

CITY PLAN 2019 - 2040

Statement of Common Ground between City of Westminster and Historic England

October 2024

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1 Introduction

1.1 Executive Summary

1.1.1 This Statement of Common Ground has been prepared between Westminster City Council and Historic England. Since Historic England responded to Regulation 19 consultation, constructive dialogue has been held between both parties to examine how the issues raised on the council's approach to site allocations could be resolved. This statement sets out where agreement has been reached, including through proposed modifications to the plan, and makes clear where disagreement remains.

2 Background

2.1 Background

- 2.1.1 The current City Plan was adopted in April 2021 however there has since been a change in political administration (local elections 2022). Subsequently, the council now have new priorities for the local plan with regard to affordable housing and retrofitting. A partial review of the adopted City Plan that focusses on these issues, and introduces a small number of site allocations, therefore commenced in late 2022.
- 2.1.2 The council have engaged with Historic England throughout the development of the City Plan Partial Review, with a particular focus on the site allocations given the potential impact of substantial development at these sites on Westminster's unparalleled historic environment. This has included discussions on the broad approach to the site allocations, and the need for them to be informed by Heritage Impact Assessments and Archaeological Assessments.
- 2.1.3 Historic England's Regulation 19 representation raised a number of concerns with the level of detail provided within the proposed site allocations, alongside some suggestions of how the importance of the historic environment can better be captured through some amendments to the plan. It also raised a number of points related to the Retrofit First Policy, and concerns that whilst while well intended, it contained some conflicting messages and could better address heritage considerations.

3 Site allocations

3.1 Site allocations – areas of common ground

3.1.1 The City Plan Partial Review incorporates four proposed site allocations with the intention of helping guide and shape substantial development at these key, underutilised sites. The site allocations are as follows:

- St Mary’s Hospital (policy 8);
- Land adjacent to Royal Oak Station (policy 9);
- Westbourne Park Bus Garage (policy 10);
- Grosvenor Sidings (policy 11);

3.1.2 To help ensure the site allocations better reflect the importance of the historic environment, the following modifications are supported by both parties:

| Clause/Paragraph number | Modification |
|--------------------------------------|--|
| 2 nd paragraph on page 54 | <i>“The site allocations included here merit additional site-specific guidance to help shape and unlock significant levels of growth at these key sites in a manner that responds to site context, conserves and enhances the significance of the historic environment, conforms with our spatial strategy, and secures benefits for local residents...”</i> |
| Page 54 | Insert new penultimate paragraph to read: <i>“Whilst every site has been subject to a Heritage Impact Assessment for site allocation purposes, detailed development proposals should be informed by a site-specific Heritage Impact Assessment at planning application stage. This will help ensure any future development fully takes account of, and wherever possible, avoids and minimises harm to, the significance of heritage assets within and beyond the site that would be affected by the proposal.”</i> |
| Policy 8, clause C2 | <i>“2. The approach to the retention of existing buildings on site –which should consider heritage value and embodied carbon and circular economy principles;”</i> |
| Policy 8 | Insert new clause E to read: <i>“Development across the site will conserve and enhance heritage assets in a manner appropriate to their significance;”</i> |

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| Policy 8, existing clause E (now F) | Amend 2nd sentence to read: <i>“Optimisation of development densities across the site shall be in a manner that will responds to its designation within the Paddington Opportunity Area and the varied townscape character and heritage value on site and the prevailing character and scale of the surrounding area.”</i> |
| Para 8.7 | <p><i>“8.7 Intensification of the site will however need to respond to existing heritage and townscape value, the wider setting of the Paddington Opportunity Area, and the cluster of established tall buildings within the context of the need to deliver a new hospital on site.</i></p> <p><i>8.8 Proposals will also conserve and enhance heritage assets in a manner appropriate to their significance. Proposals resulting in any harm to heritage assets or their settings will be determined in accordance with the NPPF. Figure 16 identifies key heritage assets and designations within the site. In addition, as there is some potential for some significant 19th 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.”</i></p> |
| Policy 9, clause D | <i>“The optimisation of development densities in a manner that responds to the site’s context. This should have regard for Proposals will conserve and enhance the significance of nearby heritage assets, including and townscape values of the Grand Union Canal and Trellick Tower other relevant heritage assets and associated views.”</i> |
| Para 9.7 | <i>“In line with the Heritage Impact Assessment, intensification of the site will however need to conserve and enhance respect and respond to existing heritage and townscape value, including having regard for the Grand Union Canal, Meanwhile Gardens and any impacts on views, including on the Grade II* listed Trellick Tower in the Royal Borough of Kensington and Chelsea. Design proposals should also seek to celebrate the site’s industrial history.”</i> |

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| Policy 11D | <p><i>“Proposals should be designed in such a way that respects and responds to the local context, sustaining and conserves and enhances the significance of 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;”</i></p> |
| Para 11.10 | <p>Amend 2nd sentence to read: <i>“As a result, any groundworks or excavations will be required to demonstrate and evaluate the archaeological potential and significance of the site through an up-to-date archaeological desk-based assessment including a geo-archaeological deposit model.”</i></p> |

3.2 Site allocations – areas of uncommon ground

3.2.1 Despite the agreement to the above modifications, some areas of uncommon ground between each party remain. In summary, these relate to:

| | Historic England Position | Council Position |
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| Level of detail included within the site allocations | <p>Historic England’s key concerns are with conformity to London Plan policies D9: Tall Buildings and D3: Design, which in turn affects the plan’s conformity with the NPPF (especially paragraphs 16, 20, 31, 35 and 196) and the statutory obligations of Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).</p> <p>In regard to London Plan policy D9, their key concerns are with the lack of height parameters (especially in light of the St Mary’s Heritage Impact Assessment including an assessment of a 170m (51 storey) building, far exceeding 2 to 3 times the areas context height).</p> <p>In line with the London Plan (Policy D3) all development – including site allocations – should follow a design led approach responding to the character of a place-respecting, enhancing and utilising heritage assets. Historic England therefore advocate that site capacities, informed by 3D modelling, height and massing testing, should be defined and that this should inform the Policies, making clear what type of development is acceptable, particularly in terms of heights, the extent of demolition/ retention of designated and non-designated heritage assets, and land use</p> | <p>In line with the NPPF, site allocations have been positively prepared, and their contents are justified (e.g. they have been informed by Heritage Impact Assessments). They also promote a designed approach to development, in line with the London Plan.</p> <p>It is not considered necessary for the site allocations to include prescriptive detail on the extent of demolition, height parameters, and precise land use mix. The intention to instead set out core principles and design parameters for applicants to consider, without being overly prescriptive and impeding creative design solutions to site constraints, is set out in the introductory text to the site allocations (page 54).</p> <p>Provision exists through the content of the draft site allocations, and other adopted development plan policies (notably adopted policies 39-41 of the City Plan and policy D9C of the London Plan), to ensure the impact of any development on heritage is fully considered at the planning application stage, when the precise details of a scheme are known, and their true impacts can be fully assessed.</p> |

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| | ambitions for the sites. Without this, they also consider that the NPPFs requirement for local plans to be positively prepared, effective, and justified has not been fulfilled. | |
| Heritage Impact Assessments | <p>Historic England do not consider the Heritage Impact Assessments to be sufficiently informed by modelling/ testing, nor have cumulative effects been assessed in line with HC1C. They are also concerned that the policies do not fully reflect the recommendations of the Heritage Impact Assessments, and thereby meet the requirements of London Plan Policy HC1B in demonstrating a clear understanding of the significance of the historic environment in the planning and design process. For example, the recommendations of section 5.12 of the St Mary’s Heritage Impact Assessment have not been transposed into policy. Furthermore, the St Mary’s Heritage Impact Assessment tested a 60m height scenario with all heritage assets retained. This identified harm to a series of heritage assets, yet, neither height parameters nor asset retention are specified in the allocation policy.</p> | <p>Heritage Impact Assessments have been informed by sufficient testing for the purposes of informing site allocation wording. The cumulative effects of development proposals will be assessed when scheme details are known – as clarified by the proposed insertion of references to site specific Heritage Impact Assessments at page 54 as set out above.</p> <p>The Heritage Impact Assessments have informed draft policies and modifications to them in several ways – for instance:</p> <ul style="list-style-type: none"> • For St Mary’s, the allocation reflects recommendations that building heights are focussed to the north of the site, and that development should conserve and enhance heritage assets; • For Westbourne Park Bus Garage, the allocation reflects recommendations regarding the need for development to conserve and enhance the significance of heritage assets; • For Grosvenor Sidings, the allocation reflects recommendations for a buffer zone to Peabody Avenue, the retention of 123A Grosvenor Road and adjacent workshop building, and conservation and enhancement of heritage assets including key views; • For Royal Oak, the allocation reflects recommendations that development should respect the integrity of the Paddington Opportunity Area tall building cluster and optimising site capacity while respecting townscape context. |

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| | | <p>Furthermore, site allocations will be applied alongside other adopted development plan policies that cover heritage matters in greater detail – including adopted policy 39 (Westminster’s Heritage).</p> <p>The content of the St Mary’s Site Allocation, alongside that of existing adopted policies that will be applied alongside it, is considered sufficient in terms of capturing the recommendations of section 5.12 of the St Mary’s Heritage Impact Assessment.</p> |
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4 Conclusion

4.1 Conclusion

4.1.1 This statement details the outcome of collaborative work between both parties to resolve issues raised at Regulation 19 consultation regarding site allocations. It clarifies matters where agreement has subsequently been reached, and where areas of uncommon ground remain. The statement has been prepared as a live document that can be updated in response to any issues arising through the examination as necessary. This could include later additions regarding the retrofit first policy, in addition to the site allocations.

4.2 Signatories

Historic England agree to the matters referred to in this statement:



Signed by:

Name: Michelle Statton

Position: Historic Environment Advisor

Date: 14th October 2024

City of Westminster agree to the matters referred to in this statement:



Signed by:

Name: Debbie Jackson

Position: Executive Director of Regeneration, Economy & Planning

Date: 17th October 2024

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