

OBJ3/P5

Transport and Works (Inquiries Procedure) Rules 2004
Proposed London Underground (Victoria Station Upgrade) Order

LAND SECURITIES PLC AND OTHERS (Objector No. 3)

PROOF OF EVIDENCE of HUGH BULLOCK BSc FRICS FRTPI
FRSA of GERALD EVE

Reference
TWA/07/APP/02/OBJ3/P5

Proof of evidence:
**Hugh Jonathan Watson
Bullock**
BSc FRICS FRTPI FRSA

On behalf of:
**Land Securities Plc and others
(Objector No. 3)**

Land at: Victoria Underground and
National Rail Station

Description:
Transport and Works (Inquiries
Procedure) Rules 2004

Proposed London Underground
(Victoria Station Upgrade) Order

26 September 2008

Gerald Eve 7 Vere Street, London, W1G 0JB
Tel. 020 7333 6302 Fax. 020 7333 6402

Contents

	Page		Page
1	4	Appendices	
2	7	A1 Schedule of examples of Hugh Bullock's professional work	
3	11	A2 Convention for the Protection of Human Rights and Fundamental Freedoms (extracts)	
4	15	A3 The London Plan 2004 (extract)	
5	17	A4 The City Plan 2006-2016, Westminster City Council Community Strategy (extracts)	
6	19	A5 Westminster Economic Development Strategy 2008-2011(extracts)	
7	23	A6 London View Management Framework, 2007(extract)	
8	26	A7 Introduction to Transport Analysis, TAG Unit 1.1	
9	27	A8 Transport Appraisal and the New Green Book, TAG Unit 2.7.1 (extract)	
10	42	A9 Green Book, Appraisal and Evaluation in Central Government (extracts)	
11	57		
12	62		
13	69		
14	74		
15	81		
16	83		
17	84		
18	88		
19	99		
20	102		
21	103		

Hugh Jonathan Watson Bullock will say:

1 Qualifications

- 1.1 I am a Bachelor of Science, holding an Honours Degree in Estate Management, and a Chartered Surveyor, being a Fellow of the Royal Institution of Chartered Surveyors, a Chartered Town Planner, being a Fellow of the Royal Town Planning Institute and a Fellow of the Royal Society of Arts. I am the Senior Partner in the firm of Gerald Eve, Chartered Surveyors and Property Consultants of 7 Vere Street, London W1, having other offices in Birmingham, Cardiff, City of London, Glasgow, Leeds, Manchester, Milton Keynes and West Malling.
- 1.2 I am a Member of the Property Steering Group of London First, a business-led group promoting London, which I advise on planning matters relating to London generally.
- 1.3 I was a Member of the London Regional Council of the Confederation of British Industry between 1997 and 2001.
- 1.4 I have been involved in advising on planning matters in London and elsewhere throughout my professional career.
- 1.5 I have advised landowners, developers and occupiers of commercial and residential property on all aspects of the plan making and development control processes and have given evidence on planning matters at many Public Inquiries and in the Lands Tribunal and the High Court as an expert witness.

- 1.6 I have been an appointed member of the West End Commission instituted by the Mayor of London in 2005/2006 to review the West End Central Retail Planning and Development Policy chaired by Ian Henderson CBE, Chairman of the New West End Company and former Chief Executive of Land Securities Plc.
- 1.7 I have been an advisor, on town planning matters in London and the City of Westminster, to the Westminster Property Association which represents property owners, developers and occupiers in the City of Westminster. I gave evidence on behalf of the Association to Unitary Development Plan Inquiries in 1992 and 2002.
- 1.8 I appeared at the Examination in Public concerning both the London Plan and its Early Alterations.
- 1.9 I am familiar with the proposed Transport and Works Act Order Land and the surrounding area.
- 1.10 I was asked by the objectors, Land Securities Plc, LC25 Limited and LS Victoria 1 Limited (referred to collectively as Land Securities in this proof), whether I would appear at this Inquiry in order to object to the draft Order. I was provided with relevant documentation in spring 2008 and I confirmed that I was willing to support the objection.
- 1.11 I attach a schedule of examples of my professional work at OBJ3/P5/A1. These examples include advising on some of London's most complex regeneration projects, including:
- a) Proposals for the Dome and the regeneration of Greenwich Peninsula, a project consisting of approximately 1,400,000 sq m of development on

80 hectares of land comprising a 26,000 seat Arena, 10,000 new homes, 350,000 sq m offices, 100,000 sq m retail, leisure, entertainment, 650 bed hotel, community facilities, and parks.

- b) Strategic advice in relation to the regeneration of 24 hectares of land surrounding the new National Stadium at Wembley. Planning permission for the Stage One planning application (for a total of 465,000 sq m) involved 3,700 new homes (including affordable housing, student accommodation and special needs housing); 140,000 sq m of commercial development; a new flagship hotel and aparthotel facilities; and 8,175 sq m of community facilities, including the re-orientation of the world famous entertainment venue Wembley Arena; and

- c) Advising on the continued regeneration of Paddington Basin in North West Westminster, immediately adjacent to the Grade I listed Brunel Station. I have advised on a number of sites in the area which comprise a total of 75,000 sq m of office floorspace, 570 homes, 3,000 sq m retail floorspace as well as transport infrastructure works for London Underground Limited and Crossrail.

2 Subject Matter of the Inquiry

2.1 The Inquiry is being held into objections made to the London Underground (Victoria Station Upgrade) Order made on 22 November 2007 pursuant to the provisions of Sections 1 and 5 of the Transport and Works Act 1992 and in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.

2.2 The Explanatory Memorandum accompanying the draft Order (VSU.A3) explains its purpose, which is:-

“to permit the company [London Underground Limited] to construct and operate works and compulsorily acquire land and rights in land for the purpose of the improvement of Victoria underground station. The proposed works comprise a new sub-surface ticket hall beneath Wilton Road, new lifts, sub-surface escalators and pedestrian links and new surface-level entrances to the ticket halls.”

2.3 The matters about which the Secretary of State for Transport particularly wishes to be informed are set out in the Department of Transport’s letter dated 8 May 2008, as follows:-

“1. The aims and objectives of, and the need for, the improvements to Victoria Underground Station.

2. The justification for the particular proposals in the draft TWA Order, including:

- a) the extent to which they are consistent with national, regional and local planning, transport and environmental policies;**
- b) the anticipated transportation, regeneration, environmental and socio-economic benefits of the schemes; and**

- c) the main alternatives considered by the promoters for the proposals.

3. The likely impact on local residents, others visiting or passing through the area, businesses and the environment of constructing and operating the scheme, including:

- a) the effects of noise, vibration and dust;
- b) the effects of groundwater;
- c) the impact of the scheme on air quality;
- d) the impact of the scheme on the built environment;
- e) the impacts of the scheme on the operation of buses and taxis in the area including the re-routing of bus services and the temporary relocation of the taxi rank;
- f) the impacts of the scheme on private and commercial road traffic;
- g) the impact on pedestrians, including the effects of reducing footpaths and re-routing pedestrian walkways;
- h) the impact on main line rail or underground travellers using Victoria main line or underground stations;
- i) the proposed demolition of properties, including any proposals by the promoters to provide alternative temporary or permanent accommodation for those affected, and site reinstatement proposals within the application;
- j) the impact of the scheme on rights of access to property;
- k) the impact of the scheme on the townscape, including the effects of the scheme on the setting, fabric and use of listed buildings including the Victoria Palace and Apollo (Victoria) Theatres; and
- l) the impact of the scheme on archaeological remains.

4. The compatibility of the scheme with any other development proposals for which planning permission has been granted or for which applications have been made for planning

permission.

5. The effects of the scheme on statutory utility companies and telecommunications providers and their ability to carry on their undertakings effectively, safely and in compliance with any statutory and contractual obligations.

6. The measures proposed by the promoters for mitigating any adverse impacts of the scheme, including:

- a) the proposed code of Construction Practice;**
- b) the provisions in the proposed Order for the protection of the interests of statutory undertakers, highway authorities and other affected bodies;**
- c) the measures proposed to alleviate the effects of the scheme on residents and businesses;**
- d) any measures to avoid, reduce or remedy any major adverse environmental impacts of the scheme.**
- e) any measures to avoid, reduce or remedy any other significant adverse environmental impacts of the scheme: and**
- f) whether, and if so to what extent, any adverse environmental impacts would still remain after the proposed mitigation measures had been put in place.**

7. Whether there is a compelling case in the public interest for conferring on the promoters powers compulsorily to acquire and use land for the purposes of the scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23; and whether all of the land over which the promoters have applied for such powers is required in order to secure implementation of the scheme.

8. The adequacy of the Environmental Statement submitted with the application for the TWA Order and whether the statutory procedural requirements have been complied with.

9. The conditions proposed to be attached to deemed planning permission for the scheme, if given, and in particular whether those conditions

meet the tests in DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.

10. Whether the proposals are reasonably capable of attracting the necessary funding.

11. The purpose and effect of any substantive changes to the TWA Order proposed by LUL since application was made and whether anyone likely to be affected by such changes has been notified.”

- 2.4 The Secretary of State for Transport has indicated the matters about which she particularly wishes to be informed regarding the planning applications set out in the same letter as follows:-

Matter 3d

The impact of the scheme on the built environment.

Matter 3k

The impact of the scheme on the townscape, including the effects of the scheme on the setting, fabric and use of listed buildings including the Victoria Palace and Apollo (Victoria) Theatres.

Matter 9

The conditions proposed to be attached to deemed planning permission for the scheme, if given, and in particular whether those conditions meet the tests in DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.

- 2.5 Listed building consents will be determined by the Secretary of State for Communities and Local Government.

3 Legislative Background and Introduction

- 3.1 I summarise, in brief, the legislative background of the draft Order.
- 3.2 The draft Order is made under Sections 1 and 5 of the Transport and Works Act 1992. The purpose of the Order is to authorise the carrying out of works to enhance Victoria underground station, comprising a new sub surface ticket hall beneath Bressenden Place, the extension of the existing Victoria Line ticket hall beneath Wilton Road and other works, including pedestrian links (VSU.A2).
- 3.3 The over-arching objective of this scheme is described as being to increase capacity at the underground station. This is intended to deal with serious congestion and to meet forecast demand. The scheme is also intended to reduce journey times, improve the quality of access and interchanging at the station and improve its ambience. Step free access routes from street level to all platforms could be provided. It is to be noted that there is no reference to the importance of securing this as part of the overall proposals for regeneration for the area without causing unnecessary blight or prejudice to those wider public objectives.
- 3.4 Section 90(2A) of the Town and Country Planning Act 1990 (VSU.D5) provides that:-

“On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes provision for development, the Secretary of State may direct that planning permission for that development shall be deemed to be granted subject to such conditions (if any) as may be specified in

the direction.”

- 3.5 A direction is sought for deemed planning permission to be granted for the whole of the proposed development, although some aspects of siting, design and external appearance are reserved for subsequent approval (VSU.A10).
- 3.6 Since the draft Order proposes the acquisition, compulsorily or by agreement, of land and rights in land and use land, Compulsory Purchase Order policy is relevant.

Compulsory Purchase Order Policy

- 3.7 Compulsory Purchase Order Policy is set out in ODPM Circular 06/2004 (VSU.D10) which is in turn referred to in the DfT Guide to TWA Procedures (2006) at paragraph 1.39 (VSU.D9).
- 3.8 The introduction to the Circular (VSU.D10, Memorandum, paragraph 1) makes clear that the Secretary of State believes that compulsory purchase powers are an important tool for local authorities to use as a means of assembling the land needed to help deliver social and economic change. Used properly, local authorities are encouraged to use these proactively to ensure real gains are brought to residents and the business community without delay.
- 3.9 The acquiring authority is given discretion by paragraph 16 to decide how best to justify a compulsory purchase. A number of factors are put forward to be taken into account.

3.10 The Circular makes clear that a compulsory purchase order should only be made where there is a compelling case in the public interest (VSU.D10, Memorandum, paragraph 17). This is reiterated in paragraph 1.39 of the DfT's Guide to TWA Procedures (2006) at paragraph 1.39 (VSU.D9). which states:-

“Before confirming [compulsory acquisition] powers, the Secretary of State will wish to be satisfied that there is a compelling case in the public interest for taking away a person’s land or rights in land and that the land in question is required for the scheme.”

3.11 The Circular makes clear that a balanced view has to be able to be taken between the intentions of the acquiring authority and the concerns of owners of land. The more comprehensive the justification, the stronger the case is likely to be. Land should only be taken where there is clear evidence that the public benefit would outweigh private loss (VSU.D10, Memorandum, paragraph 19).

3.12 As much information as possible about resource implications of both acquiring the land and implementing the scheme for which the land is required should be provided (VSU.D10, Memorandum, paragraph 20).

3.13 There should be a reasonable prospect of the scheme going ahead (VSU.D10, Memorandum, paragraphs 21-23).

3.14 Impediments need to be considered. Where planning permission is required for the scheme and has not been granted, there should be no obvious reason why it might be withheld. The scheme subject of the planning application should be in accordance with the development plan for the area unless material considerations indicate otherwise.

These may include the provisions of a local authority's Community Strategy or supplementary guidance which has been subject to public consultation in accordance with the relevant regulations (VSU.D10, Memorandum, paragraph 23).

4 The Human Rights Act

4.1 The Council of Europe have prepared a Convention for the Protection of Human Rights and Fundamental Freedoms (OBJ3/P5/A2).

4.2 Article 1 concerns the protection of property and reads as follows:-

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

4.3 Paragraph 17 of Circular 06/04 (VSU.D10) makes it clear that:-

“...an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights with those with an interest in the land affected. Regard should be had, in particular, to the provisions of the First Protocol to the European Convention on Human Rights.”

4.4 The weight to be given to the Convention is clearly stated in paragraph 19 of the Memorandum attached to Circular 06/2004 (VSU.D10).

4.5 Therefore, if a public body is to interfere with the enjoyment of a person's possessions, there should be a proportionate public interest benefit of so doing.

4.6 It is necessary to consider whether that public benefit could be achieved in a way that causes less interference to the

enjoyment of the possessions and also whether the interference would be disproportionate the interests of the person affected.

5 Scope of My Evidence

5.1 In my evidence I explain that the proposals in their current form do not demonstrate that there is clear evidence that the public benefit of VSU would outweigh the private loss. Nonetheless, Land Securities' evidence, taken as a whole, demonstrates that this private loss to Land Securities could be sufficiently mitigated by design modification construction management programming and reduction in the acquisition of property rights in order to strike a proper balance between private and public interests.

5.2 My evidence is particularly concerned with the following matters identified by the Secretary of State:-

Matter 2

Including:

- a** The extent to which the VSU proposals are consistent with policy.
- b** The anticipated regeneration, environmental and socio-economic benefits.
- c** The main alternatives considered by the promoter for the proposals.

Matter 3

Including:

- j** The impact of the scheme on rights of access to property.

Matter 4

The compatibility of the VSU scheme with other development proposals, with particular reference to those promoted by Land Securities.

Matter 6

The extent of the measures proposed by the promoters to mitigate adverse impacts.

Matter 7

The extent to which there is a compelling case in the public interest and the extent to which land is required.

Matter 10

Whether the proposals are reasonably capable of attracting the necessary funding.

6 The Order Land and Surroundings

- 6.1 Before making direct comment on the Order Land, I summarise the context of the draft Order and objectives for Victoria within which the Victoria Station Upgrade proposals are being brought forward. That there are substantial existing deficiencies in the public transport facilities in Victoria is not in dispute. There is no fundamental dispute with the principles and objectives of the VSU project.
- 6.2 There is nonetheless another major public policy objective which needs to be given proper weight in the consideration of the draft Order which I would summarise as the renewal and enhancement of Victoria.
- 6.3 I comment on planning policy in more detail in subsequent sections of my evidence. In summary, the London Plan ("LP") (OBJ3/P5/A3) as first published in 2004 designated Victoria as an Area of Intensification, the policy for which was 5B.5:-

"The Areas for Intensification in the Central London sub-region are shown in Table 5B.2, with indicative estimates of additional homes and jobs growth. To help accommodate growth, boroughs, in consultation with the Mayor, should promote development opportunities through higher density redevelopment at key transport nodes of good accessibility and capacity and in town centres and seek to achieve higher levels of provision wherever possible, especially for housing."

An extract from Table 5B.2 is shown below:

Area for Intensification	Area (ha)	New jobs to 2016	New homes to 2016
Victoria	41	2,000	200

6.4 The explanatory memorandum addresses Victoria, along with other Areas for Intensification, at paragraph 5.39 (OBJ3/P5/A3), stating:-

“The existing Victoria, Euston and Farringdon Stations could provide varying levels of development. Land use development should not compromise long-term measures to improve public transport provision at these key locations.”

6.5 The London Plan has been altered and was re-published in February 2008, known as The London Plan (consolidated with alterations since 2004) (“CLP”) (VSU.C20). Now, Victoria is designated as an Opportunity Area, Policy 5B.2 for which states:-

“The North London Opportunity Areas are shown in Table 5B.1. The Mayor will work with partners to draw up planning frameworks for these areas. These should inform DPDs and broader regeneration and community strategies and initiatives. Taking account of other policies, developments will be expected to maximise residential and non-residential densities and contain mixed use... Given their scale, they are also likely to give rise to substantial planning obligations (See Policies 6A.4 and 6A.5). The general policy direction to be followed in the planning frameworks are indicated below.”

An extract from Table 5B.1 is shown below:

Opportunity Areas	Area (ha)	Indicative employment capacity 2001 - 2026	Minimum homes 2001 - 2026
Victoria	52	8,000	1,000

6.6 The role of Victoria is further described at paragraph 5.37 as:-

“Victoria is a major transport interchange, the busiest in London, which needs substantial upgrading and enhancement, and the public realm is in need of improvement. The station and nearby sites

have significant capacity for intensification. This will require management to sustain its heritage features. With good design the area is suitable for tall buildings without compromising strategic or local viewing corridors. It offers scope for closer synergy with the Vauxhall/Nine Elms/Battersea Opportunity Area south of the river.”

- 6.7 Much of the Victoria area is situated within the Central Activities Zone, defined in the CLP, and also within the Central Activities Zone, defined by the City of Westminster's Unitary Development Plan (“UDP”) (VSU.C35). I comment on these matters in more detail in Sections 9 and 10 of my evidence.
- 6.8 The City Council has prepared a specific planning brief for the area, defining the Council's commitment to long-term investment in, and the development and improvement of, the Victoria area (VSU.C42).
- 6.9 Thus Victoria is an important area of central London in need of substantial investment in sustainable urban renewal on a large scale.
- 6.10 Land Securities, given the extent of land ownership and the capital investment and development programme which the company is seeking to provide, represents a key partner and enabler if the aspirations for Victoria are to be achieved. Thus, Land Securities' objectives substantially coincide with public interest objectives. Accordingly, I consider that substantial weight should be given to Land Securities' objections and the constructive proposals which are being put forward by Land Securities through this Inquiry.
- 6.11 As Ms Colette O'Shea explains, Land Securities has undertaken substantial dialogue with public authorities over

many years, before submitting a planning application for comprehensive redevelopment, known as VTI 1, in August 2007. These proposals have been revised, now known as VTI 2, and revised planning applications recently submitted.

- 6.12 Plans have been produced, which illustrate the following:
- a) the areas of land within which Land Securities is bringing forward VTI 2 (OBJ3/2/15 and OBJ3/2/26) and other Land Security landholdings in the area (OBJ3/2/11),
 - b) the relationship of the proposed VSU works in relation to the Land Securities' VTI 2 proposals (OBJ3/2/13 and OBJ3/2/13A).
- 6.13 These impacts are described in more detail by witnesses appearing on behalf of Land Securities.
- 6.14 Thus whilst the Order Land of itself may appear relatively limited in its footprint and volume, its interrelationship with this wider area of comprehensive redevelopment is highly significant.

7 Community Strategy

7.1 I summarise the Community Strategy and relevant planning policy and other guidance in the following sections of my evidence, as follows:

The City Plan, 2006-2016

7.2 The City of Westminster has prepared a Community Strategy known as The City Plan 2006-2016 (OBJ3/P5/A4). The principal objectives/aims of the strategy relevant to the consideration of the draft Order are as follows:-

- An improving environment:
 - A more sustainable, cleaner & greener city
 - A well-designed & distinctive city
- Better life chances:
 - A city of opportunity where everyone can improve their life chances, well being and health
 - A strong city economy with a skilled workforce and successful businesses

7.3 Community strategies are required by the Local Government Act 2000 to contribute to the achievement of sustainable development in the UK. This is clarified as being about achieving physical, economic and social development in ways that do not compromise environmental resources and quality. The City Plan states that taking forward the agenda of more sustainable approaches to urban living will be a major priority.

7.4 Local Area Renewal Partnerships have been set up in areas of significant disadvantage or significant pressures on quality of life. Victoria is within the South Westminster Local Area Renewal Partnership (OBJ3/P5/A4).

7.5 One of the key goals of the City Plan (OBJ3/P5/A4) is to develop a “well designed and distinctive City – with excellent buildings, public spaces and transport.” Aims to achieve this include:-

- a) Addressing traffic congestion, encouraging use of sustainable modes of transport, improving road and pedestrian safety.
- b) Working with Transport for London and other partners on improving the key transport hubs of Victoria and Paddington.
- c) Delivering a continuing renewal programme, based on sustainable development and outstanding design across the City.
- d) Meeting an annual new homes target and working towards a wider range of quality, affordable and accessible housing.
- e) Improving building quality by encouraging good design and development, using materials that minimise harm to the environment.

7.6 A second goal is to develop a strong City economy – with a skilled workforce and successful businesses (OBJ3/P5/A4). The ambition for Westminster is to:-

“maintain the City’s economic vitality, develop a skilled, flexible local workforce and encourage

enterprise.”

7.7 The key aims to achieve these goals include:-

- a) Establishing a Victoria regeneration partnership with businesses to help improve the local area.
- b) Implement significant improvements to areas key to the City's economy.
- c) Promoting enterprise, economic growth and investment in Westminster.
- d) Maintaining Westminster as the UK's top business and leisure destination and improving visitors' experiences of visiting the City.

8 National Policy and Sustainable Development

- 8.1 I do not recite national policy in detail. I would merely highlight the fundamental principles which reflect the evolution of planning policy since the principles of sustainable development were articulated by the Brundtland Commission in 1987. National policy seeks the delivery of sustainable development with particular emphasis, more recently, on mitigation of, and adaptation to, the effects of climate change.
- 8.2 Accordingly full, efficient and beneficial use of land should be made through renewal of urban areas with particular emphasis on higher densities of land use, particularly where integrated with areas of high public transport accessibility levels.
- 8.3 Economic activity and job creation are to be promoted and sustainable economic growth pursued. Housing development is to be promoted, including through making efficient use of land to meet a range of housing needs, creating mixed and balanced communities.
- 8.4 High standards of design are to be pursued in place making with particular emphasis not only on buildings but the use and nature of spaces between buildings. Due regard is to be had to the historic environment.
- 8.5 Good design should address flood risk, biodiversity, energy and the quality of the local environment created, including by reference to amenity and noise.
- 8.6 I consider that these principles should be substantially, and directly, reflected in the approach to be adopted for the renewal of Victoria particularly in the area around the Victoria Station and its environs.

9 Regional Development Plan Policy

- 9.1 The Regional Development Plan Policy is set out in the London Plan. This is the Spatial Development Strategy for Greater London 2008, consolidated with alterations since 2004 ("CLP") (VSU.C20). Regional Development Plan Policy as a whole, therefore, is up to date and should be afforded full statutory weight.
- 9.2 The CLP contains six over-arching objectives. The first concerned accommodating London's growth within its boundaries without encroaching on open space. The key policy directions for achieving this objective concerned making the most sustainable and efficient use of land, achieving an urban renaissance through high density and enabling the Central Activities Zone to intensify and to accommodate much of the growth in employment.
- 9.3 The second objective in the CLP is to make London a healthier and better City for people to live in whilst the third objective concerns London economic growth and strengthening the offer of the London economy. This is associated with the fourth objective of seeking to improve training and access to employment opportunities, encouraging Londoners to benefit from economic growth.
- 9.4 The fifth objective of the CLP concerns improving accessibility in terms of international, national, regional transport.
- 9.5 The sixth objective of the CLP is concerned with sustainability and seeks to make London an exemplary world city in mitigation of and adaptation to climate change. The objective includes: making the fullest and most sustainable

use of resources including land by using brownfield sites; protecting and enhancing the quality of existing townscape, and enhancing and creating new resources including public realm and open spaces; and achieving the highest quality of safe and sustainable urban design, including for high buildings, considered in the context of climate change.

- 9.6 The overall strategy of the consolidated London Plan sets out to identify sustainability criteria in Policy 2A.1. There is particular support for the strategic role of the Central Activities Zone through Policy 2A.2 allied to placing London more firmly in its global European and national context (VSU.C20).
- 9.7 In addition to the Central Activities Zone, the CLP identifies Opportunity Areas on the basis that they are capable of accommodating substantial new jobs or homes and their potential should be maximised.
- 9.8 Policy 2A.5 (VSU.C20) sets out how a sustainable development programme for Opportunity Areas should be set out in Sub-Regional Implementation Frameworks. These should contribute to the overall strategy of the CLP by:
- a) seeking to exceed the minimum guidelines for housing with regard to the indicative estimates in the CLP (see extract from table 5B.1 below);
 - b) maximising access by public transport;
 - c) promote social and economic inclusion;
 - d) take account of distinctive local characteristics;
 - e) deliver good design, including public realm, open space and, where appropriate, tall buildings.

- 9.9 In addition to its location in the Central Activities Zone, Victoria is designated as an Opportunity Area in the CLP chapter on Sub-Regional policy for North London (paragraph 5.37, VSU.C20), to which I refer at paragraph 9.33 below.

Housing

- 9.10 The starting point of housing policy in London is to identify the minimum targets which should be exceeded (VSU.C20, Policy 3A.1). In the case of the City of Westminster, the annual monitoring target from 2007/2008 to 2016/2017 is 680 dwellings per annum. This target is to be achieved through intensification of housing provision through development at higher densities, consistent with the principles of sustainable residential quality (VSU.C20, Policy 3A.2).
- 9.11 This emphasis on maximising the potential of sites and seeking maximum contributions towards housing is emphasised in Policy 3A.3 (VSU.C20) below.

“The Mayor will, and boroughs should, ensure that development proposals achieve the maximum intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Boroughs should develop residential density policies in their DPDs in line with this policy and adopt the residential density ranges set out in Table 3A.2 and which are compatible with sustainable residential quality. The Mayor will refuse permission for strategic referrals that, taking into account context and potential transport capacity, under-use the potential of the site.”

- 9.12 The CLP sets out a density matrix in Table 3A.2 (VSU.C20). Central areas are defined as:

“areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of a International,

Metropolitan or Major town centre.”

- 9.13 The development sites at VSU and VTI fall into this category. Additionally, the Public Transport Accessibility Level of 4-6 indicates an appropriate density range of 650-1100 habitable rooms per hectare. Given the proximity of the sites to Victoria Station, it is considered that the upper end of this range should apply.

Affordable Housing

- 9.14 The consolidated London Plan proposes a strategic target that 50% of all additional housing should be affordable from all sources of supply (VSU.C20, paragraph 3.46). There is a further London wide objective of achieving 70% of social housing with 30% intermediate provision (VSU.C20, Policy 3A.9).
- 9.15 CLP Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the consolidated London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and

other scheme requirements (VSU.C20).

- 9.16 Policy 3A.10 is supported by paragraph 3.52 (VSU.C20), which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

Offices

- 9.17 The consolidated London Plan (VSU.C20) puts forward a working projection for office development between 2006 and 2026 of some 8.1 million square metres of additional office floorspace, of which 3.7 million square metres is proposed within the Central Activities Zone and Canary Wharf.
- 9.18 Policies 3B.1 and 3B.2 of the CLP promote increase in the current stock and the provision of modern, high quality, flexible accommodation. Policy 3B.2 also states that Boroughs should enhance the environment and offer of London's office locations in terms of physical attractiveness, amenities, ancillary and supporting activities, as well as services, accessibility, safety and security (VSU.C20).
- 9.19 Where increases in office floorspace occur, mixed use policy 3B.3 applies seeking residential accommodation (VSU.C20).

Transport

- 9.20 Policy 3C.1 (VSU.C20) promotes integration of transport and development through the improvement of public transport capacity and accessibility where it is needed, for areas of greatest demand and areas designated for development and regeneration, and encouraging integration of the Major

Transport Infrastructure Plan with improvements to the public realm, particularly in key areas around major rail and underground stations and interchanges, using land assembly powers where necessary.

- 9.21 Policy 3C.2 (VSU.C20), matching development to transport capacity, outlines that the Mayor will, and Boroughs should, consider proposals for development in terms of existing transport capacity, both at a corridor and local level. Where existing transport capacity is not sufficient to allow for travel generated by a proposed development, and no firm plan exists for a sufficient increase in capacity to cater for this, Boroughs should ensure that development proposals are appropriately phased until it is known these requirements can be met.
- 9.22 Through Policy 3C.3 of the CLP encourages a shift to sustainable modes of transport through increases in public transport capacity and accessibility, thereby supporting Opportunity Areas (VSU.C20).
- 9.23 Furthermore, improving and expanding London's international and national transport links to support London's development, especially to achieve regeneration are a key aim of Policy 3C.5 (VSU.C20).

Town Centres

- 9.24 The network of Town Centres shown on Map 3D.1 and listed in Table A1.1 (VSU.C20) should be used as the basis for delivery. The vitality and viability of Town Centres and CAZ should be sustained and enhanced and economic and housing growth should be accommodated through intensification.

- 9.25 Victoria Street is designated as CAZ Frontage in Table A1.1 of the London Plan (VSU.C20).
- 9.26 Development in Town Centres is covered in Policy 3D.2 (VSU.C20), which indicates that need and capacity for Town Centres should be assessed and an appropriate scale of development should be related to the size and role of a centre.

Climate Change

- 9.27 The consolidated London Plan requires developments to make the fullest contribution to the mitigation of, and adaptation to, climate change and to minimise emissions of carbon dioxide. This is to be achieved through the use of less energy, through sustainable design and construction, in supplying energy efficiently and in using renewable energy (VSU.C20, Policy 4A.1). How energy assessments are undertaken and provided are covered by Policies 4A.4 and 4A.7 (VSU.C20).

Design

- 9.28 The CLP promotes the concept of a compact City and the design principles for this are set out in Policy 4B.1 (VSU.C20). These include:
- a) Maximising the potential of sites
 - b) Promoting high quality, attractive, inclusive design and creation or enhancement of the public realm
 - c) Respecting local characteristics
 - d) Providing or enhancing a mix of uses
 - e) Being accessible, permeable, legible, sustainable,

adaptable, safe and secure.

- 9.29 Building on Policies 4B.1 and Policy 3A.3 London must achieve more intensive development in the right places. It should be designed and managed to ensure long-term efficient use, with poorly designed schemes considered to squander London's valuable resources and cause blight to users and neighbours (VSU.C20, paragraph 4.99).
- 9.30 Commercial developments should maximise plot ratios, with highly accessible areas within central London and Opportunity Areas achieving plot ratios of 5:1 (VSU.C20, paragraph 4.105). Paragraph 4.106 promotes mixed-use development which contributes to vitality and safety of areas as well as helping to achieve intensive development.
- 9.31 The pursuit of world class, high quality design is promoted through Policy 4B.2. Enhancing the quality of public realm and creating inclusive environments are also promoted through Policies 4B.3 and 4B.5 (VSU.C20).
- 9.32 In the case of tall buildings, a framework is created by Policies 4B.9 and 4B.10 which promotes them where they create attractive landmarks, help to provide a coherent location for economic clusters and/or act as a catalyst for regeneration. These policies are supported by Policies 4B.16 to 4B.18 concerning the London View Management Framework, Management Plans and Assessment of Development Impact on Designated Views (VSU.C20).

Sub-Region and the Central Activities Zone

- 9.33 The Victoria area is situated within the North London Sub-Region, identified in Map 5A.1 of the London Plan. As yet,

the Sub-Regional Implementation Frameworks, identified at Policy 5A.1 have not been prepared, thus the Central Sub-Regional Development Framework ("SRDF") (VSU.C28), dated May 2006, remains in force at present.

9.34 Substantial population, housing and employment growth is anticipated within the North Sub-Region for the period 2006 to 2026 as identified in Table 5A.1 (VSU.C20). The table indicates that annual household growth is expected to increase at 6-8,000 per year compared with the minimum annual housing target of 6,650 additional homes. Annual growth of 15,000 jobs is predicted over the whole Sub-Region.

9.35 Strategic priorities for the North London Sub-Region, identified on Map 5B.1, are set out in Policy 5B.1 (VSU.C20).

9.36 The principal relevant priorities are as follows:-

- a) Optimising the development of Opportunity Areas
- b) Enhancing the attractiveness of town centres to consumers
- c) Improving the quality of the environment with particular emphasis upon achieving more sustainable forms of development and movement in outer parts and improving the public realm in the CAZ and inner parts.

9.37 Victoria is designated as an Opportunity Area within which, taking account of other policies, development would be expected to maximise residential and non-residential densities and contain mixed use (VSU.C20, Policy 5B.2). Table 5B.1 (VSU.C20) below shows indicative employment

capacity and a minimum target for new homes.

Opportunity Areas	Area (ha)	Indicative employment capacity 2001 - 2026	Minimum homes 2001 - 2026
Victoria	52	8,000	1,000

- 9.38 This compares with figures published in Table 5B.2 of the SRDF (VSU.C28), where Victoria is designated as an Area for Intensification, as below.

Area for Intensification	Area (ha)	New jobs to 2016	New homes to 2016
Victoria	41	2,000	200

- 9.39 The increased figures and re-designation demonstrate the importance of maximising the density and redevelopment of the area.

- 9.40 The CLP (VSU.C20, paragraph 5.37) recognises that

“Victoria is a major transport interchange, the busiest in London, which needs substantial upgrading and enhancement, and the public realm is in need of improvement. The station and nearby sites have significant capacity for intensification. This will require management to sustain its heritage features. With good design the area is suitable for tall buildings without compromising strategic or local viewing corridors. It offers scope for closer synergy with the Vauxhall/Nine Elms/Battersea Opportunity Area south of the river.”

- 9.41 Insofar as the Central Activities Zone is concerned, the Victoria area is situated within the Zone as defined on Map 5G.1 (VSU.C20). As yet the Central Activities Zone Supplementary Guidance referred to in Policy 5G.1 has not been prepared.

9.42 Policy 5G.2 (VSU.C20) outlines the strategic priorities for the Central Activities Zone, which include enhancing the strategically vital linkages between CAZ and labour markets within and beyond London in line with objectives to secure sustainable development of the wider City region.

“The Mayor will and boroughs and other relevant partners should:

- **recognise that CAZ and the northern part of the Isle of Dogs Opportunity Area are the heart of London’s world city offer and promote and coordinate their development so that together they provide a competitive, integrated and varied global business location**
- **enhance the operating environment supporting the different clusters within CAZ shown on Map 5G.1, developing and where necessary re-positioning their offers**
- **identify and bring forward capacity through redevelopment within appropriate quarters of the CAZ, through development and redevelopment in Opportunity and Intensification Areas, and via carefully managed and limited extensions to the Zone as shown on Map 5G.1**
- **sustain and enhance the offer of the country’s premier retail destinations in Knightsbridge and the West End and develop and implement the West End Special Retail Policy Area framework**
- **enhance and manage the role of CAZ as the country’s premier visitor destination and its most important concentration of night time activities in Soho/Covent Garden and other strategic clusters in and around the Zone**
- **develop and implement the frameworks for the City Fringe, London South Central and other CAZ Opportunity Areas (see the sections on the relevant sub-regions) within and across the CAZ boundary to realise their opportunities for local communities and businesses as well as London as a whole**
- **enhance the strategically vital linkages**

between CAZ and labour markets within and beyond London in line with objectives to secure sustainable development of the wider city region

- **co-ordinate management of nearby industrial capacity in all sub regions to meet the distinct needs of CAZ.”**

9.43 The provision of high quality modern accommodation is consistent with Policy 5G.3 (VSU.C20) which recognises that the Central Activities Zone is the country’s most important strategic office location. The Policy seeks to ensure adequate capacity to meet future demand. The projected increase in demand is 3 million sq m more office space.

“The Mayor will and boroughs and other relevant agencies should:

- **recognise that CAZ is the country’s most important strategic office location and ensure adequate capacity to meet future demand with supporting policies to enhance it as a globally attractive business location**
- **in appropriate locations within the western part of CAZ, work with stakeholders in the office market to identify and bring forward office capacity, and, without compromising the local environment, seek solutions to the constraints on office provision imposed by extensive heritage designations including the role of high quality design in complementing these**
- **within CAZ and the north of the Isle of Dogs Opportunity Area, wherever increases in office floorspace are proposed they should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan.”**

9.44 The Policy re-affirms the application of mixed use policy wherever increases in office floorspace are proposed.

9.45 Policy 5G.5 (VSU.C20) supports the maximum provision of new housing, and improvements in the local environment in

the CAZ without compromising the achievement of wider objectives.

Implementation

- 9.46 The CLP anticipates planning obligations being brought forward that reflect the priorities emerging from Development Plan Policy and pursuant to Policies 6A.4 and 6A.5 (VSU.C20).

Land Securities' Proposals

- 9.47 A detailed analysis of Land Securities' proposals in relation to Regional Development Plan policy is undertaken in the Planning Statement submitted with the application (OBJ3/1/28).

Central London Sub-Regional Development Framework May 2006

- 9.48 The SRDF (VSU.C28) provides guidance on the implementation of policies in the London Plan 2004 (OBJ3/P5/A3), in which Victoria is designated as an Area for Intensification. The document precedes the CLP and, therefore, does not fully reflect the recognition of the development opportunities as set out in the CLP, which re-designates Victoria as an Opportunity Area proposed for growth and expansion through redevelopment and regeneration. The document is a material consideration as opposed to being a Supplementary Planning Document within the terms of PPS12.
- 9.49 As the SRDF explains, at the core of the promotion of London is its image and the perception that it has a clear long-term direction. Central London and especially the CAZ

- would be at the heart of these efforts (VSU.C28, paragraph 22).
- 9.50 The vision for the Central London Sub-Region is firmly rooted in increasing its capacity to accommodate economic and population growth (VSU.C28, paragraph 23).
- 9.51 It is noted that Central London under-performs because of the variable quality of its public infrastructure and its urban realm, with problems of congestion and public spaces that are too often shabby, unsafe and unclean (VSU.C28, paragraph 31).
- 9.52 The essential message of the SRDF is that capacity for housing and employment, including offices, should be driven up and the role of Central London strengthened.
- 9.53 Anticipating growth in population and consumer expenditure across London, the quantum of comparison of floorspace is expected to increase, with the potential for 50,000 sq m in Victoria being identified (VSU.C28, paragraph 64).
- 9.54 The specific role of the CAZ is emphasised as being critical to, and interdependent with, the national and metropolitan economies and their continued success. It has a uniquely dense and complex infrastructure network which includes international linkages and termini (VSU.C28, paragraph 147).
- 9.55 At the time that the SRDF was published, Victoria was classified as an Area for Intensification, whereas now it is an Opportunity Area, designated in the CLP. Nonetheless, the SRDF identifies Victoria as a substantial resource in accommodating growth (VSU.C28, paragraph 188).

9.56 The improved transport provision sought, including upgrades to stations to increase capacity (VSU.C28, paragraph 220).

9.57 The Victoria Area for Intensification is indicatively defined and the objectives and issues set out within Annexe 2 of the SRDF (VSU.C28, pages A32 to A34).

9.58 The strategic objectives are summarised as:-

“Victoria could provide development capacity depending upon the operational rail requirements, degree of station renewal, transport and interchange capacity, use of air space, integration of the surrounding areas and the impact of environmental constraints”.

9.59 Key issues include resolving capacity issues of a major transport interchange; capturing the scope for development intensification; exploring scope for tall buildings; enhancement of public transport interchange and bus terminus; good quality open space; improved pedestrian access and circulation and London Underground Limited Phases 1-3, now described as VSU, improving the setting of Victoria Station (VSU.C28).

9.60 The status as at April 2006 refers to the Victoria Planning Brief having been adopted and Transport for London (“TfL”) working with the City Council and private sector (i.e. Land Securities) to explore a joint approach to the redevelopment of Victoria, north of the railway station, which at that time was to have included a new bus station (VSU.C28).

10 Local Development Plan Policy

10.1 The Local Development Plan Policy is set out in the City of Westminster Unitary Development Plan ("UDP") adopted on 24 January 2007 (VSU.C35).

10.2 Westminster's UDP sets out six strategic aims for Westminster, including enhancing the attraction of central London, fostering economic vitality and diversity, building sustainable communities, integrating land use and transport policies and reducing environmental impact of travel, ensuring a high quality environment and working towards a more sustainable City.

10.3 The strategic policies in the UDP reflect these six aims. In particular, STRA 1 "World Class City Status" and STRA 2 "Capital City Status" recognise and seek to enhance Westminster's key world class City role and capital City status. Paragraph 26 (VSU.C35) states that:-

"Westminster contains prestige locations for headquarters and for professional and other firms. International businesses continue to favour London as their European base. The UDP should provide for them and for the continued growth of sectors, such as media, arts, culture and entertainment which are already well established in Westminster."

10.4 The UDP specifically notes Areas for Intensification, such as Victoria, as locations where some of the additional capacity for London's growth will be provided (VSU.C35, paragraph 27).

10.5 Policy STRA 3 "Westminster's Central Area" continues that it is the Council's aim to protect and enhance the strategic role, historic character, social and cultural importance of this essential part of Westminster through the designation of a Central Activities Zone ("CAZ"). The explanatory text, at

paragraph 36, notes that the CAZ is not a homogeneous or uniform area and recognises eight sub-areas of the CAZ. Victoria is identified as one of these sub-areas (VSU.C35).

- 10.6 The City Council aims to support and encourage growth in Westminster's economy, particularly where such growth is environmentally sustainable, increasing residents' opportunities and improving access to employment. Policy STRA 5 "Regeneration and Economic Development" also encourages the participation of residents, businesses and public bodies in the regeneration process.
- 10.7 Policy STRA 20 aims to reduce the need to travel, whilst improving access to facilities and services, by integrating land use and transport policies, in co-operation with other bodies across London. This integration of land use and transport will help to ensure that central London becomes a more pleasant place in which to live, work and visit, and maintains and strengthens its position as a national and international centre for business and tourism.
- 10.8 The City Council seeks to encourage and support the sustainable development of the city. Policy STRA 32 seeks to achieve sustainable development and to meet the economic, social and environmental needs of the city in an integrated and balanced way.
- 10.9 The theme of sustainability is continued in Policy STRA 33, regarding sustainable design, construction and management of buildings, through which the City Council aims to promote the efficient use of materials and reduce energy and water consumption. This is to be achieved through the construction and management of environmentally efficient buildings; reducing the need to travel and encouraging the use of energy-efficient transport and water conservation (VSU.C35).

Housing

- 10.10 Housing is the priority use in the Westminster UDP (VSU.C35). Policy STRA 14 seeks to prevent the loss of housing to other uses, seeking the maximum amount of housing by securing a minimum net addition of 19,480 new homes between 1997 and 2016.
- 10.11 To encourage the provision of more housing in the Borough, the City Council, under Policy H 1(B) (VSU.C35), seeks development with at least the equivalent amount of housing to that previously existing on a site. This emphasis on maximising the provision of housing is set out in Policy H 3(A):-
- “The City Council will seek to maximise the amount of land or buildings in housing use outside the CAZ and where appropriate, within the CAZ.”**
- 10.12 Policy H5 seeks the provision of a range of housing sizes, with the City Council normally requiring 33% of housing units to be family sized (VSU.C35).
- 10.13 Paragraph 3.74 of the UDP (VSU.C35) clarifies that the requirement to provide 33% family sized units (3 or more bedrooms) will be applied with some flexibility. For example, the City Council may accept a lower level of family accommodation where the proposed housing is located in a very busy, noisy environment.
- 10.14 Westminster UDP Policy H11 (VSU.C35) seeks to control the density of new housing development by ensuring that new housing conforms to a range of prescribed densities, also recognising the possibility of higher densities close to public transport facilities. The site falls within Zone 2, which has a zonal range of between 250-500 space hr/ha.
- 10.15 Paragraph 3.117 (VSU.C35) explains that the City Council

will control the density of housing developments to achieve a balance between the need to make the most use of housing land and to make sure that new housing development provides a satisfactory residential environment.

Affordable Housing

10.16 The Westminster UDP (VSU.C35) recognises the London Plan strategic target of 50% of all additional housing being affordable. Policy H4 expects affordable housing to be provided as part of housing developments of 10 or more additional dwellings, with an appropriate form of affordable housing to be provided on-site, except where the applicant can satisfactorily demonstrate that the affordable housing cannot be designed for transfer to a registered social landlord or other appropriate body.

“The amount of affordable housing required will be assessed in accordance with paragraphs 3.41 and 3.42 but the Council will take into account whether:

- 1. there will be particular costs associated with the development of the site, or**
- 2. the provision of affordable housing would make it difficult to meet other planning objectives that need to be given priority in developing the site.”**

10.17 Paragraph 3.41 (VSU.C35) relates to sites within the CAZ and states that where the number of additional units proposed is 25 or more, 30% of the additional units should be affordable.

10.18 Policy H 4 accepts that there are circumstances where on-site provision cannot be achieved. If affordable housing is not provided as part of the development itself, the City Council seeks a financial contribution to its affordable housing fund. Off-site provision is also considered.

Offices

- 10.19 Policy COM 1 of the UDP (VSU.C35) states that proposals for office development will be granted planning permission in the CAZ. Paragraph 2.16 elaborates that office growth is most appropriately located within the CAZ within which office development will gain the most benefit from, and make the most effective contribution to, the range of business and supporting activities which sustain the prosperity of central London. Offices within the CAZ benefit from the range of support services within the area, the high degree of access to public transport, their proximity to each other and to complementary central London activities.
- 10.20 In order to ensure that office developments maintain or increase the variety and mix of uses which are important to the character and function of Westminster, Policy COM 2 (VSU.C35) outlines that where appropriate and practical, when increases in office floorspace are proposed, the provision of self-contained residential accommodation with separate access will be required. The residential accommodation should comprise an amount of floorspace equivalent to the increase in office floorspace within the CAZ.
- 10.21 Policy COM 1 (VSU.C35) of the Westminster UDP deals with office renewal and growth in the Borough. The aim of the policy is to provide for the renewal and growth of offices and to guide such development to suitable locations. It states that proposals for office development will be granted planning permission in the CAZ.

Other Commercial Uses

- 10.22 Westminster UDP Policy STRA 10 "Shopping in Westminster" (VSU.C35) states that it is the City Council's aim to enhance the vitality, viability and diversity of Westminster's shopping centres and maintain and increase

the number and range of shops in the City.

- 10.23 In terms of Westminster's detailed policies, the adopted UDP (VSU.C35) specifically identifies the location of sites within an established shopping area in the CAZ or in, or adjoining, main rail termini as being appropriate for major retail developments, subject to a series of criteria.
- 10.24 Policy SS 4 states that developments within the CAZ and CAZ frontages must include an appropriate number of shop type premises at street level and should provide at least the same amount of retail floorspace as was there before.
- 10.25 Policy SS 11 provides guidance for location and consideration of applications involving major retail developments. The policy states that planning permission for major retail developments will be granted within in an established shopping area in the CAZ, a district centre, a larger local centre or in, or adjoining, main rail termini. This is subject to the proposal not causing harm to the vitality and viability of shopping areas in the catchment of the development and of the proposal being of an appropriate size to the character and function of the shopping area and being highly accessible by public transport and for pedestrians, cyclists and the less mobile, amongst other matters (VSU.C35).
- 10.26 The UDP TACE policies control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of various parts of the City, whilst acknowledging that they provide services to people living, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. The relevant TACE policy is determined by the size, type and location of use proposed

(VSU.C35).

- 10.27 Policy SOC 1 of the Westminster UDP (VSU.C35) "Community Facilities in General" seeks the provision of community facilities in new developments and the public use of private facilities in development schemes. The amenity facilities will be required to be located as near as possible to the residential areas they serve, not harm the amenity of the surrounding area, and be safe and easy to reach on foot, by bicycle and by public transport.
- 10.28 Policy H 10 (VSU.C35) states that on sites suitable for large housing developments, the City Council will require the provision of a community facility as part of the development in appropriate circumstances. Space for a new Westminster library is now accommodated within the proposed VTI 2 development.
- 10.29 The application also facilitates the future expansion and enhancement of the Victoria Palace Theatre in accordance with UDP Policy TACE 6 (VSU.C35) which seeks to protect existing theatres.

Transport

- 10.30 Policies STRA 20 to 25 of the UDP (VSU.C35) deals with integrating land use and transport and reducing the environmental impact of transport. The aim of these policies is to reduce the need to travel while ensuring safe, accessible, sustainable and convenient travel by integrating land use and transport policies. In particular Policy STRA 21 concerns "Walking, cycling and public transport" and seeks to improve environmental quality, safety and directness of routes for pedestrians and cyclists and improve the quality, reliability, efficiency, safety and accessibility of public transport.

10.31 UDP paragraph 129 (C) (VSU.C35) identifies that there are four mainline termini in Westminster including Victoria, with numerous bus services operating across the Borough. While they move hundreds of thousands of people each day, Westminster considers that often this is too slow, unsafe or in over-crowded conditions. Victoria is no exception to this and paragraph 130 states that public transport must be improved, especially at interchanges.

10.32 Policies TRANS 4 to TRANS 8 maintain the focus on improving the quality, reliability and accessibility of public transport in the Borough to make it more attractive than the private car (VSU.C35).

10.33 Policy TRANS 4 (VSU.C35) seeks the maintenance and improvement of bus services to a variety of schemes, initiatives and measures, including such schemes and management measures as may be reliably secured by the development or redevelopment of land and buildings. It continues that:-

“Major development proposals, such as large retail schemes, should be located where public transport network coverage is good or is capable of improvements and exceptionally the City Council will require such improvement by concluding agreements with developers and public transport operators.”

10.34 Policy TRANS 8 continues that the Council may require financial assistance or physical provision for specific local improvements to public transport access or levels of service, through the imposition of planning conditions, or by securing agreement with developers (VSU.C35).

10.35 Under Policy TRANS 5 of the Westminster UDP “Surface, Underground Railways and Trams” the Council will encourage and support improvements to the mainline rail termini, underground stations and associated interchange

facilities including improved access to and capacity of stations and interchanges and will seek to retain and enhance accessibility to public transport in all areas of the City. Where new or additional rail facilities are proposed, the Council will seek to ensure that any movement which may be generated by such a facility can be adequately catered for by public transport and that interchange between different forms of public transport is improved (VSU.C35).

Sustainability

- 10.36 Westminster UDP Policy STRA 32 (VSU.C35) seeks to achieve sustainable development and to meet the economic, social and environmental needs of the City in an integrated and balanced way.
- 10.37 Policy ENV 1 of the Westminster UDP (VSU.C35) sets out the Council's aims in relation to the provision of energy efficient and sustainable buildings and the incorporation of other non-renewable energy sources. In considering planning applications, they expect the efficient use of energy and other non-renewable resources through careful orientation, design, choice of materials, equipment and landscaping. The policy encourages the use of renewable energy installations that achieve good design solutions and, where feasible, these developments will be required to incorporate renewable energy generating plant to meet a proportion of the development's overall energy demand. In new developments, the Council will encourage the use of natural ventilation and lighting and effective energy conservation and insulation to conserve energy.
- 10.38 The Council requires the use of Environmental Impact Assessments ("EIA"), for those developments that meet the Government's Schedule 2 criteria that the City Council determines are likely to have significant environmental effects

under Policy ENV 2 (VSU.C35).

Design

- 10.39 The themes of Westminster's design policy relate to retention of listed buildings and preserving and enhancing conservation areas, strategic metropolitan and local views and exemplary standards of architecture, landscape and design in new development. These policies sit alongside Strategic Policy STRA 27 "Standards of Design" which seeks to promote the highest standards of sustainable urban design and architecture in all development and to encourage inventive architecture in the context of Westminster's unique character.
- 10.40 The aim of Policy DES 1 "Principles of Urban Design and Conservation" is to ensure the highest quality of new development in order to preserve or enhance the townscape of Westminster, to provide adequate access and to reduce crime and improve security. It continues to outline a series of objectives that should be achieved when submitting a planning application, related to architectural quality, townscape, materials, local distinctiveness and sustainability, amenity, accessibility and community safety. Part C further identifies a range of criteria that an application should demonstrate the consideration of, through use of detailed drawings and a written statement (VSU.C35).
- 10.41 Policy DES 2 (VSU.C35) states that permission will be granted for extensive development which meets a range of criteria including a range of architectural, townscape and public space, amongst other considerations.
- 10.42 UDP Policy DES 3 (VSU.C35) is concerned with high buildings and reflects the London Plan and CABE/EH guidance. Part A states that high buildings will not be

permitted where they:-

- “1. Would intrude upon strategic views (as defined by Policy DES 14) or upon the setting of the Palace of Westminster or upon the Westminster Abbey World Heritage Site.**
- 2. Would have adverse impact upon the character and appearance of designated conservation areas (DES 9) or upon listed buildings and their settings (DES 10) or upon the views (DES 15) obtained from the following areas:**
 - (a) the London Squares;**
 - (b) the Royal Parks;**
 - (c) the Grand Union Canal;**
 - (d) Regent’s Canal;**
 - (e) the Thames Special Policy Area.**
- 3. Would be incongruous with respect to the prevailing character of the area within which it would be located”**

10.43 Part B of the Policy states that existing high buildings in Westminster shall not set a policy precedent for similar development on adjacent sites and any new high buildings, if permitted as an exception to Policy DES 3 (A), shall satisfy most of the following design criteria: quality of architectural design; enhancing the long distance skyline of central London; the proposed employment and housing capacity shall be within the existing or planned future capacity of the public transport and highway networks; and the development will provide a favourable mix of land use, facilitating shorter journeys, energy conservation and support other sustainability objectives.

10.44 Policy DES 3 (C) states that high buildings which are exceptionally permitted on the basis of Part B shall contribute to the improvement or the regeneration of the locality within which they would be sited and to satisfy a set of detailed

design criteria.

- 10.45 Policy DES 9 aims to preserve or enhance the character or appearance of conservation areas and their settings and Policy DES 10 seeks to protect and enhance listed buildings, their settings and those features of special architectural or historic interest that they possess (VSU.C35).
- 10.46 Important and acknowledged views across or within Westminster are covered by Policy STRA 30 "Views and High Buildings". This policy aims to protect or enhance such views and to resist inappropriately designed or intrusively located high buildings and other structures.
- 10.47 Policy DES 14 "Strategic Views" specifically aims to protect and enhance views of St Paul's Cathedral and the Palace of Westminster. Part A states that permission will normally be refused for developments within the viewing corridor, where strategic views would be interrupted or unimproved. Wider Setting and Background Consultation Areas will also be safeguarded (VSU.C35).
- 10.48 Policy DES 16 (VSU.C35) of the Westminster UDP specifically aims to safeguard the World Heritage Site (Palace of Westminster). It states that permission will only be granted for developments that protect and conserve the character, appearance, setting and ecological value of the World Heritage Site.

Open Spaces

- 10.49 Policy ENV 15 of the Westminster UDP (VSU.C35) encourages the provision of new and enhanced open space for public use and in appropriate circumstances, will require public open space as part of new development in priority areas for additional public open space, or on sites where additional open space will help to meet a need.

- 10.50 Westminster published its Open Space Strategy in February 2007 which identifies the area as being partially within an area of public open space deficiency.
- 10.51 Policy TRANS 3 (VSU.C35) aims to improve conditions for pedestrians and make walking a safer, quicker, more direct and more attractive form of travel. As part of consideration of development proposals, the City Council will aim to secure an improved environment for pedestrians.
- 10.52 The VTI proposals make a significant contribution to the provision of new public realm and a substantially improved pedestrian environment in the area.
- 10.53 To ensure an adequate supply and distribution of children's play space, Westminster's UDP Policy SOC 6 (VSU.C35) requires provision of children's play space and facilities as part of new housing developments which include 25 or more family units. New developments in or near the Priority Areas (for additional play space and green open space for play) will be encouraged to provide new play space and facilities for children, or make improvements to existing facilities. The Victoria area is identified as an area deficient in publicly accessible play space and a priority area for informal play areas in the Westminster Open Space Strategy.

Central Activities Zone

- 10.54 The Council's aim, as outlined in Policy STRA 3 (VSU.C35), is to protect and enhance the strategic role, historic character, social and cultural importance of the central part of Westminster.
- 10.55 Policy CENT 1 encourages development for central London activities within the CAZ which are appropriate to the character and function of the particular area. Central London activities are protected where these contribute to the

character and function of the Central Activities Zone. The Policy seeks to protect those activities which contribute to London's World City and Capital City functions within the CAZ and guide appropriate central London activities to the CAZ, and foster London's international, national and regional roles (VSU.C35).

10.56 Policy CENT 3 deals with mixed use development in central Westminster. It states that when an increase of over 200 sq m of commercial floorspace is proposed, the provision of residential accommodation, with separate access, will be required. Similarly to Policy COM 2, residential accommodation should comprise an amount of floorspace equivalent to the increase in commercial floorspace (VSU.C35).

10.57 Victoria is recognised as a sub-area within the Central Activities Zone. Paragraphs 1.24 to 1.26 (VSU.C35) describe the area, highlighting the variety in style and era of buildings and the mix of office, retail and entertainment uses. The railway, underground, bus and coach stations at Victoria provide the gateway for many people arriving in the area. The railway station is the busiest mainline terminus in London, and the underground station is also the busiest in London. At peak times, over 250 buses per hour serve the bus station and nearby bus stops. The text states that:

“There are likely to be major opportunities to improve the stations and local environmental quality during the period covered by this plan.”

Implementation

10.58 Policy STRA 7 of the Westminster UDP covers “Planning Obligations and Benefit” for major development proposals (VSU.C35). Under this Policy, it is the Council's aim to secure planning obligations and the provision of related benefits. These should have an identifiable connection with

the development, be appropriate to the location, scale and nature of the development and seek to mitigate the economic, environmental, transportation, social and community consequences of the development, as well as being in line with other UDP policies.

Land Securities' Proposals

- 10.59 A detailed analysis of Land Securities' proposals in relation to Local Development Plan policy is undertaken in the Planning Statement submitted with the application (OBJ3/1/28).

Local Development Framework

- 10.60 Westminster is in the early stages of preparing its Local Development Framework. The scope and timetable for preparing the Framework is set out in the Local Development Scheme (2005). It published its Issues and Options paper for consultation during May to July 2007, with the Preferred Options on consultation until the end of September 2008. Following this, the City Council will consider all of the comments received which will then inform the development of the final Core Strategy document. This is expected to be consulted upon and submitted to the Secretary of State for independent examination in 2009.

11 Supplementary Planning Guidance

- 11.1 The City Council has prepared a planning brief to guide development in the Victoria area. This is known as the Victoria Area Planning Brief dated April 2006 (VSU.C42).
- 11.2 The introduction to the brief explains City Council's commitment to long-term investment in and the development and improvement of the Victoria area (VSU.C42, paragraph 1.1.) and the City Council's wishes to see the momentum of changes to Victoria continue (paragraph 1.12). The significance of VSU is underlined at paragraph 1.6. The brief boundaries shown at Map 1 indicates that Land Securities' VTI proposals form the northern part of the brief area whilst Map 3 identifies VSU as Site 17.
- 11.3 The principles for development at Victoria, set out in Section 3, include:-
- a) pedestrian movement being given highest priority
 - b) proposed development taking account of, and as far as possible, addressing transport requirements at Victoria, either through in kind benefits, such as provision of rights of way or street level set-backs or financial contributions towards improvements.
 - c) protection of residential amenity
 - d) providing the highest quality new buildings
 - e) joint working between the City of Westminster, Transport for London and the Greater London Authority to support the long-term objectives for Victoria
- 11.4 The land use and development issues addressed in Chapter 5 of the brief largely follow Unitary Development Policy, save

for some important distinctions as follows:

- a) Transport benefits may offset the requirement to provide housing as part of mixed use schemes within the brief area. Such transport and passenger benefits to rail, underground, bus and pedestrian users must be substantial, apparent and accepted by all parties. Only this would justify any large increase in commercial floorspace without the pro-rata provision of housing (VSU.C42, paragraphs 5.4 and 5.5).
 - b) Similarly contributions, that might otherwise go to affordable housing, could go towards transport (VSU.C42, paragraphs 5.12 and 5.13)
- 11.5 Section 6 addresses conservation and urban design, bringing forward the principles of the Unitary Development Plan. Map 6 identifies the local heritage environment, including the former strategic viewing corridor from King Henry VIII's Mound, Richmond to St Paul's Cathedral.
- 11.6 Consideration has been given to tall buildings at Victoria and Figure 3 identifies possible locations for relatively taller buildings. Paragraph 6.38 (VSU.C42) explains the potential for taller built form to be achieved. This is to be located around Bressenden Place. Terminus Place is identified as an alternative.
- 11.7 Section 7 addresses transport, explaining joint working between the City Council, TfL, the Mayor and major developers (VSU.C42, paragraph 7.1), identifying Victoria as one of the busiest interchanges in London, used by approximately 75 million passengers per annum, being more than Heathrow Airport (VSU.C42, paragraph 7.6). The extent to which the Victoria Interchange is under stress is explained at paragraph 7.7.

11.8 The brief sets out detailed objectives for:-

- a) Transport, urban design and architecture
- b) Pedestrians and public realm
- c) Interchange
- d) Buses
- e) London Underground
- f) Improved interface between rail and Underground
- g) Victoria National Rail Station
- h) Taxis
- i) Cycling
- j) Streets – Traffic
- k) Streets – Servicing and Parking
- l) Congestion charging
- m) Coach Station
- n) Olympic Games 2012
- o) Crossrail Line 2

11.9 Paragraph 7.24 (VSU.C42) makes specific reference to the VSU proposal in respect of the investment programme, timing, the new ticket hall, widened gate line and additional escalators, step free access, improved access to the national railway station and the existing Victoria Line ticket hall. The generic proposal is indicated in Figure 10.

11.10 The regeneration of Victoria is to be achieved by a number of implementation mechanisms set out in Section 8, which provide for a broad range of social, environmental and economic mechanisms.

11.11 Specific reference is made to the Land Securities and Transport for London stakeholder consultation strategy at

paragraphs 8.54 and 8.55 (VSU.C42).

8.54 “Land Securities and Transport for London are separately developing a Stakeholder Consultation Strategy, the purpose of which is to provide a consistent mechanism to manage external stakeholders who can either assist or inhibit progress on the project at Victoria. Further information on this is contained in their submissions.

8.55 Following adoption of this brief it is proposed that the future consultation arrangements for the area be subject to a meeting between all of the key parties to ensure clarity in getting information across and involvement of those affected.”

11.12 The brief, contemplates the use of compulsory purchase powers pursuant to Section 226 of the Town and Country Planning Act 1990 (as amended) at paragraph 8.56 to 8.59 (VSU.C42). Paragraph 8.58 states:-

“It may be appropriate in the interests of the proper planning of the Victoria area for the Council to acquire properties using these powers, if this would facilitate the renewal of the Victoria area, and this renewal could not be achieved without these powers.”

11.13 The City Council's commitment to the use of compulsory purchase powers in Victoria is reaffirmed in the letter from the Director of Planning and City Development of WCC dated, 6 February 2008 (OBJ3/1/31), which states:-

“I see every likelihood that a fully resolved scheme that delivers the regeneration, transport and public realm benefits, allied to architecture of the highest order, will comprise sufficient planning grounds to justify us pursuing the necessary CPO and s237 provisions to secure the site assembly. You will recall that the brief and the members' resolution in March 2006 commits us to supporting this principle.”

11.14 The aspiration of Land Securities as a major land holder within the Victoria Area Planning Brief is identified in detail at

paragraph 8.63 (VSU.C42) with reference to the then emerging Land Securities Masterplan.

“Land Securities, a major landholder in the area, has been working on proposals for its major landholdings at Bressenden Place, and has worked with TfL and LUL to integrate proposals with transport improvements. Land Securities submitted a Masterplan document in March 2006 on the Victoria Interchange Programme which brings together, in summary form, many months of work by Land Securities aimed at arriving at a scheme for the redevelopment at Victoria to provide transport infrastructure improvements, public realm improvements and commercial development. This document should be looked at alongside this planning brief. Land Securities are now considering how to take the development proposals forward, in the light of the committee resolution on 30 March 2005 and TfL’s decision to relocate the bus station to Vauxhall Bridge Road and Wilton Road.”

11.15 In conclusion the brief demonstrates that:-

- a) the regeneration of Victoria is of great significance to London as a whole;
- b) large scale change and comprehensive preparatory development is contemplated
- c) the opportunity to use compulsory purchase powers is confirmed;
- d) Land Securities are a key stakeholder and facilitator in achieving this regeneration;
- e) the objectives for the Victoria area go well beyond transport infrastructure improvement;
- f) nonetheless, this improvement is of great importance to London.

12 Other Relevant Documents

12.1 Other policies are:-

- a) The Mayor's Transport Strategy
- b) Sustaining Success: The Mayor's Economic Development Strategy
- c) Westminster Economic Development Strategy 2008-2011

12.2 These are considered below.

The Mayor's Transport Strategy

12.3 The Mayor's Transport Strategy, published in July 2001, identifies a transport crisis in London, which harms business efficiency, threatens the quality of life of Londoners and threatens to undermine the city's competitive position in the world (VSU.C21, paragraph 3).

12.4 The Transport Strategy, aims to increase the capacity, reliability, efficiency, quality and integration of the transport system to make it world class (VSU.C21, paragraph 13). The 10 key transport priorities which flow from this include:

- a) overcoming backlog of investment in the underground to improve services;
- b) making radical improvements to bus services across London;
- c) better integration of the National Rail system with other public transport;
- d) increasing overall capacity of London's transport system; and
- e) supporting local transport initiatives, including

improved access to regeneration areas.

12.5 Chapter 2, Challenges, (VSU.C21, paragraph 2.4) sets out the critical issues of:

- a) supporting London as a growing and prosperous city by meeting the challenge of economic growth and London's world city function;
- b) promoting London as a fair city and a city for people by meeting the challenge of promoting social inclusion and regeneration by providing transport the links and accessibility to underpin economic development;
- c) promoting London as a green city; and
- d) making London an accessible city.

12.6 The Mayor will seek to involve a wide range of stakeholders in the implementation of the Transport Strategy, as set out in Policy 3.2 (VSU.C21).

12.7 Policy 3.3 (VSU.C21) states that transport investment will support sustainable economic growth by:

- a) tackling transport congestion and unreliability where they are acting as barriers to London's economic efficiency particularly in central London;
- b) developing the network and capacity to meet the requirements of London's growth areas including central London;
- c) improving access to key regeneration and development areas including areas within the regional development corridors;
- d) improving access to and within town centres to develop their capacity and role;

- e) addressing the transport needs of Neighbourhood Renewal Areas particularly where this will complement other initiatives to improve access to employment;
 - f) strengthening London's regional, national and international linkages.
- 12.8 Policy 3.4 of the Transport Strategy concerns TfL and the LDA working with relevant agencies to identify and deliver the preferred transport improvements required to facilitate sustainable economic and social development, and environmental improvement.
- 12.9 The overcrowding experienced at Victoria is recognised at paragraph 4C.12 (VSU.C21), with Proposal 4C.9 requiring London Underground to develop and implement a prioritised programme to improve conditions at London's most congested stations. Proposal 4C.10 stating that TfL and LUL will agree a costed and timetabled programme of station and interchange improvements.
- 12.10 Partnership approach is advocated in Policy 4P.1 which states that TfL and the London boroughs will work in partnership with others to take a 'whole journey' approach, ensuring co-ordinated improvements to transport integration and facilitating greater use of public transport, walking and cycling (VSU.C21).
- 12.11 Two revisions to the Transport Strategy have been published since 2001. In August 2004 a revision was made replacing part of section 4G of the original Strategy, relating to the western extension to the Congestion Charging Zone. In July 2006 "The Mayor's Transport and Air Quality Strategies Revisions: London Low Emission Zone" again amending section 4.G.

Sustaining Success: The Mayor's Economic Development Strategy

- 12.12 London's Economic Development Strategy, entitled Sustaining Success, was published by the London Development Agency in January 2005 and details a high level action plan to maintain and promote further growth and development (VSU.C24).
- 12.13 The Overview chapter identifies infrastructure as a priority and the quality of London's environment as a vital aspect of the city's continued success (VSU.C24, pages 11 & 14).
- 12.14 The Strategy, at page 15 (VSU.C24), seeks to build on London's strengths; identify opportunities; address existing weaknesses, including poor environments and pressure on infrastructure; and address looming threats.
- 12.15 Investment in London is divided into investment in places and infrastructure; people; enterprise; and marketing and promotion. Key objectives for investment in places and infrastructure are:
- Support the delivery of the London Plan, to promote sustainable growth and economic development.
 - Deliver an improved and effective infrastructure to support London's future growth and development.
 - Deliver healthy, sustainable, high quality communities and urban environments (VSU.C24, page 23).
- 12.16 These investments should:
- meet the needs of all Londoners;
 - support a good and improving standard of health and quality of life;
 - provide a range of opportunities and choices available

to all (VSU.C24, page 23).

12.17 And should be made in a way that:

- ensures efficient use is made of limited resources
- protects and enhances the environment;
- boosts economic success and prosperity
- promotes social inclusion for all parts of London, and for all its people (VSU.C24, page 23).

12.18 Innovative solutions, such as the reclamation of brown-field sites and integration of transport modes are identified as opportunities on page 24 (VSU.C24). Integrated transport networks are seen as one of London's strengths but infrastructure bottlenecks are perceived as a threat.

12.19 The priorities for central London are identified on page 26 (VSU.C24) as being:

“to maintain the area’s role as a key driver for London’s economy; to support the intensification of uses to meet targets for homes and jobs; to maintain a diverse business base, and to ensure that residents from deprived areas are able to access current and future job opportunities here.”

And continues that:

“There is scope for major new development on the fringes of the central area. Implementation of Crossrail will be important to help relieve transport capacity constraints and to support development of the sub-region’s opportunity and intensification areas.”

12.20 The Strategy also recognises the designation in the London Plan of Victoria as an Area for Intensification. The designation has now been revised to that of an Opportunity Area, as explained in paragraph 6.5 of my evidence.

12.21 Chapter 7, Implementation and Action Plan, identifies ways to identify, secure and make the best use of resources, including getting the most from public sector investment and maximising public sector leverage (VSU.C24, page 64).

Westminster Economic Development Strategy 2008-2011

12.22 Westminster's Economic Development Strategy 2008-2011 (OBJ3/P5/A5) aims to ensure Westminster has a thriving business and enterprise community. It aims to deliver an environment within which businesses can successfully operate.

12.23 The document contains a number of priorities and actions based on three cross-cutting key themes:

- Employment and training;
- Business and support; and
- Business environment.

12.24 The Strategy examines areas within Westminster including West End/Central Activities Zone, South Westminster and North West Westminster. In South Westminster, the Council identifies that there is no shortage of economic activity. Businesses and residents are roughly in balance but the Council recognises that there needs to be more interaction between the two. (OBJ3/P5/A5).

12.25 Westminster further considers that the success of the area is tied in with proposed developments in and around Victoria Station. Cardinal Place is seen as a good start for major development that will take place over the next ten years. The Council working closely with developers to secure construction jobs and end user jobs is identified as a key issue in this part of the borough.

12.26 A range of borough wide priorities and actions are proposed

focussing on employment, training and volunteering initiatives (OBJ3/P5/A5). Specific priorities include:

- promoting Westminster Works to local residents,
- support job seekers into construction training and employment opportunities through the Building London Creating Futures scheme,
- work with Victoria Partnership to establish a Business Improvement District
- work with others to development a 'Community Venture Fund' in South Westminster.

13 Land Securities' Proposals

- 13.1 As I have demonstrated in Sections 9, 10, 11 & 12 of my evidence, there is a long held public policy objective of seeking to regenerate the Victoria area and to optimise the beneficial use of the scarce land within central London, particularly given its proximity to exceptionally high levels of public transport infrastructure, including direct linkage to the international airport of Gatwick.
- 13.2 Ms Colette O'Shea explains the extensive experience of Land Securities in undertaking major development in central London and elsewhere. She also explains the objectives and long-standing commitment to Victoria and to its future.
- 13.3 Land Securities, in discussion with the Mayor of London and the City Council, have sought to promote comprehensive development in the areas to the north of Victoria station. These proposals have taken two forms.

Proposals VT11

- 13.4 The first Victoria Transport Interchange proposal was the subject of a planning application on 17 August 2007, known as Victoria Transport Interchange (VTI) 1. The application area included land north and south of Victoria Street, as shown in the application documents (OBJ3/2/14). This proposal is described in document (OBJ3/1/27 and OBJ3/1/27A).
- 13.5 This proposal was the subject of a report prepared by the Director of Planning and City Development to the City Council's relevant Committee on 6 December

2007(OBJ3/1/30). The report records:-

- a) the previous attempts which have been made to regenerate the area around Victoria station. Reference is made to the proposals brought forward by Greycoat in conjunction with London Underground in 1993. The intention was that this development should provide for new buildings in Terminus Place, a new station and a pedestrian piazza in front of the station and improvement to the District and Circle and Victoria Line ticket halls. Whilst the Greycoat application was refused on the grounds set out in the Committee Report (Section 4.2, OBJ3/1/30), there is recognition that Victoria needed a dramatic and beneficial change,
- b) a subsequent planning application was brought forward by Greycoat responding to the City Council's concerns in respect of height, with other amendments. Planning permission was granted for this proposal in 1996 and expired without being implemented, and
- c) Land Securities purchasing Elliot House in 1999 with an extant permission from 1997. This was not implemented as when renewal of this application was sought in 2002, agreement could not be reached with the City Council and the application was withdrawn in March 2003.

13.6 Over the last three years, Land Securities have sought to bring forward comprehensive regeneration of the area, in dialogue with the City Council. Masterplans were prepared and submitted in November 2005 and March 2006 helping to inform the then emerging Victoria Area Planning Brief (VSU.C42). This Brief was formally adopted in April 2006 to

which I have referred in Section 11 of my evidence.

- 13.7 Following adoption of the brief, Land Securities developed their proposal for VTI 1 in conjunction with Transport for London and it is this proposal, discussed between the parties during 2006/2007, that culminated in the VTI 1 planning application in August 2007.
- 13.8 The significance of the project is indicated by the letter sent by the Mayor of London to Land Securities dated 28 June 2005 (OBJ3/1/26).
- 13.9 In addition, the Commissioner for Transport for London, the organisation responsible for LUL, sent a letter dated 31 July 2007 to the City Council supporting the application (OBJ3/1/29). The promoter, LUL, is a wholly-owned subsidiary of TfL.
- 13.10 The VTI 1 scheme is the subject of extensive public consultation which is summarised in the Director's Report to the Planning and City Development Committee (OBJ3/1/30) explaining the background to the proposals and the issues arising.
- 13.11 In the event, the Committee resolved to welcome the comprehensive approach, as representing the best opportunity to achieve the complex aspirations set out in the adopted planning brief, the full terms of the resolution of the Committee are set out at OBJ3/1/30. The resolution also confirms that the City Council had concerns over the specific formulation of the proposal, including the loss of local planning advantages associated with affordable housing and community benefits in favour of transport benefits and concern of massing, height and scale.

13.12 At present, that application remains undetermined. The applicant and City Council have agreed an extension to the prescribed period within which the application should be determined. This extended period will expire on 1 March 2009 unless a further extension were to be agreed.

Revised Proposals VTI 2

13.13 In the light of the Committee's resolution, further discussions took place between Land Securities and the City Council. The outcome of these discussions is summarised in the letter from the Director dated 6 February 2008 (OBJ3/1/31).

13.14 Further discussions have also been held with the GLA, and, following a pre-application meeting held on 24 June 2008, the GLA's assessment is set out in the letter dated 8 July 2008 (OBJ3/1/32).

13.15 The revised proposals have been the subject of new planning applications submitted on the 19 September 2008. The development site is in respect of a reduced area of land, i.e. excluding the land to the south of Victoria Street, included in VTI 1. These proposals are described in summary in OBJ3/1/33 REF and further detail is illustrated in documents OBJ3/1/28 and OBJ3/1/28A.

13.16 The scale, importance and significance of these applications are substantial and represent some of the largest, if not the largest, combined planning applications considered by the City Council in many years.

13.17 The applications have been structured into three components which overlap to include the whole of the development site. The reasons for this is to seek to ensure compatibility as far

as possible with the constraints created by VSU, as Mr Nigel Earp explains in his evidence. This is however subject to the acceptance of the recommended modifications put forward by Land Securities to this Inquiry.

14 Consideration of Land Securities' Proposals

- 14.1 Whilst it is not the purpose of my evidence to this Inquiry to undertake a fully detailed analytical assessment of each aspect of the VTI proposals against the Development Plan, I have nonetheless prepared a summary assessment in order to seek to demonstrate that, as a matter of general principle, the Land Securities' proposals would accord with the general thrust of development plan policy. I also identify the general conformity of the proposals with the City Council's principal relevant Supplementary Planning Guidance (VSU.C42) and produce, as OBJ3/1/28, the Planning Statement which supports the VTI 2 planning application.
- 14.2 As the Planning Statement (OBJ3/1/28) explains, the applications are structured to assist compatibility with the VSU proposals and create four development scenarios, each of which is analysed.

Spatial Strategy

- 14.3 I referred, in Section 9 of my evidence, to the creation of the Opportunity Area for Victoria, the strategic targets of which are to increase indicative employment capacity to 8,000 jobs with 1,000 minimum new homes being achieved by 2026. The Mayor of London's Central London Sub-Regional Development Framework recognises the need to optimise the relationship between intensity of development and existing potential public transport capacity. (VSU.C28, paragraph 136).
- 14.4 The spatial planning objectives for Victoria are consistent

with the objectives of VTI 2, which are:-

- a) to secure the best possible interchange for public transport users between roads and with the surrounding area.
- b) to provide Victoria with a high quality public realm
- c) to deliver a project to the highest quality of design, based on the principles of sustainable design and construction
- d) to make optimum use of the site's location to provide new retail, office, community and residential accommodation, particularly into London's growth targets and in so doing to take account of the needs of existing and new residents.

14.5 In summary, the thrust of strategic planning policy guidance is to produce significant improvement and development at this major gateway location and transport mode.

Principle of Redevelopment

14.6 Development policy contemplates substantial change and this is reflected within the Victoria Area Planning Brief. Accordingly, the principle of demolition of existing buildings is acceptable.

Land Use

14.7 The proposals provides a good balance of land uses as follows on the table over the page:-

Land Use	GEA (sq m)	Percentages
Office	82,326	62.4%
Retail	12,734	9.3%
Flexible Community / Office space	1,652	1.3%
Residential	35,234	26.7%
TOTAL	131,946	100%

- 14.8 **Office** - the proposals would make a substantial contribution to net additional office accommodation in accordance with the London Plan (VSU.C20) and City Council policies (VSU.C35) for the Central Activities Zone generally and this Opportunity Area in particular.
- 14.9 **Retail** – a variety of Part A uses are to be included in the development which would add to the vitality, visual interest and economic base of the locality, as well as serving those working and visiting the area. The increased numbers of residents would also be able to take advantage of retail provision. Victoria Street is designated as CAZ Frontage in the CLP (VSU.C20).
- 14.10 **Mixed Use** – The CLP (VSU.C20) provides that wherever increases in floorspace are proposed within the Central Activities Zone, additional residential floorspace should be provided. The City Council’s policies also apply this principle to other commercial uses (VSU.C35).
- 14.11 Given that it has been necessary to submit three planning applications, a series of planning obligations are proposed in order to ensure that the most appropriate and practical contribution to implementing mixed use policy would be made. The manner in which this is to be achieved is,

therefore, complex but the approach has been the subject of extensive pre-application discussions with officers of the City Council.

- 14.12 **Housing** – The proposal would provide for a total of 205 new homes, a substantial contribution to meeting the housing targets for the City, set out in the CLP (VSU.C20). The City Council attaches the highest priority to providing housing. A good mix of units is proposed (VSU.C35).
- 14.13 **Affordable Housing** – One of the principal differences between VTI 1 and VTI 2 is that VTI 2 includes the provision of affordable housing on-site. VTI 2 provides for a total of 35 affordable homes be provided, i.e. 24.5% of additional residential units on site.
- 14.14 **Other Uses** – Other uses are proposed and, in particular, a library is being brought forward as part of the provision of community facilities. This would enable the relocation of the St. James's Library and the Victoria Library.

Pedestrian Movement

- 14.15 A number of new well-designed public spaces are being created within an overall strategy for the provision and management of public realm. There would be substantial enhancement to the pedestrian environment as a whole, particularly when linked to the improvement to bus transport facilities.

Conservation and Design

- 14.16 The City Council promotes high quality design and this has been given particular emphasis in public statements made by the Deputy Leader and Cabinet Member for Built

Environment over recent months. The buildings have been masterplanned by a highly experienced design team of international standing. The principles of sustainability in design, construction and operation of the new buildings has been embedded in the design process in accordance with relevant development plan policy and regional and local supplementary planning guidance.

14.17 The effects of the new buildings has been assessed having regard to the World Heritage Site of the Palace of Westminster as well as on the setting of nearby conservation areas and buildings listed as being of special architectural and historic interest.

14.18 A strategic visual impact assessment has been undertaken, having regard to the London View Management Framework (OBJ3/P5/A6), published pursuant to the policies of the CLP. Particular consideration has been given to the viewing corridor from King Henry VIII's Mound in Richmond to St Paul's Cathedral, which crosses the north-eastern corner of the development site

Transport and Movement

14.19 Detailed consideration has been given to the relationship of the VT12 proposals with all modes of transport. The specific inter-relationship with VSU is described and assessed in more detail by Mr Roy McGowan.

Amenity

14.20 Issues concerning security and community safety would be taken into account and sunlight and daylight analysis effects have been undertaken. The Environmental Statement

assesses the effects of noise and wind within, and around, the proposed development site.

Socio Economics

14.21 I have already identified the number of homes which would be created by the development. The Westminster Economic Development Strategy (OBJ3/P5/A5) seeks to boost employment and training, business and support and the business environment. It is estimated that the proposed development would result in 560 local and 764 regional jobs, in demolition and construction, producing £0.37 million local spend per year. A further 3,053 local and 4,163 regional additional jobs would be created and developments completed, providing value to the UK economy of approximately £1.857 billion and producing a net local benefit spend of £2.1 million per year. Thus, the social and economic benefits of the proposal would be considerable.

Environmental Sustainability

14.22 Careful consideration has been given to strategies associated with energy, water, waste, bio-diversity, air quality, flooding and design specification, construction and performance. These are all matters which have been given additional weight in most recent development plan policy, such as the CLP (VSU.C20) and national policy as well as City Council policies (VSU.C35) and guidance.

Accessibility

14.23 The principles of accessibility have been addressed throughout the design process for both members of the public and those occupying and visiting the proposed buildings.

Other Matters

- 14.24 Finally, consideration has been given to issues such as archaeology and public art.
- 14.25 I conclude, therefore, that the principles of the proposal would accord with the development plan, at both strategic and local levels. Productive dialogue has been undertaken with the City Council and the Mayor. Whilst the planning applications have yet to be determined, and there may be matters of detailed development control to be finally resolved, including the precise scope of planning conditions and obligations, nonetheless it is clear that the proposal would represent the most substantial step change in development associated with Victoria for several decades.
- 14.26 This proposal would represent a further stage in Land Securities' long-standing commitment to the Victoria area which has been summarised by Ms Colette O'Shea.

15 Benefits of the Objectors' Proposals

15.1 The proposals would entail the provision of:-

- a. a major improvement to the urban environment of Victoria;
- b. a substantial amount of new housing, meeting both general and affordable housing needs;
- c. modern up-to-date, high quality, large scale office accommodation, the supply for which is generally constrained within the City of Westminster;
- d. substantial new areas of public realm within the site and significant improvements to the public realm around the site;
- e. provision of places and spaces with vibrancy created by retail uses at ground level;
- f. improvements to the distribution and working of the bus network;
- g. a range of public benefits achieved through planning obligations, provided by the social, economic and environmental advantages;
- h. all to be provided in a location which is highly sustainable, being at the heart of the City of Westminster, providing an inclusive mixed use development with immediate access to an extensive public transport system and interchange;
- i. the proposals would also represent a further catalyst for the regeneration of other sites as part of the strategy for the area as a whole and otherwise.

15.2 As I have explained in Section 14 of my evidence, the

underlying principles of the Land Securities' proposals meet the objectives of development plan policy. Furthermore, given the scale and nature of the proposal and the objectives of the Community Strategy (OBJ3/P5/A4) and the Development Plan (VSU.C35), the Land Securities proposal would contribute to the achievement of the well being of City Council's area and would clearly serve the interests of the proper planning of the area. It would also contribute to the promotion of the economic, social and environmental well being of the City Council's area.

- 15.3 I consider, therefore, that the Land Securities' proposals and the benefits which would arise are in the public interest and should be accorded substantial weight in considering the balance to be struck between public benefit and private loss in so far as the consideration of this draft Order is concerned.

16 Implementation of Land Securities' Proposals

- 16.1 The proposals have been the subject of extensive discussion with Local Planning Authority. Given the analysis of the proposal in the light of planning policy, there is every prospect of the scheme going ahead, aside from the blight and delay created by VSU and the draft Order.
- 16.2 Land Securities have the substantial resources required to undertake the proposed development. The City of Westminster and the Mayor are committed to a regeneration strategy of which the VTI forms an integral part.
- 16.3 The anticipated development programme is explained in detail by Mr Nigel Earp appearing on behalf of Land Securities.

17 The Effects of Draft Order Proposals

- 17.1 The draft Order was submitted to the Secretary of State for Transport on 22 November 2007.
- 17.2 The key aims of the Order are:-
1. To increase station capacity
 2. To minimise passenger journey time
 3. To improve quality of access interchange and ambience.
- 17.3 Document MDC2 W5-D1 Scheme Option Selection (VSU.B6) details the selection process and criteria used to identify the preferred VSU option. The criteria and their weightings are as follows: journey time (38%); operational impacts (21.1%); project cost (12.2%); programme (8.3%); buildability (6.5%); stakeholder impacts (6.0%); environmental impacts (6.0%); and utilities (1.5%).
- 17.4 It can be seen that the journey time criteria is very heavily weighted in comparison to the other criteria. Journey time accounts for over a third of the weighting criteria and is weighted at over four times that for buildability, stakeholder or environmental impacts.
- 17.5 I consider that LUL's approach to the analysis of options is flawed as the assessment over-emphasises journey time at the expense of the wider impacts of the VSU scheme. Particularly it does not give an appropriate weighting to stakeholder impacts, and therefore does not adequately address the wider public interest in Victoria.
- 17.6 The Victoria Station Upgrade updated Business Case, dated July 2008 (VSU.B36) explains the approach which has been adopted to analysing the cost and benefits of the appraisal.

Paragraph 4.3 explains that the Business Case has been developed according to rules set out in Transport for London's Business Case Development Manual (VSU.B35) which, in turn, is based on the Department of Transport's 'Web' Transport Appraisal Guidance (Web TAG). I consider that the Business Case does not go far enough and does not fully reflect the relevant guidance for the following reasons:-

- 17.7 The Introduction to Transport Analysis, TAG Unit 1.1 (OBJ3/P5/A7), at paragraph 1.1.1. states:-

"The Green Book, Appraisal and Evaluation in Central Government, provides guidance on appraisal and evaluation in Government... all central departments and executive agencies use this Guide, the latest version of which was released on the 17 January 2003."

- 17.8 Paragraph 1.1.3 (OBJ3/P5/A7) continues that:-

"The Green Book bases appraisal in the context of policy development, discussing the whole process."

- 17.9 TAG Unit 2.7.1 "Transport Appraisal and the New Green Book" (OBJ3/P5/A8) explains at paragraph 1.2.2 that:-

"The GB recognises the need to take account of all the economic, social and environmental and financial impact of an intervention. The GB uses the term "economic appraisal" for this process. The NATA is fully consistent with this approach. The need to integrate consideration of environmental, economic and social impact is central to the NATA method."

- 17.10 Paragraph 1.2.3 (OBJ3/P5/A8) continues:-

"The GB recommends that options should be appraised using cost benefits analysis, with supplementary techniques to be used for weighing up those costs and benefits that remain unvalued."

- 17.11 The introduction and background to the "Green Book

Appraisal and Evaluation in Central Government”, (Green Book) (OBJ3/P5/A9) itself states:-

“1.1 All new policies, programmes and projects, whether revenue, capital, regulatory, should be subject to comprehensive but proportionate assessment, wherever it is practical, so as best to promote the public interest.”

17.12 The text continues:-

“The purpose of the Green Book is to ensure that no policy, programme, project is adopted without first having the answer to these questions:-

- **Are there better ways to achieve this objective?**
- **Are there better uses for these resources?”**

17.13 Chapter 5 of the Green Book (OBJ3/P5/A9) is concerned with appraising the options.

17.14 Paragraph 5.8 states:-

“The relative costs and benefits to Government and Society of all options should be valued and the net benefit or cost calculated.”

17.15 Paragraph 5.9 explains that:-

“In this context, relative costs and benefits are those that can be affected by the decision at hand. Although they will vary depending on the scope of the proposal, some general principles apply. It is useful early on in the appraisal process to consider widely what potential costs and benefits may be relevant.”

17.16 Paragraph 5.12 explains that:-

“Wider social and environmental costs and benefits for which there is no market price also need to be brought into any assessment. They will often be more difficult to assess but are often important and should not be ignored simply because they cannot easily be costed.”

17.17 In estimating the value of benefits, the Green Book explains at paragraph 5.25 (OBJ3/P5/A9) that:-

“In principle appraisals should take account of all benefits to the UK. This means that as well as taking into account the direct effect of the interventions, the wider effects on other areas of the economy should also be considered.”

17.18 Thus, the Business Case and process of promoting the draft Order has not adequately addressed the wider issues associated with the delivery of the renewal of Victoria as a whole.

17.19 The serious adverse effects include:-

- a) The potential blight on the VTI development area through delay, vacancy and deferred or abandoned investment.
- b) The blight affecting the wider Victoria area as a consequence.
- c) The serious disruption to the area through protracted and inadequately co-ordinated construction programme of both VTI and VSU projects.

17.20 The practical effects of the draft Order and the proposed VSU works, in so far as Land Securities is concerned, is described in detail by Mr Nigel Earp.

18 Implications of Public and Private Loss

- 18.1 The benefit to be secured through an upgrade of the Victoria line is common ground. It should also be common ground that it is essential that it is secured so as to ensure a scheme that respects the overarching public interest in the regeneration of the area as a whole.
- 18.2 Additionally it should be recognised by these promoters that they should minimise their interference with private rights to the extent that there is demonstrated specifically to be a compelling need in the public interest that would justify that interference.
- 18.3 In the present case it is clear that the promoters have failed to plan their proposals on either basis, failing to minimise the blight and prejudice to overall regeneration or properly to examine alternatives that would reduce or avoid the interference with, and prejudice to, private property rights including those of Land Securities.
- 18.4 In considering whether VSU should be approved in the form applied for it is nonetheless necessary to balance the diminution in other public benefits and the extent of private loss against the VSU specific benefits.
- 18.5 I have sought to demonstrate that there is a broad public interest framework for the renewal of Victoria. Mr Nigel Earp has identified the extent to which the VTI 2 proposals would be adversely affected by VSU as currently constituted in respect of:-
- a) loss of development potential and capacity

- b) delay in project procurement
- c) increase complexity and risk
- d) additional costs, both public and private
- e) potential prejudice to the implementation of a major regeneration project
- f) substantial public disruption

18.6 It is, therefore, right that this Inquiry should consider whether the VSU proposals as deposited:

- a) should be confirmed as they are currently proposed;
or
- b) could be reasonably modified or supplemented to allow the objectives to be secured in a way that allows simultaneous development of the VSU and VTI sites;
or
- c) cannot be modified to reduce or extinguish these public dis-benefits for the wider Victoria area and should therefore be refused.

18.7 It is in this context therefore that detailed consideration of the other options considered by the applicant needs to be undertaken. The applicant states that a wide range of options were considered and tested at different times prior to the final draft proposals being deposited. Mr Roy McGowan has scrutinised these, together with the related analysis in so far as this is available. I rely on his analysis and evidence in concluding that insufficient consideration has been given to the potential interface options between VTI and VSU. Mr Tim Chapman and Mr Roy McGowan put forward options which not only would better achieve the underlying purposes of the draft Order but also, and importantly, would better serve the

wider public interest objectives for Victoria, as enabled by Land Securities, also to be achieved.

18.8 The Supplementary Environmental Statement at Technical Appendix C, Section 9 (VSU.B06), considers further options proposed by Land Securities. A commentary is provided on Land Securities' proposed Routes A and D. Route A is rejected primarily on the grounds of buildability on which Mr Tim Chapman comments.

18.9 It is noticeable that it was only in May 2008 some six months after the order was promulgated in draft form, that what purported to be a comprehensive comparison was carried out, which in turn was first provided in August 2008 as part of the SES. As is demonstrated in the evidence of other witnesses the consideration was flawed and partial. It is particularly unfortunate that the original decision did not involve discussion with Land Securities, notwithstanding their pivotal role in delivery of regeneration in this area.

18.10 Route D is described as being:-

"...dependent on the uncertain timing and risk of a commercial development which currently does not have planning permission. Accordingly, this option has not been regarded as a main alternative.

However, subject to Land Securities obtaining planning permission for their development and their scheme being coincident with the project, there is scope to incorporate their proposals or similar within the promoter's project."

(VSU.B06, paragraph 9.1.2).

18.11 This suggests to me that the concern over Route D is not its technical transportation performance but rather the matter of procurement. Moreover I note that there was no

consideration at all of different methodologies being adopted such as cut and cover as explained in the evidence of Mr Tim Chapman and Mr Roy McGowan.

18.12 Mr Nigel Earp comments on issues around timing of projects and the issue of coincidence of the VSU project with the VTI project. This demonstrates how the period of substantial disruption of the Victoria area would be substantially extended if the optimum coincidence of the two projects is not resolved.

18.13 It is noticeable that the first consideration of the wider implications appears to have been in appendix D of the SES (August 2008), that is the, "Strategy for the Reinstatement of the Sites of Demolished Buildings," (VSU.M1). This effectively concedes the importance that LUL adapt their scheme so that it can properly work with the wider regeneration proposals in the area and with that implicitly the flaws in their present proposal. Again I note as pointed out by Ms Colette O'Shea, that there was no consultation at all with Land Securities on this document, who saw it for the first time when it was published in August 2008.

18.14 The introduction, Section 1, of Appendix D explains the three groups of buildings that would need to be demolished, being:

(A) 120-124 Victoria Street/3-11 Bressenden Place

(B) Elliott House, Allington Street

(C) 175-179 Victoria Street (VSU.M1, paragraph 1.5)

18.15 Sites (A) and (B) are explained to be contiguous and generally treated as one for the purposes of the strategy (VSU.M1).

18.16 The Reinstatement Strategy (VSU.M1) examines three possible scenarios, which are:-

- i redevelopment as part of the comprehensive VTI scheme proposed by Land Securities;
- ii redevelopment on an individual basis, and
- iii interim site restoration. (VSU.M1, paragraph 1.8)

18.17 Section 2 of the Strategy (VSU.M1) examines Land Securities' sites (A) and (B) in more detail. Paragraph 2.1.2. explains that the acquisition would involve demolition and use of the sites for some years, following which parts of Site (A) would be occupied by permanent LUL infrastructure and a large part of Site (B) will contain permanent sub-surface LUL infrastructure.

18.18 Paragraph 2.1.4 (VSU.M1) explains the on-going discussions concerning Land Securities being granted a long leasehold interest of the surplus air space with a view to its redevelopment by Land Securities. Such an arrangement would allow Land Securities to progress its proposals.

18.19 Paragraph 2.1.5 (VSU.M1) contemplates the absence of agreement between the parties, thus LUL obtaining, or procuring, a planning permission for a suitable scheme of development; any development partner would need to have sufficient resources and expertise.

18.20 Paragraph 2.1.6 of the Strategy explains the failure of LUL to bring forward an acceptable over site development to date and notes the initial proposals put forward by Land Securities.

18.21 The Strategy turns then to future development in more detail, stating:

“...the need for comprehensive redevelopment at Victoria is widely recognised.” (VSU.M1, paragraph 2.2.2).

18.22 The supporting material for the VSU project previous to this document referred only to this important principle by means of relevant policy and the anticipated effects of the VSU works. Reference is not made to this important principle as being part of the aims or objectives for the scheme.

18.23 Reference is again made to Lands Securities' proposals submitted through a VTI planning application.

18.24 In considering redevelopment on an alternative basis, in the absence of a comprehensive redevelopment scheme, reference is again made to the potential demonstrated by Land Securities' original proposals for VTI, described as the Lynch 7c Building.

18.25 The Strategy for the Reinstatement of the Sites of Demolished Buildings effectively concedes that comprehensive redevelopment of the wider area should be secured to include the air space above the stations with Land Securities being the developer, which was a principle originally agreed between LUL and Land Securities.

18.26 The failure to resolve this has resulted from LUL adopting a scheme that evidently failed to have regard to how that objective could be achieved and the blight and prejudice avoided or minimised. If LUL decline to do this, it is for the Secretary of State for Transport to give detailed and specific consideration as to how this issue should be properly

resolved. The consequences of a failure to resolve this matter are severe, including:

- a) consecutive VSU and VTI development programmes creating many years of substantial disturbance and blight to this part of the Victoria area;
- b) unnecessarily delaying the necessary regeneration of Victoria;
- c) an increased prospect of delaying restoration of air space post VSU and prejudice to the other benefits which I have identified as flowing from Land Securities' VTI project; and
- d) prejudice to the overall delivery of a regeneration scheme.

18.27 Apart from the matter of available transport solutions, there is the further matter as to how the overall public interest is best served in considering the interrelationship between VTI and VSU. If the overall public interest is served equally well in adopting Land Securities' options and modifying the Order accordingly then, having regard to the interference with Land Securities rights, the deposited scheme should be rejected for that reason alone.

18.28 This matter of interference is given additional weight by detriment to Land Securities interests, when tested against the Human Rights Act to which I have referred in Section 4 of my evidence.

18.29 Mr Nigel Earp's evidence demonstrates that the promoter seeks permanent acquisition of land where temporary rights

would be quite sufficient in order to enable the VSU proposals as deposited, or as modified, to be implemented.

18.30 Article 24 of the draft Order provides for the temporary use of land for construction works. The parcels to which the Article applies are set out in Schedule 6 describing land of which temporary possession may be taken. This matter has been the subject of correspondence between Land Securities and the promoter, including in the letters:

- Sharpe Pritchard to Bircham Dyson Bell, dated 29 April 2008 (OBJ3/1/20);
- Bircham Dyson Bell on behalf of the promoter to Sharpe Pritchard, dated 22 May 2008 (OBJ3/1/21);
- Sharpe Pritchard's reply dated 1 July 2008 (OBJ3/1/22); and
- Bircham Dyson Bell's further reply dated 17 September 2008 (OBJ3/1/23).

18.31 Ms Colette O'Shea explains the land in respect of which Land Securities suggest Article 24 could reasonably be invoked, depending upon the method of procurement and the reasonable timing for return of the land having regard to the provisions of Article 24 (3) of the draft Order (VSU.A02).

18.32 Having regard therefore to the provisions of the relevant Circular (VSU.D10), it is necessary for the promoter to put forward a compelling case in the public interest to justify this degree of interference.

18.33 It is also necessary to assess the private losses of Land Securities and to give these significant weight, given the role of the company in delivering a substantial part of the renewal

of Victoria.

- 18.34 These private losses are considerable. A substantial amount falls within the terms of the compensation code and Mr Robert Fourt, in his evidence, has identified the potential scope for, and scale of, compensation.
- 18.35 This issue of the scale of compensation is not just a matter of meeting private losses. It is also a matter of considering firstly, the ability of the promoter to fund the compulsory acquisition and, secondly, whether the best use is being made of the public purse, i.e. if through modification of the deposited proposals, a substantial reduction in compensation potentially payable could be achieved, then this in itself is also a public benefit to be given weight in striking the overall balance.
- 18.36 **Ability to Fund** - Mr Robert Fourt identifies the provision which the promoter has made within the business case for compensation. For the reasons which Mr Robert Fourt explains, this appears to be a substantial under-estimate of the financial resources required.
- 18.37 This matter is particularly relevant in consideration of the provisions of paragraph 20 of Circular 06/2004 (VSU.D10), concerning the resource implications of both acquiring the land and implementing the scheme for which the land is required. No indication has yet been given by LUL as to how these potential short-falls are intended to be met.
- 18.38 Having regard to the provisions of paragraph 21 of the Circular, it is important that the Secretary of State can be reassured that it is anticipated that funding would be available to enable LUL to complete the compulsory

acquisition within the statutory period, following confirmation of the Order. This matter has the potential to constitute a financial impediment, having regard to paragraph 22 of the Circular (VSU.D10).

18.39 **Prudent Use of Public Resources** - Mr Robert Fourt, in his evidence, has also undertaken an exercise in seeking to estimate the degree to which potential compensation payable would be reduced were the modifications proposed by Land Securities to be accepted by the Secretary of State and the draft Order modified accordingly. This shows that there would be a substantial saving to the public purse and demonstrates that this is one immediate way in which the Secretary of State can be better reassured that adequate funding is being made available. Whilst the precise amount of compensation payable is clearly a matter for the future, and if not resolved by agreement, a matter for the Lands Tribunal, nonetheless the potential scale of savings is considerable.

18.40 **Blight** – I have described the extent to which this part of Victoria should be viewed as an area in need of regeneration and renewal. Land Securities has been undertaking a process of site assembly with vacant possession of buildings being secured as Ms Colette O’Shea explains.

18.41 The importance of Victoria and its need for regeneration and investment in has been recognised by both the Mayor and the City of Westminster through its designation as an Opportunity Area and the publication of the Victoria Area Planning Brief.

18.42 It is a major central London location for office and retail employment within the CAZ and an existing transport

interchange with National Rail, Underground, bus and coach links. As such it is a highly sustainable location which should be improved and developed to reach its full potential.

- 18.43 Both the site and the surrounding area are self-evidently tired and run-down and need rejuvenation. There is clearly no stimulus to short-term investment. It is therefore a matter of serious concern, within the terms of public policy, if the effect of the Order, once confirmed, would be to delay investment unnecessarily resulting in more empty buildings and degradation of local environment.
- 18.44 Extensive demolitions are proposed by the promoter and there are no over-site development proposals before this Inquiry either as free-standing or as combined with Land Securities' proposal. As such, there is no assurance that proposals will be brought forward that will be integrated and compatible with the wider regeneration of Victoria.
- 18.45 The only comprehensive emerging regeneration project, including all over-site development, is that promoted by Land Securities. This would provide a high quality redevelopment bringing new residents and employment to the site, as well as improving the townscape of Victoria. In the wider sense, the improvements in townscape and public realm will facilitate and attract further investment in Victoria, stimulating regeneration of the whole area.
- 18.46 Thus were the draft Order to be confirmed without modification, these effects of blight and disincentives to investment constitute major public disbenefits

19 Conclusion on Matters Arising - Policy and Legislation

19.1 In conclusion, therefore, I respond to the specific matters raised by the Secretary of State for Transport which I have addressed in my evidence as follows:-

Matter 2

19.2 The particular proposals for VSU, as set out in the draft Order, are not wholly consistent with relevant policies in so far as they do not address the full spectrum of policy objectives for Victoria sufficiently.

19.3 This deficiency is capable of being resolved through the modifications which Land Securities propose. These modifications would better enable the renewal of Victoria to take place in accordance with national, regional and local planning policy and bring forward and enhance the significant public benefits which such renewal would represent.

19.4 It is for this reason that the benefits of the VSU proposals are not optimised and there are substantial transportation, regeneration, environmental and socio economic dis-benefits.

19.5 Insufficient consideration has been given to an alternative and the promoters have not adequately considered other options nor explained why the solutions proposed by Land Securities should not be pursued as demonstrated by Mr Roy McGowan's analysis of Section 4.2 of the Supplementary Environmental Statement (VSU.A31) and related documents.

Matter 3

- 19.6 The draft Order would have a substantial impact on Land Securities rights of access to the company's property in order to undertake the necessary redevelopment. Insufficient justification has been made for the extent of interference in these rights.

Matter 4

- 19.7 The particular proposals of VSU have not been prepared in order to ensure that they are sufficiently compatible with Land Securities' proposals for which planning applications for planning permission have been made. This is despite the considerable efforts made by Land Securities, as explained by Ms Colette O'Shea and Mr Nigel Earp, to find a mutually acceptable solution.

Matter 6

- 19.8 The steps taken by the promoter to mitigate the adverse impacts of the scheme on important wider public, as well as the private, interests are inadequate, particularly having regard to the constructive modifications put forward by Land Securities.

Matter 7

- 19.9 In the light of these matters and having regard to all the evidence produced by Land Securities, I conclude that insufficient justification has been made, having regard to paragraphs 16-23 of the Circular (VSU.D10).
- 19.10 The interference with Human Rights, pursuant to Article 1 of

the First Protocol (OBJ3/P5/A2), has not been sufficiently justified and as proposed, is disproportionate. There is a more balanced solution between public benefit and private loss which could be achieved.

19.11 Therefore, the compelling case in the public interest has not been made out.

Matter 10

19.12 Insofar as the resource implications of the proposed scheme are concerned, firstly these have been underestimated and there is insufficient assurance before the Secretary of State. Secondly, it is a matter of public interest that these resources and expenditure implications should, in any event, be reduced, which would be achieved if the solutions put forward by Land Securities were to be accepted and the draft Order modified accordingly.

19.13 If funding is insufficient, this has the potential to create significant blight in the very area where regeneration is needed. Investor confidence needs to be stimulated and supported, especially in the present commercial climate and it is imprudent and highly undesirable that additional risk and uncertainty should be created in undertaking such a project, especially when, as the evidence of Land Securities demonstrates, this could be reasonably and readily avoided.

20 Proposed Conditions

- 20.1 Land Securities have put forward proposed modifications, for the Inspector and the Secretary of State to consider. In the event that these modifications were to be accepted, it would be appropriate for conditions to be imposed as will be presented set out in a future document.
- 20.2 If in the alternative the draft Order were to be confirmed without modification, then Land Securities would urge that the conditions be imposed to be set out in a separate future document.

21 Declaration

- 21.1 I confirm that insofar as the facts stated in my proof of evidence are within my own knowledge I have made clear which they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.
- 21.2 I confirm that my proof of evidence includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 21.3 I confirm that my duty to the Inspector and the Secretary of State as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 21.4 I confirm that I am neither instructed, nor paid, under any conditional fee arrangement.
- 21.5 I confirm that I have no conflicts of interest of any kind other than those already disclosed in my proof of evidence.
- 21.6 I confirm that my proof of evidence complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in *Surveyors Acting as Expert Witnesses (RICS Practice Statement and Guidance Note)*.
- 21.7 I confirm that my proof of evidence complies with the requirements of the Royal Town Planning Institute, as set down in the revised Royal Town Planning Institute "*Chartered Town Planners at Inquiries – Practice Advice Note 4*".

A handwritten signature in black ink, appearing to read "H. J. W. Bullock". The signature is written in a cursive style with a long, sweeping underline.

Signed: H J W Bullock

Date: 26 September 2008