our health and environment not to keep knocking down buildings and instead to make current ones more environmentally friendly.

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

See above

<b>ID/ Our reference</b>	094/ CMP094
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>EMR Group</b>
<b>Type of respondent</b>	Business and trade association

## **Response 12**

### **Prioritising Retrofit**

**What is your name? (survey responses without this field populated are not valid)**

Bill Firth

**Are you completing this survey as a..**

Private Company

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

No

**If you answered no, please provide details of why you consider this section of the new Retrofit First policy to NOT be sound.**

Whilst there are undoubted carbon and additional sustainability benefits that can be achieved with a Retrofit Policy (RF) this can in certain circumstances result in sub-optimal outcomes compared to other options e.g. redevelopment using low carbon reusable materials combined with low carbon high efficiency energy systems. The latter could deliver an improved scenario across the entire life cycle of the project and as such these opportunities could be missed. The RF policy could also constrain the potential to carefully extract and then utilise reduced carbon reusable materials which could deliver significant benefits across Westminster City Council and further afield. As such therefore the stated RF policy may have a disproportionate impact on the ability to evaluate and implement more suitable options resulting in missed opportunities. Some of the evidence presented in support of the RF Policy also appears to have been put forward on account of a lack of evidence or difficulty in gaining and assessing data in order to assess all options. The consequence may be that certain structures within Westminster City Council could remain undeveloped and/or not modernised to the point that they become sub-optimal properties and the limited amount of capital is spent elsewhere to create such structures to the detriment of Westminster.

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

The RF policy should be amended so that it becomes a Sustainable Development Policy whereby RF is assessed on an equitable basis along with other development policies. It should be demonstrated that in some cases and this may be the majority, that RF does deliver the best outcomes but if other options are shown to be better then they should be considered on a level basis. For example partial deconstruction producing and then using reusable materials with the balance being reused elsewhere or recycled into low carbon new products.

### **Embodied Carbon targets**

**What is your name? (survey responses without this field populated are not valid)**

Bill Firth

**Are you completing this survey as a..**

Private Company

**What is your email? (survey responses without this field populated are not valid)**

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

No

**If you answered no, please provide details of why you consider this section of the new Retrofit First policy to NOT be sound.**

Due consideration needs to be given that reduced embodied carbon targets have the potential to create the demand for lower carbon materials and that these will include reclaimed materials extracted from existing structures. As such thought needs to be given to ensure that the opportunities to reclaim such materials from properties within Westminster and either used in new projects within or outside of the Local Authority to meet the demand created by reduced embodied carbon targets. This provides a tremendous opportunity for Westminster City Council to establish low carbon Material

Banks of sustainable materials to facilitate and enable low carbon and sustainable development both within and outside of the Local Authority.

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

Any existing structure which is being considered for development should be assessed for its potential as a "Material Bank" of low carbon secondary materials and components. An evaluation should be undertaken to the most sustainable use of these materials and components within the planned new design taking into account carbon and wider sustainable benefits from their use. If the new design can be demonstrated that it delivers an improved overall embodied and operational carbon performance from either the use of in-situ materials or that these can be supplied from reusable materials suppliers then such use will inherently bring down the carbon envelope. However, it could be the case that a new design using predominantly lower carbon new materials could realise an improved outcome and that any reclaimed materials will deliver a reduced carbon benefit elsewhere. This would require more scrutiny and emphasis on the materials and components within an existing structure identified within the Circular Economy and equally as important their subsequent use within the existing structure, another scheme or supplied to a reusable material business so that the carbon benefits can be recognised from any extraction. This will ensure that existing structures, materials and components within Westminster City Council can be used in the most sustainable manner assessing retention, reuse and recycling.

<b>ID/ Our reference</b>	095/ CMP095
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Brent and Westminster Swifts Group</b>
<b>Type of respondent</b>	Charity, campaign groups and other clubs/association

### **Response 13**

#### **Prioritising Retrofit**

**What is your name? (survey responses without this field populated are not valid)**

Michael Priaulx

**Are you completing this survey as a..**

Community Group

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**If you answered yes, please provide details on why you consider the preparation of Westminster's new policy does comply with the Duty to Cooperate**

Complies with criteria.

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Yes

**If you answered yes, please provide details on why you consider this section of the new Retrofit First policy to be legally compliant.**

Complies with criteria.

**Do you consider this section of the new Retrofit First policy to be sound?**

No

**If you answered no, please provide details of why you consider this section of the new Retrofit First policy to NOT be sound.**

Because this Retrofit First section is generally positive but currently not effective or consistent with national policy as it does not make any reference to the significant impact of retrofit on existing populations of building-dependent wildlife which also fall outside the scope of mandatory Biodiversity Net Gain, e.g. endangered red-listed birds such as swifts and house sparrows. The importance of swift bricks, a universal nest brick for these small bird species, is highlighted by NPPG 2019 Natural Environment paragraph 023, and also London Plan G6 B4 as nest sites for urban species.



**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

Please add: Existing nest sites for building-dependent species such as swifts and house sparrows should be protected, as these endangered red-listed species which are present but declining in Westminster return annually to traditional nest sites. Mitigation such as swift bricks should be provided if these nest sites cannot be protected and retained.

### **Promoting retrofitting**

**What is your name? (survey responses without this field populated are not valid)**

Michael Priaulx

**Are you completing this survey as a..**

Community Group (Brent & Westminster Swifts Group)

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**If you answered yes, please provide details on why you consider the preparation of Westminster's new policy does comply with the Duty to Cooperate**

Complies with criteria.

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Yes

**If you answered yes, please provide details on why you consider this section of the new Retrofit First policy to be legally compliant.**

Complies with criteria.

**Do you consider this section of the new Retrofit First policy to be sound?**

No

**If you answered no, please provide details of why you consider this section of the new Retrofit First policy to NOT be sound.**

Because this Promoting Retrofitting section is generally positive but currently not effective or consistent with national policy as it does not make any reference to the

significant impact of retrofit on existing populations of building-dependent wildlife which also fall outside the scope of mandatory Biodiversity Net Gain, e.g. endangered red-listed birds such as swifts and house sparrows. The importance of swift bricks, a universal nest brick for these small bird species, is highlighted by NPPG 2019 Natural Environment paragraph 023, and also London Plan G6 B4 as nest sites for urban species.

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

Please add: Existing nest sites for building-dependent species such as swifts and house sparrows should be protected, as these endangered red-listed species which are present but declining in Westminster return annually to traditional nest sites. Mitigation such as swift bricks should be provided if these nest sites cannot be protected and retained.

<b>ID/ Our reference</b>	096/ CMP096
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Hyde Park Estate Association</b>
<b>Type of respondent</b>	Neighbourhood Forum, Amenity Society or Resident's Association

**Response 14**

**Tenure Split**

**What is your name? (survey responses without this field populated are not valid)**

Richard Cutt

**Are you completing this survey as a..**

Amenity Society (Hyde Park Estate Association)

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's revised Affordable Housing policy complies with the Duty to Cooperate?**

Yes

**If you answered yes, please provide details on why you consider the preparation of Westminster's revised policy complies with the Duty to Cooperate**

WCC is asking for feedback on proposals. The big question is will the responses be taken into account when setting policy

**Do you consider this section of Westminster City Council's reviewed Affordable Housing policy to be legally compliant?**

Don't know

**Do you consider this section of the revised Affordable Housing policy to be sound?**

Yes

**If you answered yes, please provide details on why you consider this section of the Affordable Housing policy is sound.**

It is based on supply and demand for the home types

**Small-scale developments**

**What is your name? (survey responses without this field populated are not valid)**

Richard Cutt

**Are you completing this survey as a..**

Amenity Society

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's revised Affordable Housing policy complies with the Duty to Cooperate?**

Yes

**If you answered yes, please provide details on why you consider the preparation of Westminster's revised policy complies with the Duty to Cooperate**

Comments are being sought

**Do you consider this section of Westminster City Council's reviewed Affordable Housing policy to be legally compliant?**

Don't know

**Do you consider this section of the revised Affordable Housing policy to be sound?**

No

**If you answered no, please provide details of why you consider this section of the Affordable Housing policy is NOT sound.**

I cannot see a clear definition of what amount of floorspace will trigger an affordable housing provision. Is it the intention to put a requirement on all development. Viable small developments are very rare and cannot support an affordable housing tax.

**Please set out what modification(s) you consider necessary to make this section of the Affordable Housing policy sound.**

Clearly define area of floorspace that triggers an affordable housing requirement. The existing measure of 1000 is correct and should not be changed

**Prioritising retrofit**

**What is your name? (survey responses without this field populated are not valid)**

Richard Cutt

**Are you completing this survey as a..**

Amenity Society (Hyde Park Estate Association.)

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**Embodied carbon targets**

**What is your name? (survey responses without this field populated are not valid)**

Ribey-Williams

**Are you completing this survey as a..**

Amenity Society

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**Promoting retrofitting**

**What is your name? (survey responses without this field populated are not valid)**

Richard Cutt

**Are you completing this survey as a..**

Amenity Society

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Yes

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

<b>ID/ Our reference</b>	097/ CMP097
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Max Fordham</b>
<b>Type of respondent</b>	Consultancy firm and professional network



## **Response 15**

### **Prioritising Retrofit**

**What is your name? (survey responses without this field populated are not valid)**

Kiru Balson

**Are you completing this survey as a..**

Consultancy

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**If you answered yes, please provide details on why you consider this section of the new Retrofit First policy to be sound.**

The policy is based on the science of embodied carbon and circular economy approaches required to reduce the environmental impact of demolition. We fully support the intentions of this policy and welcome further guidance to enable project teams to submit a robust case for a development.

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

A1 & 43.4 Economic and environmental impact statements should quantify as well as benchmark “public benefits” against what would be “business as usual”. This is to be underpinned via stakeholder engagement and integration with council wide initiatives to enhance the wider context. A2. Even if new construction has similar/less WLC carbon than retrofit, there are two glaring differences: - New construction generally has far more upfront carbon, that emitted now at the start of the project, at the critical period when we are trying to reduce emissions. - Simply looking at carbon metrics does not acknowledge the vast ecological destruction and pollution of materials extraction and processing, which new construction requires. There are also more subtle issues, such as the greater disruption of new construction, and opportunity to advance retrofit

missed (as above). A2 & 43.3. Defining “Suitably comparable” for a set of emerging/major applications that are likely come forward would encourage the applicants to carefully define the comparison scenarios. This is particularly key for retrofit scenarios increasing GIA or replacing the existing façade, or moving the primary core, as there are a lot of nuances around retrofit and extend rather than refurbishment/ deep retrofit

### **Embodied Carbon targets**

**What is your name? (survey responses without this field populated are not valid)**

Kiru Balson

**Are you completing this survey as a..**

Consultancy

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

We fully support the intentions of this policy and welcome further guidance to enable project teams to submit a robust case for a development. B Defining “substantial” demolition and showing early engagement with demolition contractor as part of the appraisal is important. At planning stage, the assessments may show minimum demolition, but the extent of actual demolition could increase at the construction stage. It should be flagged that this policy is also applicable to proposals for the demolition of existing residential building to replace with higher GIA newer building. In addition to reporting a normalised embodied carbon by GIA, it is worth reporting the actual tonnage of carbon for the proposed scenario against other scenario. This will give a better idea of scale of impact as higher GIA buildings would look better on paper than in reality. Also, it should be mandatory to report refurbishment carbon from new

build extensions. B1a) From our experience meeting LETI band B, 400-475kgCO<sub>2</sub>e/m<sup>2</sup>, for new build non-residential building, is extremely challenging even with lower carbon timber construction and efficient MEP strategy. It is worth highlighting that sequestration should not be accounted within reporting. Publishing an annual league of tables against these targets, at each stage of a project, would be helpful for the wider industry. B2a. In addition to the requirement to produce a Circular Economy statement and Pre-demolition audit – a dedicated policy asking for a minimum % of “high value reuse” of actual reuse of stripped out and demolition materials is needed. Westminster should enable this by actively encouraging schemes to use local online marketplaces operated by organisations such as Excess Materials Exchange – state within planning submission which items were listed for reuse, or will be recovered for reuse – this will truly help to create a local circular economy. Include how circular economy connections could be foraged between the applicants and the wider council teams delivering roads, infrastructure, public spaces, park and schools via sharing of resources coming out of construction projects.

### **Promoting retrofitting**

**What is your name? (survey responses without this field populated are not valid)**

Kiru Balson

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

D. It's not quite clear to me what's being suggested here as to the 'desirability of securing the retention and retrofit'. Are they suggesting that where retrofit will change appearance/cause harm to heritage asset, this isn't wanted after all? Retrofit generally does less harm than demolition! Consideration of interstitial condensation from the proposed retrofit measures should be made mandatory at the planning stage.

Incorrectly installed fabric improvements cause more harm and affect long term performance. Sustainable Design Statement or Retrofit Plan how is this different from a Pre-redevelopment audit. It is worth explaining to avoid duplication of efforts.

### **Prioritising Retrofit**

**What is your name? (survey responses without this field populated are not valid)**

Kiru Balson

**Are you completing this survey as a..**

Consultancy

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

Page 174 A1. "Public benefit" considered only within a narrow project boundary, or just the surrounding streetscape does not acknowledge the much wider impacts of environmental degradation that new construction can bring. Having 'wider pavements', 'street planting' 'publicly accessible roofspace', WELL platinum offices, or whatever other benefits a project may claim to give, cannot be "compared" with wider destruction of our shared world that unnecessary new construction brings. New construction (where retrofit would have been possible) also misses public benefit opportunities to develop the skills and precedents in retrofit, which our country needs to meet its NZC commitments. New construction also is far more disruptive to the locality (noise, pollution, traffic movements etc) during construction works, and takes longer to deliver – these should be considered to. A1 & 43.4 Economic and environmental impact statements should quantify as well as benchmark "public benefits" against what would be "business as usual". This is to be underpinned via stakeholder engagement and integration with council wide initiatives to enhance the

wider context. A2. Even if new construction has similar/less WLC carbon than retrofit, there are two glaring differences: - New construction generally has far more upfront carbon, that emitted now at the start of the project, at the critical period when we are trying to reduce emissions. - Simply looking at carbon metrics does not acknowledge the vast ecological destruction and pollution of materials extraction and processing, which new construction requires. There are also more subtle issues, such as the greater disruption of new construction, and opportunity to advance retrofit missed (as above). A2 & 43.3. Defining “Suitably comparable” for a set of emerging/major applications that are likely come forward would encourage the applicants to carefully define the comparison scenarios. This is particularly key for retrofit scenarios increasing GIA or replacing the existing façade, or moving the primary core, as there are a lot of nuances around retrofit and extend rather than refurbishment/ deep retrofit

### **Embodied Carbon targets**

**What is your name? (survey responses without this field populated are not valid)**

Kiru Balson

**Are you completing this survey as a..**

Consultancy

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**If you answered yes, please provide details on why you consider this section of the new Retrofit First policy to be sound.**

We fully support the intentions of this policy and welcome further guidance to enable project teams to submit a robust case for a development.

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

Page 174A A2 & 43.3. Defining “Suitably comparable” for a set of emerging/major applications that are likely come forward would encourage the applicants to carefully define the comparison scenarios. This is particularly key for retrofit scenarios increasing GIA or replacing the existing façade, or moving the primary core, as there are a lot of nuances around retrofit and extend rather than refurbishment/ deep retrofit B Defining “substantial” demolition and showing early engagement with demolition contractor as part of the appraisal is important. At planning stage, the assessments may show minimum demolition, but the extent of actual demolition could increase at

the construction stage. It should be flagged that this policy is also applicable to proposals for the demolition of existing residential building to replace with higher GIA newer building. In addition to reporting a normalised embodied carbon by GIA, it is worth reporting the actual tonnage of carbon for the proposed scenario against other scenario. This will give a better idea of scale of impact as higher GIA buildings would look better on paper than in reality. Also, it should be mandatory to report refurbishment carbon from new build extensions. B1a) From our experience meeting LETI band B, 400-475kgCO<sub>2</sub>e/m<sup>2</sup>, for new build non-residential building, is extremely challenging even with lower carbon timber construction and efficient MEP strategy. It is worth highlighting that sequestration should not be accounted within reporting. Publishing an annual league of tables against these targets, at each stage of a project, would be helpful for the wider industry. B2a. In addition to the requirement to produce a Circular Economy statement and Pre-demolition audit – a dedicated policy asking for a minimum % of “high value reuse” of actual reuse of stripped out and demolition materials is needed. Westminster should enable this by actively encouraging schemes to use local online marketplaces operated by organisations such as Excess Materials Exchange – state within planning submission which items were listed for reuse, or will be recovered for reuse – this will truly help to create a local circular economy. Include how circular economy connections could be foraged between the applicants and the wider council teams delivering roads, infrastructure, public spaces, park and schools via sharing of resources coming out of construction projects.

### **Promoting retrofitting**

**What is your name? (survey responses without this field populated are not valid)**

Kiru Balson

**Are you completing this survey as a..**

Consultancy

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's new Retrofit First policy complies with the Duty to Cooperate?**

Don't know

**Do you consider this section of Westminster City Council's new Retrofit First policy to be legally compliant?**

Don't know

**Do you consider this section of the new Retrofit First policy to be sound?**

Yes

**Please set out what modification(s) you consider necessary to make this section of the new Retrofit First policy sound.**

page 175 D. It's not quite clear to me what's being suggested here as to the 'desirability of securing the retention and retrofit'. Are they suggesting that where retrofit will change appearance/cause harm to heritage asset, this isn't wanted after all? Retrofit generally does less harm than demolition! Consideration of interstitial condensation from the proposed retrofit measures should be made mandatory at the planning stage. Incorrectly installed fabric improvements cause more harm and affect long term performance. Sustainable Design Statement or Retrofit Plan how is this different from a Pre-redevelopment audit. It is worth explaining to avoid duplication of efforts.

<b>ID/ Our reference</b>	098/ CMP098
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Simon Smith</b>
<b>Type of respondent</b>	Individual



## **Response 16**

### **Site Allocation – Royal Oak**

**What is your name? (survey responses without this field populated are not valid)**

Simon Smith

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Royal Oak complies with the Duty to Cooperate?**

No

**If you answered yes, please provide details on why you consider the preparation of Westminster's Site Allocation policy complies with the Duty to Cooperate**

We think that the difference between the two halves of the site opposite Royal Oak Station should be explicitly recognised in the wording of the policy; access to the eastern part being easier than to the western part, especially for vehicles. And the second plan of the site incorrectly implies that direct access is possible from Lord Hill's bridge to the low level of the site ('Potential permeability improvements'). We believe that this is not possible, even on foot, unless - perhaps - as part of a major and very expensive reconstruction of the station, including a new footbridge leading from the station building and going across the track for eastbound trains on the Circle/H & C Lines. We object strongly to the supposition that 'meanwhile' - meaning, we suppose, during an interim period before development could start - the site could be used for waste transfer. This would be severely damaging to the air quality of residents living on the southern side of the railway, amongst other likely damaging consequences for the local environment. And vehicular access would only be possible along a lengthy route through the basement area of Paddington Central, where the road layout was not designed for this purpose. Furthermore, a use of the site in temporary buildings for this purpose would become established and lead to pressure to include waste transfer as part of any permanent development on the site. We request that Westminster follow up with TfL these questions regarding both ownership of the land, and its use once construction of Crossrail was completed. It seems to us that there can be no question of development on the land if there is not agreement and clarity about such matters. Please keep us informed about these issues. We think that the difference between the two halves of the site should be explicitly recognised in the wording of the policy; access to the eastern part being easier than to the western part, especially for vehicles.

We object strongly to the supposition that 'meanwhile' - meaning, we suppose, during an interim period before development could start - the site could be used for waste transfer. This would be severely damaging to the air quality of residents living on the southern side of the railway, amongst other likely damaging consequences for the local environment. And vehicular access would only be possible through a lengthy route through the basement area of Paddington Central, where the road layout was not designed for this purpose. Furthermore, a use of the site in temporary buildings for this purpose would become established and lead to pressure to include waste transfer as part of any permanent development on the site.

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be legally compliant?**

No

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be sound?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

We think that the difference between the two halves of the site opposite Royal Oak Station should be explicitly recognised in the wording of the policy; access to the eastern part being easier than to the western part, especially for vehicles. And the second plan of the site incorrectly implies that direct access is possible from Lord Hill's bridge to the low level of the site ('Potential permeability improvements'). We believe that this is not possible, even on foot, unless - perhaps - as part of a major and very expensive reconstruction of the station, including a new footbridge leading from the station building and going across the track for eastbound trains on the Circle/H & C Lines. We object strongly to the supposition that 'meanwhile' - meaning, we suppose, during an interim period before development could start - the site could be used for waste transfer. This would be severely damaging to the air quality of residents living on the southern side of the railway, amongst other likely damaging consequences for the local environment. And vehicular access would only be possible along a lengthy route through the basement area of Paddington Central, where the road layout was not designed for this purpose. Furthermore, a use of the site in temporary buildings for this purpose would become established and lead to pressure to include waste transfer as part of any permanent development on the site. We request that Westminster follow up with TfL these questions regarding both ownership of the land, and its use once construction of Crossrail was completed. It seems to us that there can be no question of development on the land if there is not agreement and clarity about such matters. Please keep us informed about these issues. We think that the difference between the two halves of the site should be explicitly recognised in the wording of the policy;

access to the eastern part being easier than to the western part, especially for vehicles. We object strongly to the supposition that 'meanwhile' - meaning, we suppose, during an interim period before development could start - the site could be used for waste transfer. This would be severely damaging to the air quality of residents living on the southern side of the railway, amongst other likely damaging consequences for the local environment. And vehicular access would only be possible through a lengthy route through the basement area of Paddington Central, where the road layout was not designed for this purpose. Furthermore, a use of the site in temporary buildings for this purpose would become established and lead to pressure to include waste transfer as part of any permanent development on the site.

<b>ID/ Our reference</b>	099/ CMP099
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Nicole Magoon</b>
<b>Type of respondent</b>	Individual

**Response 20**

**Site Allocation – Royal Oak**

**What is your name? (survey responses without this field populated are not valid)**

Nicole Magoon

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Royal Oak complies with the Duty to Cooperate?**

No

**If you answered no, please provide details on why you consider the preparation of Westminster's Site Allocation policy does NOT comply with the Duty to Cooperate**

The duty to cooperate requires active engagement with residents on the policy, and I know many residents with deep concerns about the policy who have not been engaged in this matter

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be legally compliant?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be sound?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

Site allocation policy as stated says it "should enhance biodiversity" but proposals put forward would potentially increase pollution and damage existing greenery, indicating a lack of consistency in the design and intended execution of these policies

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

Not include any plans (e.g., bus transfer, waste management) that would increase traffic or pollution in the area / pose potential risks to the limited greenery

<b>ID/ Our reference</b>	100/ CMP100
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Sebastian Conran</b>
<b>Type of respondent</b>	Individual

**Response 21**

**Site Allocation – Royal Oak**

**What is your name? (survey responses without this field populated are not valid)**

Sebastian Conran

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Royal Oak complies with the Duty to Cooperate?**

Don't know

**If you answered no, please provide details on why you consider the preparation of Westminster's Site Allocation policy does NOT comply with the Duty to Cooperate**

the area should add to biodiverse green areas open to the public and ideally have a safe and pleasant walkway / cycleway between Royal Oak and Paddington

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be legally compliant?**

Don't know

**Please set out what modification(s) you consider necessary to make this Site Allocation policy legally compliant.**

the area should add to biodiverse green areas open to the public and ideally have a safe and pleasant walkway / cycleway between Royal Oak and Paddington

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be sound?**

Don't know

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

the area should add to biodiverse green areas open to the public and ideally have a safe and pleasant walkway / cycleway between Royal Oak and Paddington

**Site Allocation – Westbourne Park Bus Garage**

**What is your name? (survey responses without this field populated are not valid)**

Sebastian Conran

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Westbourne Park Bus Garage complies with the Duty to Cooperate?**

No

**If you answered yes, please provide details on why you consider the preparation of Westminster's Site Allocation policy complies with the Duty to Cooperate**

there is already too much traffic causing congestion and pollution in this area a bus garage will only make this worse

**If you answered no, please provide details on why you consider the preparation of Westminster's Site Allocation policy does NOT comply with the Duty to Cooperate**

the area should add to biodiverse green areas open to the public and ideally have a safe and pleasant walkway / cycleway between Royal Oak and Paddington

**Do you consider Westminster City Council's Site Allocation policy for Westbourne Park Bus Garage to be legally compliant?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT legally compliant.**

there is already too much traffic causing congestion and pollution in this area a bus garage will only make this worse

**Please set out what modification(s) you consider necessary to make this Site Allocation policy legally compliant.**

the area should add to biodiverse green areas open to the public and ideally have a safe and pleasant walkway / cycleway between Royal Oak and Paddington

**Do you consider Westminster City Council's Site Allocation policy for Westbourne Park Bus Garage to be sound?**

No



**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

there is already too much traffic causing congestion and pollution in this area a bus garage will only make this worse

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

the area should add to biodiverse green areas open to the public and ideally have a safe and pleasant walkway / cycleway between Royal Oak and Paddington

### **Site Allocation – Grosvenor Sidings**

**What is your name? (survey responses without this field populated are not valid)**

sebastian conran

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Grosvenor Sidings complies with the Duty to Cooperate?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be legally compliant?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be sound?**

Don't know

### **Site Allocation – St Mary's Hospital**

**What is your name? (survey responses without this field populated are not valid)**

sebastian Conran

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for St Mary's Hospital complies with the Duty to Cooperate?**

Yes

**Do you consider Westminster City Council's Site Allocation policy for St Mary's Hospital to be legally compliant?**

Yes

**Do you consider Westminster City Council's Site Allocation policy for St Mary's Hospital to be sound?**

Yes

<b>ID/ Our reference</b>	101/ CMP101
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Tatiana von der Pahlen</b>
<b>Type of respondent</b>	Individual

**Response 22**

**Site Allocation – Royal Oak**

**What is your name? (survey responses without this field populated are not valid)**

Tatiana von der Pahlen

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Royal Oak complies with the Duty to Cooperate?**

No

**If you answered no, please provide details on why you consider the preparation of Westminster's Site Allocation policy does NOT comply with the Duty to Cooperate**

I am shocked that with all the data we have on London air quality, there are still initiatives starting with a clear negative impact.

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be legally compliant?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT legally compliant.**

I do not believe London should keep building polluting sites in and around residential neighbourhoods.

**Please set out what modification(s) you consider necessary to make this Site Allocation policy legally compliant.**

I really would like to think of more green spaces.

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be sound?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

Westminster is not taking into account environmental consequences.

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

No polluting buildings.

### **Site Allocation – Westbourne Park Bus Garage**

**What is your name? (survey responses without this field populated are not valid)**

Tatiana von der Pahlen

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Westbourne Park Bus Garage complies with the Duty to Cooperate?**

Yes

**If you answered yes, please provide details on why you consider the preparation of Westminster's Site Allocation policy complies with the Duty to Cooperate**

More space for small businesses is a positive.

**Do you consider Westminster City Council's Site Allocation policy for Westbourne Park Bus Garage to be legally compliant?**

Yes

**If you answered yes, please provide details on why you consider this Site Allocation policy is legally compliant.**

It already exists- therefore any initiative to make this place less polluting is welcome.

**Do you consider Westminster City Council's Site Allocation policy for Westbourne Park Bus Garage to be sound?**

Don't know

### **Site Allocation – Grosvenor Sidings**

**What is your name? (survey responses without this field populated are not valid)**

Tatiana von der Pahlen

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Grosvenor Sidings complies with the Duty to Cooperate?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be legally compliant?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for Grosvenor Sidings to be sound?**

Don't know

#### **Site Allocation – St Mary's Hospital**

**What is your name? (survey responses without this field populated are not valid)**

Tatiana von der Pahlen

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for St Mary's Hospital complies with the Duty to Cooperate?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for St Mary's Hospital to be legally compliant?**

Don't know

**Do you consider Westminster City Council's Site Allocation policy for St Mary's Hospital to be sound?**

Don't know

<b>ID/ Our reference</b>	102/ CMP102
<b>Channel</b>	Commonplace
<b>Respondent Name</b>	<b>Vahid Farzad</b>
<b>Type of respondent</b>	Individual

**Response 23**

**Site Allocation – Royal Oak**

**What is your name? (survey responses without this field populated are not valid)**

Vahid Farzad

**Are you completing this survey as a..**

Resident/Individual

**What is your email? (survey responses without this field populated are not valid)**

[REDACTED]

**Do you think that the preparation of Westminster City Council's Site Allocation policy for Royal Oak complies with the Duty to Cooperate?**

No

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be legally compliant?**

No

**Do you consider Westminster City Council's Site Allocation policy for Royal Oak to be sound?**

No

**If you answered no, please provide details of why you consider this Site Allocation policy is NOT sound.**

We are a family with young children living in this already highly congested and polluted area. The concept of a Waste Transfer Station on this strip will add to the issues of noise and air pollution and of congestion.

**Please set out what modification(s) you consider necessary to make this Site Allocation policy sound.**

We believe WCC should leave this as a 'green patch' and moreover undertake more planting. The patch would then at a minimum help enhance the area for residents and commuters (using Royal Oak tube) and hopefully form the basis of an area of land that can be used for other community purposes including leisure, sport or retail.



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November 2024



City of Westminster