

Church Street Estate (Sites A, B and C)

Local Planning Authority: Westminster

local planning authority reference: 21/08160/COOUT

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

A hybrid application including full planning permission for Site A, for the demolition of all buildings on Site A and erection of mixed-use buildings providing ground floor flexible commercial use floorspace (Use Class E), a library (Use Class F1), market storage (Use Class B8), residential units (Use Class C3) and associated works; and an outline application for Sites B, C and Church Street Market (all matters reserved) for: Redevelopment of the sites to provide flexible commercial floorspace (Use Class E); community floorspace (Use Class F1 and F2); drinking establishment floorspace (Use Class Sui Generis); market Storage (Use Class B8), and residential floorspace (Use Class C3) and associated works and infrastructure.

The applicant

The applicant is **Westminster City Council** and the architect is **Bell Philips Architects** and **Mae Architects**

Strategic issues summary

Estate regeneration: The principle of demolition of the existing housing estate is accepted. The proposed redevelopment seeks to re-provide the existing quantum of social rent units and would result in an increase in habitable rooms. The scheme also proposes additional social rent and intermediate rent affordable housing. The principles of the Mayor's GPGER have been followed. The applicant must provide more detail on the decant strategy (paragraphs 17 to 40).

Affordable housing: The affordable housing offer is 51% on the net uplift comprising 47% social rent and 53% intermediate rent (London Living Rent). As an estate regeneration scheme resulting in the loss of existing housing, it is automatically subject to the Viability Tested Route. The offer is in the process of being reviewed and is dependent on grant funding. Obligations relating to affordability, the inclusion of early, mid and late stage viability reviews should be secured in the s106 agreement (paragraphs 70 to 80). Other issues on **community use, market, commercial uses, equality, residential quality, urban design, heritage, transport, sustainability** and **environmental issues** also require resolution prior to the Mayor's decision making stage.

Recommendation

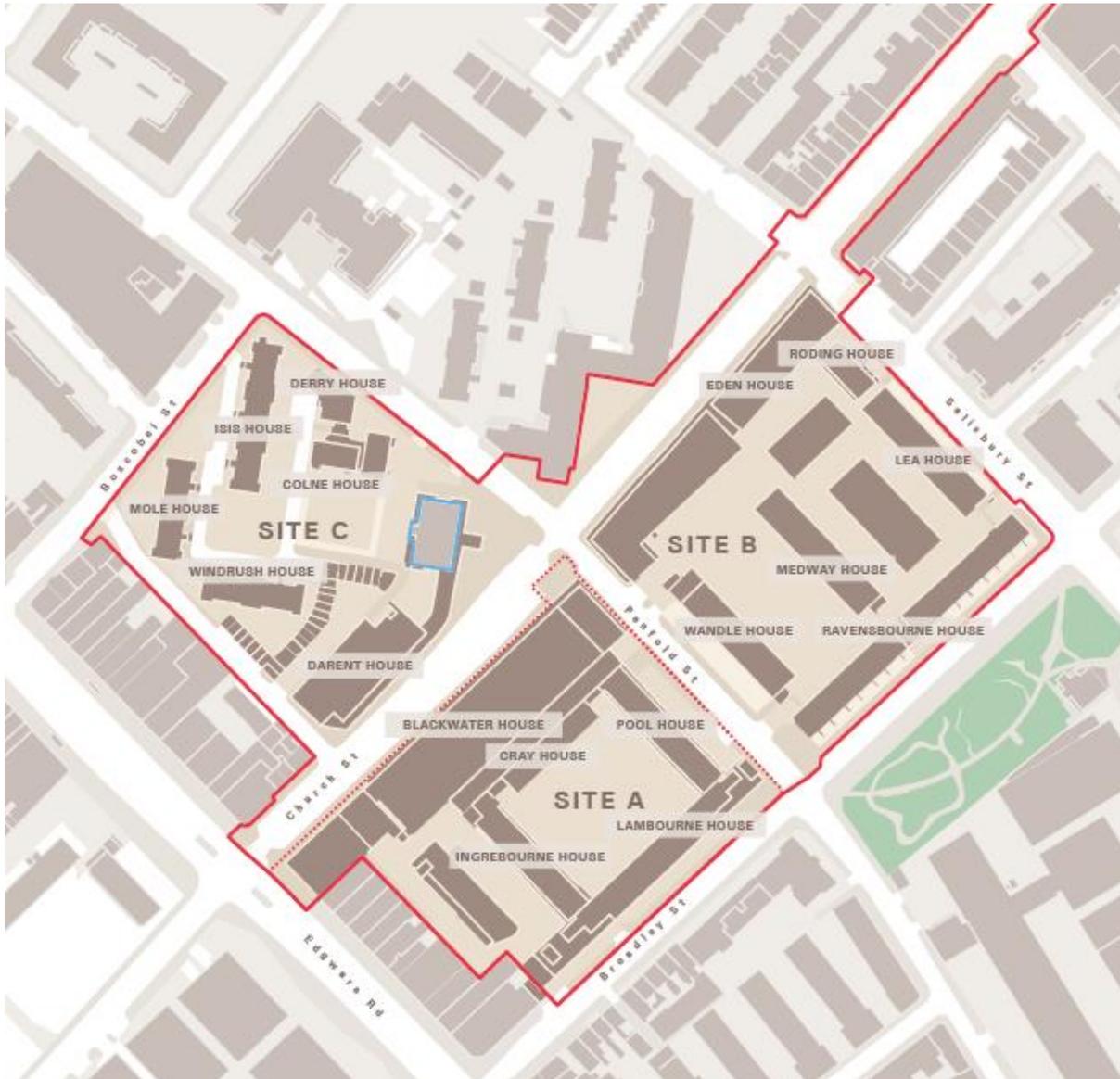
That Westminster Council be advised that the application does not yet comply with the London Plan for the reasons set out in paragraph 169. Possible remedies set out in this report could address these deficiencies.

Context

1. On 10 December 2021 the Mayor of London received documents from Westminster Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.
2. The application is referable under the following Category/categories of the Schedule to the Order 2008:
 - 1A: "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats"
 - 1B: "Development outside Central London and with a total floorspace of more than 15,000 square metres"
 - 1Cc: "The building is more than 30 metres high and is outside the City of London"
 - 3A: "Development which is likely to result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats)."
3. Once Westminster Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or, allow the Council to determine it itself.
4. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.
5. The Mayor of London's statement on this case will be made available on the GLA's public register: <https://planning.london.gov.uk/pr/s/>

Site description

6. Church Street sites A, B and C form part of the Church Street Masterplan, which was published by Westminster City Council (WCC) in December 2017. All three sites are located to the east of Edgware Road and are made up of three, regularly shaped street blocks, either side of Church Street as shown on the diagram below:



7. Further details of sites A, B and C is provided below:

- Site A (bounded by Church Street, the rear of buildings fronting Edgware Road, Broadley Street and Penfold Street): This site consists of a post war housing estate ranging in height up to five storeys with retail uses at ground floor along Church Street. The site also includes a supermarket and betting shop on Edgware Road (Nos. 384-386).
- Site B (bounded by Church Street, Salisbury Street, Broadley Street and Penfold Street): This site comprises a four storey post war housing estate with basement parking. The site also includes ground floor retail along Church Street including a library/ community building.
- Site C (bounded by Venables Street, Boscobel Street, Penfold Street and Church Street): The site comprises several housing estate blocks ranging in height up to 5 storeys. Venables Street provides access to a large outdoor storage area used for storage by Church Street Market traders. A Tesco food store is located on Church Street with housing above. To the

east of the site is a 16 storey residential tower with retail uses at ground floor level known as Kennet House; this building is excluded from the application site. It is understood that there is a migrant resource centre and community hall in Derry house on Penfold Street.

8. The application site boundary also includes the length of Church Street between Edgware Road and Lisson Grove. A long established daily street market is held along Church Street.
9. The whole application site area is 3.84 hectares. In terms of strategic designations, the site lies within the Edgware Road/ Church Street District Town Centre. A small portion of the site that directly abuts Edgware Road falls within the Central Activities Zone. The site also falls within two Air Quality Focus Areas. The site also lies within a Strategic Area for Regeneration.
10. There are no listed buildings on site, however there are several in the wider area including Marylebone Lower House North Westminster Community School which is Grade II* listed and lies to the south of site; as well as several other Grade II listed buildings to the south and east of the development site. Paddington Green Conservation Area lies to the west of the site and Lisson Grove to the east. Fisherton Road Estate Conservation Area also lies to the north.
11. The nearest London Underground station is Edgware Road approximately 300 metres to the south of the site and is served by Bakerloo, Circle, Hammersmith and City and District Line services. Marylebone and Warwick Avenue stations are also within walking distance. The site is well served by buses, with stops for 7 services within walking distance. Consequently, the site has a Public Transport Access Level (PTAL) between 6a to 6b, on a scale of 0-6b, where 6b is highest.

Details of this proposal

12. The proposals involve the redevelopment of Sites A, B and C (with the exception of Kennet House on Site C, which is to be retained) to provide:
 - Site A: Detailed application for the erection of buildings up to 14 storeys to deliver up to 429 residential units, 541 sq.m. of community floorspace (Use Class F1 and F2); 711 sq.m. of commercial floorspace (Use Class E); and 2,102 sq.m. of plant space and 1,511 sq.m. of parking/ deliveries hub and associated works including provision of market infrastructure.
 - Site B and C: Outline application for the erection of buildings up to 12 storeys and deliver of up to 2,375 sq.m. of flexible commercial floorspace (Use Class E); up to 459 sq.m. of community floorspace (Use Class F1 and F2); up to 429 residential units; 174 sq.m. of public house (sui generis); 2,532 sq.m. of plant space and 6,989 sq.m. of parking and delivery hubs and associated works including the provision of market infrastructure.

Case history

13. A number of pre-application meetings were held with the applicant on 13th February 2019 (Ref. GLA/5008) 8th April 2020 (Ref. GLA/5008/01), 25th August 2021 (Ref. 2020/6316), 1st and 2nd September 2021 (Ref. 2021/0643/P2F and 2021/0829/P2F). The most recent meetings in 2021 were topic based and focused on energy and viability matters. In summary, GLA officers have expressed support for the proposals in principle subject to the re-provision of all existing social rent units on a like for like basis and in accordance with the requirements of the London Plan and Mayor's Good Practice Guide to Estate Regeneration (GPGER) and the delivery of additional affordable housing. It was also advised that existing social and community facilities should be replaced in full and temporary accommodation provided to ensure continuity of service as required. Detailed advice was also provided in respect of the market, and proposed commercial uses, design, access, energy, and sustainability as well as viability.

Strategic planning issues and relevant policies and guidance

14. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Westminster's City Plan (2021) and proposals map; and the London Plan 2021.
15. The following are also relevant material considerations:
 - The National Planning Policy Framework and National Planning Practice Guidance;
 - National Design Guide;
 - National Model Design Code; and
 - Church Street Masterplan (2017).
16. The relevant issues, corresponding strategic policies and guidance (supplementary planning guidance (SPG) and London Plan guidance (LPG)), are as follows:
 - Good Growth - London Plan;
 - Economic development - London Plan; the Mayor's Economic Development Strategy; Employment Action Plan;
 - Regeneration Area - London Plan; the Mayor's Economic Development Strategy;
 - Housing - London Plan; Housing SPG; the Mayor's Housing Strategy; Play and Informal Recreation SPG; Character and Context SPG; Good Quality Homes for All Londoners draft LPG;

- Affordable housing - London Plan; Housing SPG; Affordable Housing and Viability SPG; the Mayor's Housing Strategy;
- Re-provision of housing - London Plan; Housing SPG; the Mayor's Housing Strategy; Play and Informal Recreation SPG; Character and Context SPG; Affordable Housing and Viability SPG;
- Retail and office - London Plan;
- Community facilities - London Plan; Social Infrastructure SPG;
- Urban design - London Plan; Character and Context SPG; Public London Charter LPG; Housing SPG; Play and Informal Recreation SPG; Good Quality Homes for All Londoners draft LPG
- Heritage - London Plan; World Heritage Sites SPG;
- Inclusive access - London Plan; Accessible London: achieving an inclusive environment SPG; Public London Charter LPG;
- Sustainable development - London Plan; Circular Economy Statements draft LPG; Whole-life Carbon Assessments draft LPG; 'Be Seen' Energy Monitoring Guidance LPG; Urban Greening Factor draft LPG; London Environment Strategy;
- Air quality - London Plan; London Environment Strategy; Control of dust and emissions during construction and demolition SPG; Air Quality Neutral draft LPG; Air Quality Positive draft LPG;
- Ambient noise - London Plan; London Environment Strategy;
- Transport and parking - London Plan; the Mayor's Transport Strategy; Sustainable Transport, Walking and Cycling draft LPG;
- Equality - London Plan; the Mayor's Strategy for Equality, Diversity and Inclusion; Planning for Equality and Diversity in London SPG;
- Waterways - London Plan;
- Biodiversity - London Plan; London Environment Strategy; Urban Greening Factor draft LPG.
- On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. To the extent that it is relevant to this particular application, the WMS has been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation. Further information on the WMS and guidance in relation to how the GLA expect local planning authorities to take the WMS into account in decision making can be found [here](#).

Land use principles

Estate regeneration

17. London Plan Policy H8 requires that any developments which involve the loss of existing housing be replaced by housing at existing or higher densities with at least the equivalent level of floorspace. In this regard the development involves the redevelopment of a residential estate comprising 400 existing residential units. The proposals would involve the development of up to 1,121 new units resulting in the net gain of 721 homes and a significant increase in floorspace. As the existing estate contains 228 affordable homes, due consideration must also be given to alternatives to redevelopment balanced against the wider social and environmental impacts compared alternative options such as refurbishment.
18. In this regard, the submission identifies a number of issues affecting the site and its residents which have resulted in the decision to redevelop the estate. Namely that the area is suffering from severance caused by surrounding transport infrastructure creating barriers to accessibility and movement into and out of the area. The submission cites other factors such as high levels of deprivation. The area scores within the lowest fifth of the GLA's well-being index which considers indicators such as health, economic security, safety, families, accessibility and community. Overcrowding is also identified as an issue for up to 19% of social housing properties in the application site. The site and wider area are also identified as being deficient in public open space. Having regard to the evidence put forward by the applicant, the principle of demolition is accepted.
19. In addition to this, the applicant has confirmed that the proposals would result in the replacement of all existing affordable units and would also result in an uplift in habitable rooms as detailed below:

Table 1: Proposed social rent re-provision

	Existing	Proposed	Net change
Units	228	357	129
Hab rooms	545	1,019	474

20. The development would result in the provision of 49,027 sq.m. of affordable housing (social rent and intermediate), an increase of 36,277 sq.m. on the existing. Whilst a full breakdown of affordable housing floorspace has not been provided by tenure due to the outline nature of Sites B and C, in overall terms the above table confirms that there would be a considerable increase in social rent units and habitable rooms which would equate to a significant increase in floorspace. Furthermore, in terms of the replacement social rent units alone, all 228 existing social rent units would be replaced comprising additional 72 habitable rooms. As such, the requirement for like-for-like re-provision in London Plan Policy H8 has been met.

21. As required by Policy H8, the application would be subject to the Viability Tested Route. A financial viability assessment has been supplied which is currently being considered by GLA officers to determine whether the offer comprises the maximum level of additional affordable housing deliverable. This is discussed in more detail in the affordable housing section of this note.

Mayor's Good Practice Guide to Estate Regeneration

22. The GPGER also provides clear guidance to developers and local authorities on how the design of such schemes should be developed. The overall objectives of estate regeneration proposals should be to:
 - deliver safe and better quality homes for local people;
 - increase the overall supply of new and affordable homes; and
 - improve the quality of the local environment through a better public realm and provision of social infrastructure (e.g. schools, parks, or community centres).
23. Extensive, transparent and meaningful consultation with residents and the wider community from the outset is identified as one of the most important factors in delivering successful estate regeneration schemes. In this regard, the applicant has submitted a Statement of Community Involvement (SCI) which provides details of the consultation strategy employed on the scheme.
24. Consultation on key priorities for the regeneration of Church Street sites began in October 2018. Delivering new, affordable homes was identified as one of the top priorities followed by improvements to health and wellbeing and more diversity in market traders. Consultation on various development options took place in spring 2019, consultation on the emerging proposals took place again in 2020 and pre-planning consultation in early 2021. The SCI clearly sets out the key issues raised by respondents at consultation stage and how the applicant team have responded to these comments through the design of the proposals.
25. The applicant has utilised a wide range of consultation methods to involve the community and other stakeholders in developing the proposals including:
 - Newsletter – distributed locally, containing project updates, information about events, and features of interest
 - Website – providing information on the background to the project and updates, including newsletters for those who prefer to read online
 - Door knocking – visiting residents to tell them about upcoming events and to raise awareness of the proposals
 - Letters and emails – to residents and stakeholders, outlining project updates

- Drop-in sessions – to find out more about the proposals and to ask questions about how specific properties would be affected
 - Webinars – hosted by the Council and design team to present the proposals, explain how to give feedback, with Q&A sessions
 - Informative workshops and specific group meetings, in person and online – for specific groups, such as leaseholders, tenants, residents groups and businesses
 - Regeneration Base – an onsite office and one-stop-shop for residents to drop-in and talk to the project team
 - Site walkabouts – group sessions with the design team to highlight design issues and improvements needed
 - Public exhibitions and pop-ups – to share consultation materials and project progress, with residents able to ask questions and offer feedback
 - Digital consultation platform – a Commonplace consultation website was used during the PrePlanning Consultation to enable residents to feedback in a fully transparent way
 - Consultation responses – on paper, online, via email, via phone, and in stakeholder briefings
 - Workshops, meetings, drop-ins – the comments and discussions made by participants were recorded and used to influence the plans
 - Regular stakeholder briefings – for the ward councillors and the Neighbourhood Forum
26. As well as residents of the estate, the applicant has engaged with residents in the surrounding area (circa 7,000 residences in the wider area have been kept informed of the proposals); businesses and market traders on and around Church Street as well as numerous local stakeholder and amenity groups. In respect of business owners and market traders on the application site, the applicant has initiated an ongoing business support programme and the Church Street Business Forum to engage with local businesses as well as a dedicated retail consultant to provide advice and support.
27. A vacant unit on Site A has also been used as a drop in centre (known as Regeneration Base) where the community can source information and advice about the proposals. An Independent Tenant and Leaseholder advisor has also been commissioned to provide advice to residents affected by the proposals since 2018. They have hosted consultation events and community outreach to make residents aware of their services.
28. However, a ballot has not been undertaken, which is a pre-requisite of GLA funding. Nevertheless, the financial viability assessment suggests that that GLA funding is being sought. Further discussion on this matter is required.

29. In summary, the submitted SCI demonstrates that the consultation strategy employed has been extensive and transparent, and, except for the absence of a resident's ballot, fully aligns with the requirements of the GPGER.
30. The GPGER requires that residents who have to move off site are given a full right to a new home on the regenerated estate of adequate size for their needs, on the same or similar rent and the same security of tenure. In this regard, it has been confirmed that all social residents would be have a right to return, all replacement units would be provided at social rent levels as existing and would be afforded the same security of tenure. However, further details on the decant strategy are required, as per paragraph 40 below.
31. It is understood that each social rent household would be offered a £7,100¹ home loss payment for having to move from the site. This is in addition to being able to claim back reasonable costs associated with moving.
32. Furthermore, all resident leaseholders have been offered a new home on the estate. The applicant is urged to assist leaseholders in purchasing a replacement property through the employment of shared equity, equity loan or shared ownership schemes.
33. According to the Council's Policy for Leaseholders in Renewal Areas 2018 resident leaseholders would be offered compensation equal to the open market value of their property in addition to a home loss payment equal to 10% of the market value. Moving costs would also be reimbursed. For non-resident leaseholders, the loss payment would be equal to 7.5% of the value of the property. For leaseholders wishing to return to the estate, the Council would assist them in purchasing a property by either offering an equity loan or on a shared equity basis. Shared ownership is also an option under the terms of the Policy but is only available to leaseholders who are not eligible for the equity loan or shared equity option. This is in line with the provisions of the GPGER and therefore welcomed.
34. It is ordinarily expected that such provisions be secured through an appropriately worded Section 106 obligation. However, this may not be possible in this instance as the applicant is the Council. Additional options should therefore be considered, and as with other matters normally secured through a S106 planning agreement, full details of how this would be secured should be clearly set out by the applicant to enable GLA officers to reach a view on whether the provisions proposed are sufficiently robust and legally enforceable.

Better quality homes

35. The GPGER requires that residents who have to move off site are given a full right to a new home on the regenerated estate of adequate size for their needs.
36. The table below provides details of the existing and proposed mix of social rent units:

¹ This amount is reviewed annually and increases with inflation.

	1 bed	2 bed	3 bed	4 bed	5 bed	total
Existing social rent	147	11	67	3	0	228
Replacement social rent	134	42	39	11	2	228

37. The proposed replacement social rent mix includes an improved distribution of unit sizes including a greater number of 2+ bed units and 4+ bed units which has been informed by housing needs assessments. The applicant should also confirm that the replacement housing makes appropriate provision for residents wishing to return to the estate with specific accessibility needs (wheelchair accessible housing for example). This applies to returning resident leaseholders also.
38. The phasing strategy dictates that Site A be redeveloped first, followed by Site B and then C. The final phase would involve works to the public realm along Church Street.
39. In terms of Site A, it is understood that of the existing 98 social rent homes and 47 leasehold properties, 76 secure tenants have already moved from Site A, either temporarily or permanently. All have been rehoused within Westminster. Of the 76 rehoused, 44 households have expressed a desire to move back to the estate. The remaining have chosen to permanently move to another home in Westminster. There remain 22 social rent tenants on Site A, 15 have expressed a wish to return to the estate.
40. The applicant is required to confirm that existing residents who would be relocated (including those who have already been rehoused) would be provided with a home of adequate size and accessibility (wheelchair adapted for example) for their needs; are on the same or similar rent as before and have been afforded the same security of tenure (instances where residents have been permanently rehoused).
41. In terms of the 47 leaseholders, 2 resident leaseholders have been rehoused and 2 have expressed a wish to return to the estate.
42. Full details of the decant strategy for the remaining residents of Site A together with Sites B and C should be provided noting that the applicant should aim to ensure that the majority of residents only move once. The Estate Regeneration Statement should also set out indicative timescales for commencement and completion of each phase. The appointment of a dedicated relocations team to assess housing need and assist with relocating existing residents is reassuring.

Market

43. The application site frontage onto Church Street is within a district town centre and Church Street is also home to a historic market. Policy E9 of the London Plan seeks to support London's markets in their full variety, including street markets, covered markets, specialist and farmers' markets, complementing

other measures to improve their management, enhance their offer and contribute to local identity and the vitality of town centres.

44. Church Street market has its origins in Portman Market, a covered hay and vegetable market that was established in the 19th century adjacent to Church Street. When the market closed in the early 20th Century traders continued to trade on Church Street. The existing market operates Monday-Saturday 8am-6pm with 135 pitches between Edgware Road and Salisbury Street, Monday to Friday, and 220 pitches between Edgware Road and Lisson Grove on a Saturday. The daily market sells a range of products serving the local community including fresh food, flowers and plants, household goods, bags, clothing, shoes, delicatessen and international take away food. The market expands on a Saturday with more stalls at the north-eastern end selling antiques, bric-a-brac and furniture.
45. The submission identifies the following issues affecting the market:
 - a lack of storage in the vicinity of the market leading to issues around congestion, air pollution and noise from servicing vehicles;
 - The storage facilities that do exist are very poor quality and difficult to access;
 - There are also no formal welfare facilities for market traders; and
 - There is a lack of electrical and water infrastructure for stallholders or formal provisions for dealing with refuse.
46. As part of the proposals, dedicated van parking, storage and welfare facilities for market traders are proposed to be provided at the ground floor of Site A and B. Direct pedestrian access is provided to Church Street from these facilities. The applicant should clarify what proportion of existing traders would be able to make use of the planned storage facilities at any one time or whether storage facilities would still be required elsewhere. Details as to how the market would be managed in this regard should be secured as part of a management pack post decision.
47. The public realm and infrastructure work would involve redesigning and replacing the existing pavement and road. This would result in new pitch locations toward the centre of the street. These works would also include the provision of water standpipes, electrical points, and new pitch demarcations, which is welcomed.
48. The Estate Regeneration Statement provides an outline strategy for the management of the market during construction. Small areas of the market make need to be suspended during the construction of Site A and pitches relocated. During works to the public realm, due to the disruptive nature of the works, trading from affected pitches will be suspended. The works will be phased in small increments with each increment expected to last approximately 2 weeks but no longer than 4 weeks. A condition or obligation requiring the

submission of a detailed management plan to ensure that the market continues to trade during construction should be secured.

49. In the interests of protecting the market's identity and extensive variety of products for sale, the costs associated with renting the new market pitches and use of ancillary facilities must not be prohibitive. The applicant's intentions in this regard should be clarified.

Social and community

50. The existing library is set behind the existing residential blocks in Site B with a small community garden adjacent to it. The library is approximately 848 sq.m. and set over three floors.
51. The library is proposed to be re-provided on Site A, the first phase of the development. The replacement library would be 541 sq.m. in size and occupy two floors. It would also have a small, dedicated garden adjacent to the rear as existing. The proposed library is designed to be a flexible space to accommodate community use in addition to a library. The proposed library would also provide a range of uses and be managed in order to accommodate and meet the wider needs of the local community.
52. Other than the library's relocation to a more prominent position and the fact that it would perform better from an environmental perspective, the submission currently does not sufficiently justify the loss in library floorspace in accordance with Policy S1 of the London Plan. The applicant should provide assurances that the re-provided space is of sufficient size to accommodate the facilities currently provided at the existing library as well as the uses additional community use currently envisaged. The library should be made ready for occupation prior to the closure of the existing library to ensure continuity of service. This should be appropriately secured within the s106 agreement.
53. There is a small community hall within Derry House on site C which is 23 sq.m. and an advice centre for asylum seekers run by a charity, also located in Derry House. The applicant has stated that up to an additional 459 sq.m. of community floorspace is proposed as part of the outline proposals. As an interim measure, the applicant has identified the library on Site A as capable of providing adequate provision for any of the community activities together with the Lisson Grove Hub, which should also be available to ensure continuity of services during construction of the last phases of the development. This is considered acceptable in principle but further assurances that this is practical are required.
54. Assurances that a community hall and offices of equal or greater size to the existing would be provided as part of the redevelopment should be provided. Where appropriate, a community use agreement for these facilities should be secured.

Commercial

55. The existing site provides 4,804 sq.m retail uses. The proposed development seeks to replace this with 3,500 sq.m. of Class E commercial floorspace to be provided as either office, retail or other services. This includes 711 sq.m. of retail space on Site A.
56. The frontages onto Church Street and Edgware Road are identified as part of the Edgware Road/ Church Street district centre where the development retail and other town centre uses, appropriate to the size of the town centre, would be directed in line with Policy SD6 and SD7 of the London Plan. The proposals would result in the loss of 1,300 sq.m. of existing (predominantly retail) commercial floorspace. Furthermore, due to the flexible nature of use Class E, the replacement floorspace could potentially be utilised entirely for non-retail uses.
57. This is contrary to Policy E9 of the London Plan, that seeks to resist the loss of retail and related facilities that provide essential convenience and specialist shopping. A reduction in retail floorspace may be acceptable given the some of the existing retail stock is inefficient and generally poorly designed. However, in accordance with Policy E9, working together with Council officers, the applicant should clearly set out what essential retail and related uses exist on the site currently (such as the existing supermarket, pharmacy etc) and what provisions, such as conditions, would be put in place to ensure that they are not lost through the proposals. In drawing up a strategy, regard should be had to the services and businesses that local residents have particularly identified as being important to the local community.
58. In any event, as an important shopping street, an active frontage comprising retail and community uses only should be maintained at ground floor level along Church Street as currently envisaged. The development of offices along this stretch is not considered appropriate. The proposed location of the 'enterprise zone' along Venables street is a more appropriate location for offices/ light industrial as envisaged. This could potentially be clarified on the parameter plans.
59. The proposed 'enterprise space' on Site C is likely to comprise offices and light industrial and therefore has been designed to allow for flexibility in use and unit size with internal ceiling heights allowing for light industrial 'makerspace' (4-8 metres) as well as conventional office use (3-4 metres) which is supported in line with Policy E2 of the London Plan.

Public house

60. There is an existing public house on Site A which would be lost as a result of the scheme. However, a replacement public house/ drinking establishment of up to 174 sq.m (the same size as the existing) is proposed as part of the outline proposals. Policy HC7 of the London Plan states that applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that

demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.

61. In this regard the existing public house is not identified as an asset of community value, nor does the building possess any interest from a heritage perspective. Furthermore, it is understood that the public house was not specifically identified to be of any particular importance to local residents during the extensive consultation carried out on the proposals. The economic impact is likely to be negligible given the use would be replaced through the scheme, albeit not the existing pub business itself. Therefore, the loss of the existing public house is considered acceptable.

Equalities

62. Objective GG1 of the London Plan supports and promotes the creation of an inclusive London where all Londoners, regardless of their age, disability, gender, gender identity, marital status, religion, race, sexual orientation, social class or whether they are pregnant or have children, can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.
63. More generally, the Equality Act 2010 places a duty on public bodies, including the GLA and the Mayor, in the exercise of their functions, to have due regard to the need to advance the quality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
64. Given that the development involves the redevelopment of an existing housing estate including affordable housing, community and retail uses, an Equalities Impact Assessment (EqIA) has been prepared in support of the application.
65. The document identifies the following potential adverse impacts as a result of the development:
 - Temporary or permanent relocation of existing social housing residents;
 - Loss of private rental accommodation on-site affecting black and minority ethnic (BAME) tenants in particular;
 - Temporary relocation of the Church Street Market infrastructure;
 - Loss of informal and formal community facilities and support networks;
 - Loss of BAME owned businesses on-site, affecting a particularly significant proportion of Arabic businesses;

- A loss of shops and services providing the current mix of culturally specific services and goods as well as potential loss of businesses providing affordable and accessible goods and services;
 - Temporary or permanent loss of employment following closure or relocation of affected businesses, particularly amongst BAME employees;
 - Anxiety and stress caused by uncertainty around development plans and relocation.
66. Mitigation measures have been proposed to reduce the adverse equality impacts on protected characteristics, including the appointment of an Independent Resident Advisor to support residents; setting up a Church Street Business Programme has been to provide support and advice to businesses, including start ups; providing assistance to current businesses to remain in the area or within Westminster if relocation is not possible and the development of a curation strategy for Church Street.
67. The proposed mitigation measures are considered appropriate in the most part. The ability of the replacement library, which would already be of a reduced size compared to the existing, to accommodate this use together with its use as a community hall on a temporary basis is questioned. The production of a Curation Strategy to inform the letting of commercial spaces along Church Street and Community Infrastructure Plan to inform the strategy for the replacement of informal community uses and BAME/ culturally specific goods and services is also welcomed. The findings of these studies should be fed into the retail strategy as discussed in the commercial section of this report.
68. The report is generally thorough, with consideration given to the short and medium term impacts of the development, although the potential long terms impacts have not been adequately addressed.
69. As a working document, the EqIA would require review and updating on a regular basis, the provisions for which should be incorporated into the s106 agreement.

Housing

70. As previously stated, the proposals would involve the development of up to 1,121 new units resulting in the net gain of 721 homes and a significant increase in floorspace.

Table 2: Existing and proposed mix

Existing								
Tenure	1 bed	2 bed	3 bed	4 bed	5 bed	Total units	Total hab rooms	Net uplift hab rooms

Social rent	147	11	67	3	0	228	545	
Market sale	55	68	40	9	0	172	506	
Total	202	79	107	12	0	400	1,051	
Proposed								
Social rent	163	97	81	14	2	357	1,019	474
Intermediate rent	80	95	22	0	0	197	525	525
Market sale	268	242	57	0	0	567	1,450	944
Total	511	434	160	14	2	1,121	2,994	1943

71. The development would provide 52% affordable housing by habitable room comprising 66% social rent and 34% intermediate rent. Based on the uplift alone, the scheme would bring forward 51% affordable housing comprising 47% social rent and 53% intermediate rent. As set out above, it is expected that estate regeneration schemes deliver net additional affordable housing which would be the case in this instance. As required by Policy H8 of the London Plan, all estate regeneration schemes must follow the Viability Tested Route to ensure that the affordable housing offer comprises the maximum quantum of affordable housing deliverable. Once GLA officers have concluded their assessment of the submitted FVA, the findings would be shared with the applicant and Council officers.
72. As a viability tested scheme, any permission would be subject to early and late stage viability review mechanisms. Given that the bulk of the scheme is in outline, a mid-stage review is also considered necessary, the provisions of which would need to be appropriately secured within any Section 106 agreement.
73. The scheme is not subject to a ballot as it is not in receipt of GLA grant funding. However, the viability assessment assumes that GLA grant funding is available for the scheme. This discrepancy and the requirement to undertake a ballot as a condition of GLA funding should be clarified.
74. In terms of affordability, the social rent units should be secured as such within the s106 agreement. The intermediate rent units would all be provided at London Living Rent levels. Where funded by the Greater London Authority, LLR will be a Rent to Buy product, with sub-market rents on time-limited tenancies, which will help households on average income levels to save for a deposit. Currently all intermediate rented products such as London Living Rent and Discounted Market Rent should be affordable to households on incomes of up to £60,000. For dwellings to be considered affordable, annual housing costs, including mortgage (assuming reasonable interest rates and deposit

requirements), rent and service charge, should be no greater than 40 per cent of net household income. Intermediate rent levels should be affordable for households with a range of incomes below the upper limit. For London Living Rent, please refer to the rent setting guidance provided on the GLA website.

75. A draft Section 106 agreement must be provided to the GLA in advance of Stage 2 referral for review and comment to ensure that the review mechanisms and affordability clauses have been captured appropriately.

Residential quality

76. Housing developments are required to meet the standards set out in Policy D6 of the London Plan with regards to internal and external space standards, qualitative design, maximising the proportion of dual aspect units, and not lead to unacceptable living conditions in respect of daylight/ sunlight, overheating, or overshadowing to amenity space.
77. The proposals for Site A and the Design Code specify that all units would meet the minimum national space standards. The proposed units should also meet the internal space standards as set out in Policy D6 of the London Plan with regards to minimum room dimensions and provision of storage space. This should be confirmed. Private amenity space would be provided to each residential unit in accordance with the space standards identified in the London Plan.
78. In terms of Site A, 100% of units have been proposed as dual aspect, which is strongly supported and all units would receive good levels of daylight/ sunlight. In respect of Sites B and C the Design Code states that the proposed residential units should maximise dual aspect where possible to ensure increased amount of daylight, views in more than just one direction, occupant well-being, improved quality and availability of light. It is anticipated that the same design principles as employed at Site A would be employed at B and C.
79. The positioning of more private spaces, such as bedrooms and living rooms, next to deck accesses and the public realm could be seen to compromise residential quality to some degree and should be re-considered. This is a symptom of high-density development on a constrained site.
80. In accordance with Policy D6, the scheme for Site A demonstrates that affordable housing would be well distributed throughout the development and the affordable housing units would have the same external appearance as private housing, which is welcomed. The Design Code for Sites B and C makes a similar commitment with regards to external treatment of affordable blocks and entrances. It should also include a commitment to ensure that affordable homes would be well integrated into the scheme.

Playspace

81. London Plan Policy S4 states that development proposals should include suitable provision for play and recreation, and incorporate good-quality,

accessible play provision for all ages, of at least 10 sq.m. per child that is not segregated by tenure.

82. The scheme proposes to provide 5,664 sq.m. of playspace on-site in the form of doorstep playspace and local playable space, which is welcomed. The requirement is 4,830 sq.m. based on the anticipated child yield of the development. The applicant also intends to invest in upgrading existing off-site playspace to cater for older children within the scheme. Confirmation that the playspace would be accessible to all children within the scheme irrespective of tenure is required.

Urban design

83. Chapter 3 of the London Plan sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.

Optimising development capacity and residential density

84. London Plan Policy D3 encourages the optimisation of sites, having regard to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity, including transport. It also states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2. Policy D3 also states that the higher the density of a development, the greater the level of design scrutiny that is required.
85. Given the location of the site with good access to jobs, amenities and public transport, and noting the generally good quality design of the scheme, the proposed density is appropriate.
86. Policy D4 states that proposals that exceed 350 units per hectare or include a tall building should be subject to a greater level of design scrutiny. The Council does not have a design review panel. However, the scheme has been regularly and extensively reviewed by the Council's design team through the pre-application consultation process, starting in 2018.

Development layout

87. Officers support the proposed layout which will integrate with the existing street network and address historic points of severance. For example, new connections through the existing block will be a positive benefit of the proposal for site A.
88. Officers also support alignment of residential blocks along Church street to create a new 'street garden' connection. The provision of individual

residential entrances along this street is supported as capable of promoting activity and foster a sense of community.

Scale and massing

89. Under Policy D9 of the London Plan, developments comprising tall buildings should be located in areas that are identified as suitable in local development plans. In respect of Church Street / Edgware Road Housing Renewal Area Policy 42 in Westminster's City Plan states that there are opportunities for taller buildings where they contribute to the creation of a place with a strong and enhanced character at the main east-west route and the commercial focus for the area; and are delivered in the heart of the regeneration scheme as part of a comprehensive approach.
90. More specifically, the Church Street Masterplan identifies potential for tall buildings in a cluster at the corner of Penfold Street and Church Street on Site A (3-16 storeys), 4-8 storeys on Site B and on Site C, 3-14 storeys (the 14 storey element is identified on the site of Kennet House, which is now proposed to be retained). The proposals envisage height at the corner of Church and Penfold Street of 12 storeys on Site B and 13 storeys to the south of Site C, within the maximum height parameters in the Masterplan and broadly in the same locations as envisaged. Therefore, the proposals are generally in line with the Local Plan.
91. Notwithstanding this, consideration should also be given the provisions of Part C of Policy D9 in terms of the visual, functional, environmental and cumulative impacts.
92. In visual terms, the proposed height of blocks is generally supported and as stated above, and the height and massing is generally in accordance with the maximum heights envisaged in the masterplan. The retention of some variation in heights and refinement of the massing over pre-application process has been positive. However, in general terms, the scheme is as tall and dense as it can be whilst continuing to represent high quality urban design response to the site and surrounds. The parameter plans provide guidance for future development phases. The maximum heights indicated are acceptable (if at absolute maximum acceptable levels), with the established urban design masterplan principles retained. This includes locating the tallest elements on corners. The use of brick facades in respect of site A is supported given the predominant use of brick in the vicinity of the site. In heritage terms, harm is unlikely to arise as a result of the development to identified designated and non-designated assets. Glare and light pollution is likely to be minimal.
93. In functional terms, the Fire Strategy is generally acceptable but should be extended to cover sites B and C (see comments below). The proposals seek to make improvements to the public realm and servicing strategy as well as accessibility. No strategic concerns are raised over the capability of the site to accommodate the quantum of development proposed given the public transport accessibility of the site, availability of services and improvements proposed to encourage active forms of travel and access generally through the development

itself. The development would create numerous jobs through the construction and longer term.

94. In terms of environmental impacts, there is the potential for adverse overshadowing/ overlooking impacts on the retained properties along Edgware Road. This would need to be further considered and mitigated if necessary. The impact on wind and microclimate generally has been assessed in the ES. There are issues which have been identified with the air quality assessment which would need to be addressed, which are detailed in the environmental issues section of this report. There are no concerns related to noise pollution associated with the proposals.
95. In visual terms the development sits alongside several permitted and recently developed taller buildings, particularly along Edgware Road and does not give rise to any concerns from a cumulative perspective. In assessing cumulative impacts, the applicant should give regard to the cumulative environmental and functional impacts and not just visual. A judgement would be made at Stage 2 based on the information supplied.

Public realm

96. In respect of the public realm proposals, whilst in outline, the improvements proposed to the public realm as set out in the design and access statement are generally in accordance with Policy D8 of the London Plan and therefore welcomed. This includes making Church Street one-way and increasing the width of the footway to accommodate the market stalls to promote active travel without restricting necessary vehicular access. Formalising the location of the market pitches would further reduce barriers to walking and cycling. As stated in the market section of the report, a management plan should be prepared to ensure public access is maximised and minimise rules governing the space to those required for its safe management in accordance with the Public London Charter. The provision of electricity supply bollards, water standpipes, wi-fi and lighting columns, and waste and recycling bins whilst supported should be sensibly located so that it does not clutter the public realm or create undue barriers to access. The management plan for the markets and the public realm should be appropriately secured.
97. The proposals presented at pre-application stage included the provision of public toilets within the public realm. However, the submitted proposals have omitted this and the existing public toilets are outside of the red line boundary. In accordance with Policy S6 of the London Plan, large-scale developments that are open to the public, and large areas of public realm, should provide and secure the future management of:
 - free publicly-accessible toilets suitable for a range of users including disabled people, families with young children and people of all gender identities; and

- free 'Changing Places' toilets designed in accordance with the guidance in British Standard BS8300-2:2018. These should be available during opening hours, or 24 hours a day where accessed from areas of public realm.

98. Whilst the provision of welfare facilities for market traders is welcomed, public toilets should also be provided in accordance with Policy S6, within the public realm as above.

Architectural quality

99. The architecture approach is well considered and is supported and will result in a high-quality scheme informed by its context. The primacy given to community consultation in design development is supported.
100. The architecture is varied across this large scheme, with individual facades/materials/approaches/roof types varying according to different land uses (including ground floor retail) and housing typologies.
101. There has been detailed consideration given to the textural expression of the facades, with the proposed brickwork introducing complex patterns, with multiple variations. This is particularly evident on Site A, which fronts Edgeware Road, and will be a landmark feature of the scheme.
102. The simplification of brick types across the scheme has helped resolve some previous design inconsistencies and is supported. This design iteration helps integrate the scheme into the wider area.
103. Officers support the combination of inset and projecting balconies. The quality of soffits and detailing will be vital to long-term success of such a large scheme, with robustness and ease of maintenance important qualities of materials used. This reflects the demands likely to be placed on them with a significant quantity of family housing.

Design Code

104. London Plan Policy D4 states that maximum detail appropriate for the design stage is provided at application stage to avoid the need for later amendments and to avoid deferring the assessment of design quality to planning conditions or Reserved Matters.
105. The Design Code covers essential elements of the scheme, including land uses, height and massing, character, and landscape. Its coverage is therefore generally supported. It is to be used in parallel with the parameter plans, which provides further detail on building lines and the location of height.
106. The overall principles of the masterplan are supported. They are organised as Health and Wellbeing/Homes/Market and Enterprise/Making Connections. These principles, if integrated throughout the scheme, appear capable of creating a good-quality mixed-use development.

107. The Design Code clauses are either 'must', 'should', or 'could'. This does seem subjective, and numerous issues may be better secured as 'must' or 'should' as opposed to 'could'. It is unclear the degree to which Council officers are in agreement with this approach. Greater certainty should be secured or clarity on the penalty for failing to adopt or align with a clause.
108. It is accepted that flexibility be retained for land-uses and servicing requirements, reflecting changing technology and economic considerations. However, the positioning of access points (for example) is fundamental to good urban design and should be secured as a 'must' wherever possible.
109. Maximum building heights are 'must' which is supported.
110. Officers support flexibility and 'should' with architectural detail. However, 'must' is used on points relevant to all good quality housing e.g. integrating plant into facades/rooftops, generous circulation and entrance spaces.

Landscaping

111. The proposed landscape design strategy is generally supported. New public realm has the potential to be a significant public benefit.
112. More of the landscape recommendations (e.g. growing medium or street-level planting) could be 'must' in the design code to ensure verdant, high-quality planting across what would be a very well-used and in-demand scheme.
113. The scale of the proposed development means that landscape should be 'maximised' to reflect its surroundings. Also an improved street level environment is one of the key potential benefits of the scheme, so should be prioritised and delivered early i.e., planting mature trees in first phase as much as possible. This should be pursued through conditions on any planning permission.
114. The proposed design shows a clear distinction between public and secured spaces, and ensures all spaces are fully accessible. The boundary between the library garden and courtyard garden for residents should be carefully considered to allow a visual connection between the two spaces.
115. The vehicular access for services and emergency vehicles along the new street gardens should be designed and managed to prioritise pedestrian movement and provide a safe play environment for children and young people.

Fire safety

116. In line with Policy D12 of the London Plan, development proposals must achieve the highest standards of fire safety.
117. The application is supported by a Fire Safety Statement prepared by Arcadis, by suitably accredited fire engineers. The document addresses the various requirements of Policy D12 in respect of Site A only. The Council must secure all the proposed measures as detailed in the statement through appropriate

planning conditions. The Fire Strategy does not yet cover the outline element and a statement of how the outline element will seek to address the requirements of Policy D12 should be provided. The approval of a Fire Strategy for the outline element of the scheme must be secured through conditions.

Inclusive access

118. Policy D5 of the London Plan requires all developments to meet the highest standards of accessible and inclusive design. In this regard, the proposed development is Confirmation is required that an appropriate number of fire evacuation lifts would be provided per core. Their provision must be secured by condition.
119. In accordance with London Plan Policy D7 10% of dwellings are to be provided as M4(3) 'wheelchair user dwellings' and the remainder as M4(2) 'accessible and adaptable dwellings' in respect of Site A. However, it is unclear whether any of the existing residents would require a replacement wheelchair unit from the outset. These units should ideally be provided in addition to the 10% baseline requirement. The Design Code for Site B and C should include the same commitment.

Heritage

120. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to conservation areas, for all planning decisions "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In relation to listed buildings, all planning decisions should 'should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
121. Policy HC1 of the London Plan states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets. In line with case law, any harm identified must be given considerable importance and weight.
122. Paragraph 194 of the NPPF further specifies that in determining applications, local planning authorities should require an applicant to describe the significance of any affected heritage assets, including any contribution made by their setting. Furthermore, paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
123. The site is not within a conservation area and there are no listed buildings on the site. However, Lisson Grove conservation area (CA), is around 50 metres to

the south-east of the application site, Fisherton Street Estate CA is around 150 metres to the north and Paddington Green CA is around 100 metres to the south west. The closest listed buildings to the site are Marylebone Lower House North Westminster Community School (King Solomon Academy), which lies to the south-east and is Grade II* Listed, a sculpture within the grounds is also Grade II listed. There are a number of Grade II listed buildings on Ranston Street, again to the south east. To the east are Nos. 97-127, 129-135 Lisson Grove and Exeter Arms Public House which are all Grade II listed. In terms of locally listed buildings, there is Tadema and Eastlake House and Wallis House on Penfold street to the north of the application site, and Miles Building on Penfold Place to the south.

124. The proposed development would be visible from several vantage points from within the Lisson Grove CA, predominantly Sites B and C which are in outline. However, none of the identified key views from the CA would be affected as a result of the proposals. On scale alone, the development may preserve the setting of the CA given that there are a number of existing buildings of a similar height in the wider setting. However, this is based upon the architectural quality of Site A being carried through to Sites B and C, which are in outline.
125. The Fisherton Street Estate CA is the smallest in Westminster and enclosed by the 4-5 storey estate buildings that make up the CA. There are no long views to or from the area therefore its setting does not notably contribute to its significance. As such, and given that the development would only be glimpsed from within the CA, it is considered that the development would preserve the setting of this CA and it is considered that no harm would arise to this heritage asset. The Site A and C would be partially visible from within Paddington Green CA, however the impact on its setting would be minimal given the heights of the existing buildings and permitted buildings in the vicinity. The development proposed on Site A is of high architectural quality and Site C is likely to be of a similar quality therefore no harm is likely to arise to the setting or significance of this CA.
126. In terms of the impact on listed buildings, Sites A and B would be clearly visible in the setting of the listed Marylebone Lower House school and sculpture. The scale of the development is significantly more prominent compared to the existing buildings. However, it is acknowledged that the wider and extended setting of the school equally does not contribute notably to the heritage importance of the building itself. The development would have no adverse impact on the Grade II buildings on Ranston Street given that the development of Site B is only likely be glimpsed from this location. No adverse impact is likely to occur to the setting or significance of listed buildings on Lisson Grove or to the setting of Exeter Arms Public House for the same reason. In respect of the locally listed buildings, the development would be visible to a certain extent in the setting of these buildings, however, no harm is likely to arise as a result.
127. In conclusion, the development would impact on the setting of the listed Marylebone Lower House school and sculpture, however, it is unlikely to give rise to harm to its significance. The development would also impact on the

setting of the Lisson Grove CA, however, again the impact is unlikely to be harmful to its significance.

128. In accordance with paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Further consideration of this balance will take place at the Mayor's decision making stage.

Sustainable development

Energy strategy

129. London Plan Policy SI 2 requires development proposals to reduce carbon dioxide emissions in accordance with the energy hierarchy. Energy comments have been provided to the applicant and Council in full under a separate cover. The applicant should respond to this detailed note to address outstanding issues to ensure compliance with the London Plan in advance of the borough planning committee to ensure that any conditions can be appropriately secured.
130. In summary, the energy statement is generally compliant and confirms a 35% reduction in regulated CO₂ emissions for the domestic element and a 43% reduction against the non-domestic element. However, further information is required in terms of energy costs to occupants; further information and clarifications on the overheating assessment; correspondence with Church Street district heat network operator should be provided; site-wide heat networks and connection drawings should be provided; reconsideration and further information on photo-voltaic (PV) provision should be provided.
131. As part of the reserved matters for the outline elements, conditions should be secured to ensure that the remainder of the development meets London Plan standards in respect of energy performance including: a requirement to demonstrate a minimum 10% domestic Be Lean reduction in regulated CO₂ emissions; to demonstrate a minimum 15% non-domestic Be Lean reduction in regulated CO₂ emissions; to submit information to demonstrate they have considered and minimised the estimated energy costs to occupants; undertake a Dynamic Overheating Analysis to assess the overheating risk; any active cooling provision is lower than the notional in (MJ/m²); a Dynamic Overheating Analysis to assess the overheating risk for any naturally ventilated non-domestic spaces; to investigate the potential for connection to Church Street district heating network (DHN); detail confirming the development is designed to allow future connection to a district heating network; a detailed roof layout demonstrating that the roof's potential for a PV installation has been maximised and clearly outlining any constraints to the provision of further PV, such as plant space or solar insolation levels; a high specification of energy efficiency measures under be lean; a thorough performance analysis of the heat pump system; and, where there are opportunities for DHN connection, that the system is compatible.

132. A draft S106 agreement should also be provided when available to allow officers to confirm the carbon offset payment and Be Seen energy monitoring wording are secured.

Whole Life-Cycle Carbon

133. In line with London Plan Policy SI 2, the applicant has submitted a whole life-cycle carbon assessment which covers much of the assessment requirements. However, the applicant is required to provide the following additional information: emissions related to finishes; decarbonisation for modules B2-B5 and D should be provided; key actions and further opportunities to reduce whole life cycle carbon emissions; and material quantities, assumptions and end of life scenarios. Detailed comments have been provided to the applicant and Council in full under separate cover. The applicant should respond to this detailed note to address outstanding issues to ensure compliance with the London Plan in advance of the borough planning committee to ensure that any conditions can be appropriately secured. A post-construction monitoring report must be secured by condition.

Circular Economy

134. In line with London Plan Policy SI7, referable applications should promote circular economy outcomes and aim to be net zero-waste. The applicant has submitted a Circular Economy Statement (CES) with respect to the detailed element of the hybrid application (Site A) only. As requested at pre-app stage, the applicant is also required to submit a draft CES with respect to the outline elements. This can be submitted either as a separate document or combined into a single CES to cover the entire hybrid application.
135. In respect of the detailed CES, further information is required in respect of: the proposed development; supporting narrative for the strategic approach; key circular economy commitments that go beyond standard practice; commit to 20% reused or recycled content by value of materials; estimate of excavation waste; details for operational waste; provide additional supporting information as an appendix; and set out an indicative timetable for the production of the post completion report.
136. Detailed comments have been supplied to the Council and applicant. A post-construction monitoring report must be secured by condition.

Digital connectivity

137. . London Plan Policy SI6 requires development proposals to ensure sufficient digital connectivity, including full fibre connections and mobile connectivity, and provide space for mobile digital connectivity infrastructure. It that development proposals should ensure that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within new developments, unless an affordable alternative 1GB/s-capable connection is made available to all end users. The Design Code should set out how such connectivity will be achieved within the design and a condition should be secured requiring the applicant to

demonstrate sufficient ducting space for the detailed application and at each Reserved Matters stage.

Environmental issues

Urban greening and biodiversity

138. The proposed development presents a well-considered approach to integrating green infrastructure and urban greening which is strongly supported and should be brought to fruition. This includes the incorporation of green roofing which supports multifunctionality, in accordance with London Plan Policy G1.
139. The applicant has calculated the UGF score of the proposed development as 0.44 for site A, 0.5 for Site B, and 0.43 for Site C which exceeds the target set by London Plan Policy G5. The proposed development is therefore fully compliant with Policy G5 of the London Plan and therefore welcomed.
140. The design and access statement gives details of tree removal across the site, which includes a total of 70 trees to be felled, 29 of which are classed as Category B, and 231 trees are proposed. Wherever possible, trees of value should be retained. The applicant should provide an assessment of the value of the trees to be lost using the appropriate valuation system and set out how this has been accounted for through replacement tree planting in line with Policy G7 of the London Plan. The applicant should also consider large-canopied trees to target urban heat island (UHI) effects as the site is identified within the London Green Infrastructure Focus Map as within an area of medium to high risk areas for UHI.
141. The submission states that biodiversity net gain would be achieved through the proposals. However, the applicant should provide quantitative evidence the proposed development secures a net biodiversity gain in accordance with Policy G6(D). If biodiversity net gain is not achievable on the site, the applicant should review opportunities for biodiversity offsetting in consultation with the borough.

Sustainable drainage and flood risk

142. The Flood Risk Assessment provided for the proposed development generally complies with the London Plan Policy SI 12. The surface water drainage strategy for the proposed development also generally complies with London Plan Policy SI 13.
143. The proposed development does not meet the requirements of London Plan Policy SI.5 as it does not meet the water consumption targets for the proposed non-residential uses on site. The applicant should also consider water reuse within buildings to reduce consumption of water across the site.
144. Full technical comments have been supplied to the Council and applicant.

Air quality

145. An air quality assessment has been completed as part of an Environmental Statement (ES). The technical quality of the assessment is deemed to be generally acceptable. While the overall impact on local air quality has been determined to be 'not significant', the applicant should also provide an assessment of the development's impact on PM_{2.5} during both the operational and construction phase. The ES has determined that the proposals would be air quality neutral. In line with Air Quality Neutral London Plan Guidance, each phase of the development must also be air quality neutral when assessed in isolation. Therefore, a condition is recommended requesting additional information relating to Phase A. The detailed applications for phases B and C would need to demonstrate compliance with the air quality neutral benchmarks.
146. As required by Policy SI1 Part C, the applicant is requested to submit an Air Quality Positive Statement in line with the Air Quality Positive London Plan Guidance. This is to demonstrate that benefits to local air quality have been maximised given the opportunities presented by large-scale redevelopment.
147. It is recommended that the following conditions be attached to any permission: evidence provided that all diesel-fired backup power generation equipment meets Stage V emissions standards as a minimum; an assessment must be provided to demonstrate that Phase A of the proposed development is air quality neutral; on-site plant and machinery must comply with the London Non-Road Mobile Machinery Low Emission Zone standards; and measures to control emissions during the construction phase relevant to a high risk site should be written into an Air Quality and Dust Management Plan.
148. Detailed, technical comments have been issued to the applicant and Council.

Transport

Healthy Streets and Street Design

149. It is expected that new development supports all Healthy Streets London Plan T2 objectives. The estate regeneration proposals provide new streets designed for pedestrians and cyclists, public realm and leisure spaces which have a range of soft and hard landscaping, seating and public art improving the quality of the urban environment in this location, meeting many of the Healthy Streets Indicators. Further information is required to fully understand how the site interfaces and impacts Edgware Road TLRN in terms of carriage and footway. Any changes to the TLRN requires separate approvals with TfL through a Section 278 agreement.
150. Site A is designed with passive surveillance and street lighting. Street level entrances and active frontages further provide activity enhancing the sense of place and safety. A new street is proposed which allows emergency and refuse access only for vehicles, delivering an active travel led development. Detailed analysis of the public realm proposals will be provided within TfL's detailed

comments to the Council, but overall the proposed improvements meet the aims of London Plan Policy T2.

Cycle Parking

151. For Site A, 750 long-stay and 9 short-stay cycle parking spaces are proposed which meet the minimum quantum required by Policy T5 of the London Plan. Detailed analysis will be provided within TfL's Detailed Comments regarding the cycle parking storage design and compliance with the London Cycle Design Standards (LCDS).
152. The increase in residential development in this location will increase demand upon local cycle hire stations. A financial contribution of £220,000 should be secured to increase provision of cycle hire in the area and mitigate the site-specific impacts of the development in line with Policy T4.C of the London Plan.

Car Parking

153. All three existing sites combined provide a total of 400 units with 143 residential parking spaces and 278 public parking spaces. For the proposed development (c.1,121 residential units) a total of 196 parking spaces are to be provided. The spaces associated with Site B and C will be dealt with through reserved matters and are expected to comprise of operational market parking spaces and blue badge spaces only.
154. For Site A, 43 basement spaces are proposed with 5% of spaces designed for blue badge holders (22 blue badge and 21 general spaces). The blue badge provision meets Policy T6.1 which requires at least 3% of blue badge spaces to be provided from the outset. Active electric vehicle charging would be provided for 50% of spaces, with the remaining 50% providing passive provision, meeting London Plan Policy T6.G and Westminster's policy standards. Parking spaces should be leased rather than sold.
155. To meet Policy T6 of the London Plan, no new general car parking should be provided and on this basis the general parking spaces for the residential element of the site should be removed and the development should only provide parking for those with a genuine need as a registered blue badge holder.
156. Detailed analysis of the car parking layout for Site A and the van parking for the market operations will be provided in TfL's detailed comments to the Council. The mechanism for managing all parking spaces should be set up in a Parking Design and Management Plan (PDMP). This should be secured by condition, to be signed off by WCC in consultation with TfL in line with Policy T4.B. This should specifically set out how further blue badge spaces could be provided should demand arise (up to 7% of total units). As it stands, the proposals do not yet meet London Plan Policy T6.

Trip Generation and public transport impacts

157. The trip generation methodology has been agreed by TfL as part of the pre-application process. The assessment includes the net uplift in trips for all three sites. Site A is proposed to generate a net increase of 236 and 156 two-way person trips in the AM and PM peak hours, respectively across all modes. For the wider site, the development will generate an additional 598 net two-way person trips the AM peak and 397 net two-way person trips in the PM peak.
158. An assessment of the impact of the development on the public transport network has been undertaken using travel to work 2011 Census data. This is being reviewed and will be fed back directly to the Council.
159. As requested at pre-app stage, in order to properly assess the development's impact on the London Underground (LU) network a station capacity and line loading assessment should be undertaken.
160. The development would create new demand on the bus network. Further assessment and analysis is required to understand if the impact from the development can be managed on the public transport network in line with Policy T1 of the London Plan, 2021. Site specific financial contributions may be required.

Travel Planning

161. A Travel Plan should be produced in accordance with TfL's guidance for each element of the site. The Council should secure, enforce, monitor, review and ensure the funding of the full Travel Plan through the S106 agreement to ensure conformity with Policy T4 of the London Plan. The Framework Travel Plan provides measures to encourage active travel, and ambitious targets to increase cycle parking should be included.

Delivery, Servicing and Market Operations

162. The site proposes both on-street and off-street servicing to account for the mix of uses proposed. Site A will be serviced on-street and Site B will be serviced in a dedicated off-street area. Site C details are unknown at this stage. The proposals do not fully meet London Plan Policy T7, however the site is bounded by borough roads and therefore it is for the Council as highway authority to decide on the acceptability of the servicing strategy. On-street servicing should not create road safety issues in line with the Mayor's Vision Zero agenda. A Delivery and Servicing Plan (DSP) should be secured by condition and approved by the Council. As the site is coming forward in phases the DSP should be updated before each phase is operational. The draft DSP measures include parcel delivery consolidation and plans to reduce delivery dwell time, in line with Policy T7.
163. The market storage facilities and van parking will be contained within Site A and Site B. Improved parking, storage and welfare facilities are proposed to reduce local congestion and provide improved facilities for local traders. A

detailed review of the Market operations and layout will be provided in TfL's detailed comments to the Council.

Construction

164. The site construction would be in three phases, starting in 2022 and completing in 2035, subject to planning permission. The measures in the Framework Construction Logistics Plan (CLP) generally meet the aims of London Plan Policy T7; however, in order to ensure full coordination of works in agreement with TfL the final CLP should be secured by condition and signed off by the Council in consultation with TfL for each phase of works.
165. The phased approval process is necessary to ensure the highway permissions and licences are in place to support the development construction and ensure minimal disruption to the strategic highway network. Any temporary or permanent highway works to the TLRN will require the applicant to enter into a Section 278 agreement with TfL. Additional approvals under the Traffic Management Act 2004 may be required by TfL prior to undertaking the works, and all costs must be covered by the applicant. Pedestrian footways on Edgware Road must be maintained, any changes must be agreed in advance with TfL and the Council in line with London Plan Policies T4 and T7.

Local planning authority's position

166. Westminster Council planning officers are currently assessing the application.

Legal considerations

167. Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged; or, direct the Council under Article 6 of the Order to refuse the application; or, issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application (and any connected application). There is no obligation at this stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

168. There are no financial considerations at this stage.

Conclusion

169. London Plan policies on estate regeneration, market, community use, commercial, public houses, equalities, affordable housing, residential quality, playspace, urban design, heritage, transport, sustainable development and environmental issues are relevant to this application. Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:

- **Estate regeneration:** The principle of demolition of the existing housing estate is accepted. The proposed redevelopment seeks to re-provide the existing quantum of social rent units and would result in an increase in habitable rooms. The scheme also proposes additional social rent and intermediate rent affordable housing. The principles of the Mayor's GPGER have been followed. The applicant must provide more detail on the decant strategy for the rest of Site A as well as B and C, noting that they should aim to ensure that the majority of existing residents only move once.
- **Market:** The proposed upgrade of the market is welcomed, the applicant should confirm whether additional storage might be required and details of how the use of parking and storage would be managed during operation. A management plan for the market during construction should also be secured.
- **Community use:** The applicant has not adequately justified the provision of a smaller library, the provision of replacement public hall and offices for the migrant charity should be secured. Further assurances regarding continuity of service should be supplied.
- **Commercial:** The loss of retail floorspace proposed is not currently supported. Restrictions should be placed on the use of the units along Church Street for retail/community uses given its status as a district town centre frontage. Essential shops and services such as supermarkets and pharmacies should be retained in addition to businesses important to the local community through a retail strategy. The provision of light industrial/offices on Venables Street as envisaged is supported.
- **Equalities:** The submitted EqIA is generally acceptable however it does not sufficiently address long term impacts as required. The retention of businesses important to the community should be facilitated. As a working document, the EqIA would require review and updating on a regular basis, the provisions for which should be incorporated into the s106 agreement.
- **Affordable housing:** The affordable housing offer is 51% on the net uplift comprising 47% social rent and 53% intermediate rent (London Living Rent). As an estate regeneration scheme resulting in the loss of existing housing, it is automatically subject to the Viability Tested Route. The offer is in the process of being reviewed and is dependent on grant funding. Obligations relating to affordability, the inclusion of early, mid and late stage viability reviews should be secured in the s106 agreement.

- **Residential quality:** The residential quality of the scheme is generally supported. However, assurances that both Site A and the outline element would provide sufficient internal and external space standards as set out in Policy D6 should be provided. This should be included in the Design Code.
- **Playspace:** All of the required playspace is to be provided on site, which is supported. Confirmation that the playspace would be accessible to all children within the scheme irrespective of tenure is required.
- **Urban design:** The proposed height of blocks is generally supported and generally in accordance with the maximum heights envisaged in the masterplan. However, in general terms, the scheme is as tall and dense as it can be whilst continuing to represent high quality urban design response to the site and surrounds. The applicant should give further consideration to cumulative functional and environmental impacts of the proposed height and massing. The provision of electricity supply bollards, water standpipes, wi-fi and lighting columns, and waste and recycling bins whilst supported should be sensibly located so that it does not clutter the public realm or create undue barriers to access. The provision of fully accessible public toilets or the refurbishment of the existing should be considered through the scheme. In consultation with Council officers, the design code should provide more firm commitments rather than vague statements, which indicate their attainment is unlikely. Landscaping should be front-loaded as much as possible and street gardens should prioritise pedestrians and mitigate potential for vehicular conflict.
- **Heritage:** The development would impact on the setting of the Marylebone Lower School Grade II* listed building and Lisson Grove CA. Less than substantial harm arising would need to be outweighed by the public benefits of the scheme.
- **Transport:** Further information is required to fully understand how the site interfaces and impacts Edgware Road TLRN. A financial contribution of £220,000 should be secured to increase provision of cycle hire in the area. General parking should be removed and any parking should be leased rather than sold. The provision of parking design and management plan should be secured via a condition. The travel plan should be secured through the s106. The final CLP should be secured by condition and signed off by the Council in consultation with TfL for each phase of works. Any temporary or permanent highway works to the TLRN will require the applicant to enter into a Section 278 agreement with TfL. Additional approvals may be required.
- **Sustainable development:** Comments made in respect of the energy strategy, whole life carbon and circular economy statements have been issued to the Council and applicant for review.
- **Environmental issues:** The UGF scores anticipated exceed the target score and is therefore welcomed. The tree replacement strategy should be

assessed against Policy G7 of the London Plan. Quantitative evidence of biodiversity net gain should be provided. The applicant should also consider water reuse within buildings to reduce consumption of water across the site.

For further information, contact GLA Planning Unit (Development Management Team):

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