

Church Street Estate (Sites A, B and C)

Local Planning Authority: Westminster

Local Planning Authority reference 21/08160/COOUT

Strategic planning application stage 2 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 comprising full planning permission for Site A and outline planning permission for Sites B and C with all matters reserved. Detailed component proposes the demolition of all buildings on Site A and construction of mixed-use buildings providing flexible commercial floorspace (Use Class E), a library (Use Class F1), and market storage (Use Class B8) on the ground floor with residential units (Use Class C3) above and associated works. Outline component proposes demolition of all buildings on Sites B and C and construction of mixed-use buildings providing flexible commercial floorspace (Use Class E), community floorspace (Use Class F1/F2); a drinking establishment (Sui Generis) and market storage (Class B8) with residential units (Class C3) above and associated works.

The applicant

The applicant is **Westminster City Council**, and the architect is **Ben Philips Architects** and **Mae Architects**.

Key dates

GLA pre-application meeting: 13 February 2019, 8 April 2020, 25 August 2021, 1 and 2 September 2021

GLA stage 1 report: 31 January 2022

LPA Planning Committee decision: 28 March 2023

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 to better meet the needs of returning residents. The principles of the Mayor's Good Practice Guidance to Estate Regeneration have been followed and clarifications requested at Stage 1 have been provided.

Affordable housing: The affordable housing offer would see all of the existing social rented floorspace on the site re-provided and further provision of 51% of the net uplift is proposed. Since Stage 1, changes have been made to increase the proportion of social rented tenure to 70% of the overall affordable provision. The application has followed the Viability Tested Route, and the GLA's Viability officer has scrutinised the viability information provided and is satisfied the proposed offer is the maximum amount viable. Overall provision, affordability thresholds, and Early, Mid and Late Stage Review mechanisms are secured within the Unilateral Undertaking.

The Council's decision

In this instance Westminster Council has resolved to grant permission subject to planning conditions and conclusion of a Unilateral Undertaking.

Recommendation

That Westminster Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.

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. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:
 - Category 1A “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.
 - Category 1B “Development outside Central London and with a total floorspace of more than 15,000 square metres”
 - Category 1C(c) “The building is more than 30 metres high and is outside the City of London”
 - Category 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)”.

2. On 31 January 2022 the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report [GLA/2021/1251/S1/01](#) and subsequently advised Westminster Council that London Plan policies on estate regeneration, markets, 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 was supported in principle, the application did not fully comply with these policies, as summarised below:
 - **Estate regeneration:** The principle of demolition of the existing housing estate was 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 Good Practice Guidance to Estate Regeneration have been followed. The applicant was requested to provide more detail on the decant strategy for the rest of Site A as well as B and C, noting that the strategy should aim to ensure that the majority of existing residents only move once.
 - **Market:** The proposed upgrade of the existing market is welcome, but 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 be secured.
 - **Community use:** The applicant has not adequately justified the provision of a smaller library. The provision of a replacement community space and offices for the migrant charity should be secured. Further assurances regarding continuity of service for all community facilities should be supplied.

- **Commercial uses:** The proposed loss of retail floorspace proposed was not 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 was supported.
- **Equalities:** The submitted EqIA was generally considered to be acceptable however it did 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 was 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 was reviewed by the GLA Viability team 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 legal agreement.
- **Residential quality:** The residential quality of the scheme was 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 was 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 was 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 further consider 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 they do 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 were issued to the Council and applicant for review.
- **Environmental issues:** The UGF scores anticipated exceed the target score and was 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. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

Revisions since Stage 1

3. Since consultation stage, the applicant has made a series of revisions to the proposals since it was originally submitted (in January and February 2023), summarised below:

Site A (detailed component)

- Changes to the tenure types of the new homes to be built. Previously, 60% was proposed to be intermediate homes and 40% would be social rent homes. The revised application proposes that 70% of new affordable homes will be for social rent and 30% will be intermediate.
- An increase in the floorspace for the new Church Street library
- Reduction in new retail/ shop floorspace by 313 square metres to 341 square metres.
- Minor changes to design, landscaping, public realm, and access.
- Proposed changes to fire cores (including a secondary staircase) and the associated emergency escape strategy, including additional fire safety measures i.e., provision of smoke pressurisation equipment at basement and roof level.

Sites B and C (outline component)

- Alterations to/ reconfiguration of basement car park.

Sites A, B and C

- Amended fire and escape strategy.
 - A revised Whole Life Carbon Assessment, Sustainability Assessment, Circular Economy Statement, and Energy Statement.
4. On 28 March 2023 Westminster Council decided that it was minded to grant permission for the application subject to planning conditions and conclusion of a Section 106 agreement, and on it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct Westminster Council under Article 6 to refuse the application; or, issue a direction to Westminster Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 21 June 2023 to notify the Council of his decision and to issue any direction.
 5. 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.
 6. The decision on this case, and the reasons, will be made available on the City Hall website: www.london.gov.uk

Response to consultation

7. This application has been the subject of two rounds of consultation with the public and statutory and public bodies, in December 2021 and in February 2023, following receipt of formal amendments. Copies of all responses to both rounds of consultation, and any other representations made on the case, have been made available to the GLA. The responses to each round of consultation are set out separately in the sections that follow.

Neighbourhood/ public responses to original application (December 2021)

8. Westminster Council publicised the original application by sending 5,764 notifications to local addresses and issuing site and press notices.
9. In response, they received a total of 48 responses from 44 neighbours/ members of the public (41 in objection, 3 in support). Representations of objection were also received from two local community groups, the St Marylebone Society and the St John's Wood Society. The comments are summarised below.

Objection comments

Land use

- Smaller library will be insufficient for existing residents and the increased population of the area; and its design does not cater for the variety of uses that the existing library supports.
- Insufficient storage has been provided for the market traders. It is unclear if toilets for market traders have been provided.
- The affordable housing mix proposed is not appropriate to Church Street. More social housing should be provided. Not all of the 'affordable' units will be genuinely affordable for local residents.
- The proposed development will deliver an insufficient number of new units in comparison to what was envisaged in the Church Street Masterplan and policy GG4 of the London Plan. It therefore results in disproportionate disruption to local residents.

Townscape and design

- The proposed buildings are too tall, bulky and out of character with the existing area. The buildings would dominate surrounding streets and architectural details are not appropriate/ suited to the character of the area.
- The proposals do not include sufficient parks and/or green space.
- The proposed development may harm the skyline, prominence and silhouette of the Palace of Westminster and Westminster Abbey.

Amenity

- The proposed development would block daylight/ sunlight to neighbouring residents and the Church Street market.
- Proposed buildings would significantly overlook existing residents on neighbouring sites.
- The tall/ bulky buildings would create a wind tunnel effect.

Transport

- Insufficient parking is proposed.
- Inadequate pavement and road widths have been provided on Venables Street.
- Inadequate off-street servicing has been provided for Site C and will exacerbate local traffic and highway safety issues on Venables Street.

Sustainability

- The proposed development will not be Zero Carbon, despite the Council declaring a climate emergency.
- Too much concrete construction and consequent carbon emissions are proposed.

- It is deplorable that no Church Street District Hearing system has been proposed for this development to connect to.
- Excessive overshadowing will decrease natural heating of the proposed units and therefore increase heating costs.
- Retrofitting and/or extending the existing buildings has not been considered.

Construction

- Construction of the development will cause enormous disruption to the area.

Public Sector Equality Duty

- Returning residents, particularly those who are elderly, disabled and/or do not work, will not be able to afford a new unit or would go from being homeowners to Council tenants. This would be contrary to Section 149 of the Equality Act 2010.
- No Equalities Assessment appears to have been submitted with the application.

Other issues

- Site C should also be developed in conjunction with the properties between Venables Street and Edgware Road.
- Funding the development through private housing sales is driving the excessive height and bulk proposed. The Council should instead use increased borrowing and Mayoral funding.
- West End Gate should not be seen as a precedent for the height of the proposed buildings. The proposed height may also set a precedent for other tall buildings in the area. Tall buildings only benefit developers at the expense of the local community.
- Proposal will not create a mixed community.
- Concerns about increased demand on local public services.
- Residents feel they were misled by the applicant's pre-planning consultation, particularly with regard to the height of the proposed buildings. Residents do not feel they were listened to during the pre-planning consultation.

Support comments

- In summary, the supporting comments raised that regeneration of the area is long overdue and that the existing buildings are harmful to the character and appearance of the conservation area.

Local groups/ societies

St Marylebone Society:

- Strong objection to size of proposed library, which is not based on any evidence of the size of the facilities that may be required. Object to conflation of community spaces and library functions.
- Proposed buildings are too high with resultant overshadowing of the market and a negative effect on this thriving and useful market that local people rely on.
- Layout, services, and access for market may disadvantage market stallholders over the long term.

St John's Wood Society:

- Raise concerns about the height and density of the project.

The Harrowby & District Residents Association, Hyde Park Estate Association, March Arch BID, and Paddington BID were also consulted but did not respond.

Neighbourhood/ public responses to revised application (February 2023)

10. 6 responses, all in objection, were received in response to the second round of public consultation on the proposed amendments. The St John's Wood Society also provided additional comments. These are summarised below.

Objection comments

Land use

- Unacceptable revised tenure mix. More intermediate rent and more private housing should be provided. How will creating more social housing create a 'Fairer Westminster'?
- The area is already overpopulated, and increased population will increase anti-social behaviour.
- Sites B and C should not be developed until the negative impacts associated with Site A can be appreciated.
- Negative impact on the charm of the area such as antique and local businesses.

Amenity

- Development will overshadow the area for the majority of the year.
- Loss of light due to buildings' height and mass, and the cumulative impact with the Berkeley scheme on the other side of Edgware Road.

Design

- Does not enhance the area and will have a negative effect on its character.
- Proposed buildings have no architectural merit.
- Overdevelopment of the site, inclusive of Sites B and C.

- Buildings are too tall.

Environment

- Proposed concrete construction is bad for the environment.
- Site B should be retained and refurbished which would have less environmental impact.

Transport

- Proposal does not meet the transport policies in the London Plan as set out in TfL's comments.

Other

- Unacceptable precedent set by Berkeley scheme on other side of Edgware Road.
- Discrimination against existing residents forced to move out and not allowed to return due to high level of social housing which they would not be eligible for. Compulsory purchase compensation not enough to purchase a similar property in the area.

Local groups/ societies

St John's Wood Society:

- Note objections raised by residents and defer to the opinions of ward councillors, amenity societies which are more closely affected, and Historic England.

Responses from statutory bodies and other organisations

Statutory body responses to original application (December 2021)

11. The responses received to the original application from statutory bodies and other organisations are summarised below:
 - Department of Levelling up, Housing and Communities: No response received
 - Department for Digital, Culture, Media, and Sport: No response received.
 - Health and Safety Executive (HSE): Initially raised significant concern with the means of escape proposed. Following the submission of revised drawings, no objections are raised.
 - London Underground: Advise that they have no comments to make on the application.
 - Historic England: Initial response received 21 Dec 2021: Request further information is provided on the impact of the proposals on the setting of Regent's Park and the Grade I listed Nash terrace houses that face the outer circle. Advise the Council's specialist heritage officers are consulted; not necessary for them to be consulted again unless there are material changes to the proposals.

Subsequent response received 8 February: Additional information submitted confirms that this resolves the query regarding visibility from Regents Park.

- Historic England (Archaeology): Initial response dated 15 December 2021: Site is located in the Watling Street Archaeological Priority Area. Request submission of a Desk Based Assessment to determine the potential for archaeological finds in and around the application site. Subsequent responses dated 11 January 2022: Additional information submitted indicates site was not substantially developed until the mid-19th Century and sites A and C lie adjacent to the ancient Watling Street with potential for Roman and later remains. A two-stage archaeological condition is considered an appropriate safeguard in this instance. Environment Agency: There are no environmental constraints within their remit on this site and have no comments to make.
- Sport England: The scheme will generate increase demand for sporting provision that the new development should contribute towards meeting either through CIL or S106.
- Cadent Gas: No objection subject to an informative to remind the applicant of their obligation to protect and maintain access to gas infrastructure around the application site.
- Thames Water: Conditions are requested requiring confirmation of sufficient capacity in the existing network; or agreement of a development and infrastructure phasing plan; and a piling strategy. A drainage strategy is also required to allow Thames Water to make a full assessment of the proposals.
- Natural England: No objection; no significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- Network Rail: Development is not adjacent to the railway, but the applicant is requested to contact them about non-Planning matters.
- Westminster Primary Care Trust: No response received.
- NHS Central London: No response received,
- Building Regulation Engineering Group: No response received.
- Council for British Archaeology: Support Historic England (Archaeology)'s recommendation regarding the need for a pre-determination archaeological assessment of the site. If this is not provided, the application would not meet the requirements of the NPPF and should be refused.
- The National Amenity Societies: No response received.
- Metropolitan Police Designing Out Crime Officer: Church Street Ward suffers from a significantly high volume of anti-social behaviours and violent and sexual offences. This must be considered. Recommend a condition requiring the development to achieve Secure by Design accreditation prior to occupation.
- London Fire and Civil Defence Authority: No response.

- London Fire Services: No response
- Crossrail Strategic Schemes: No response

Statutory body responses to revised application (February 2023)

12. The responses received to the amended application from statutory bodies and other organisations are summarised below.

- Historic England: No further comments to add to the response to the first consultation.
- Environment Agency: No environmental concerns however provide advice regarding water resources and water efficiency measures.
- Natural England: No further comments to add to the response to the first consultation.
- Network Rail: No objections raised.
- London Underground Safeguarding: No comments to make.
- Sport England: No further comments to add to the response to the first consultation.
- Cadent Gas: No objections, however, an informative is recommended regarding infrastructure, responsibilities, and obligations of the owner.
- Metropolitan Police Designing Out Crime Officer: The new residential fire escape adjacent to the library poses a significant vulnerability to residents that could be addressed by a small number of design changes. Recessed door entrances also pose vulnerabilities. The shared walkway on the 10th floor should only be used in case of a fire emergency.

Representations to the Mayor

13. The Mayor has not received any written representations on the application.

Response to public consultation - conclusion

14. Having considered the local responses to public consultation, Westminster Council has sought to secure various planning obligations, conditions and informatives in response to the issues raised. GLA officers have had regard to the above statutory and non-statutory responses to the public consultation process, and those representations made directly to the Mayor, where these raise material planning issues of strategic importance.

Updated relevant policies and guidance

15. Since consultation stage, the following documents have been adopted and are now material considerations:

- Whole Life Cycle Carbon LPG (2022)
- Circular Economy Statements LPG (2022)
- Energy Planning Guidance (2022)
- Westminster City Council Environmental SPD (2022)
- Air Quality Positive LPG
- Air Quality Neutral LPG
- Urban Greening LPG
- BRE 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide' revised version 2022.

Update

16. Since consultation stage GLA officers have also engaged in joint discussions with the applicant, the Council, and TfL officers with a view to addressing the matters raised in the Stage 1 report. Furthermore, as part of the Council's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below, having regard to responses to the public consultation.

Land use principles

Loss of existing housing and estate redevelopment

Summary of Stage 1 comments

17. The existing estate comprises 400 homes of which 228 are affordable (all of which are social rent) and all of them would be demolished under the proposals. The planning application identified a number of issues affecting the existing estate and its residents which resulted in the decision to redevelop the estate. Having regard to the evidence put forward by the applicant, the principle of demolition was accepted by GLA officers at consultation stage. In addition, the applicant confirmed that the development would provide a considerable increase in the total amount of affordable housing including a substantial uplift in the amount of social rented housing on the site (in terms of units, habitable rooms, and floorspace).

Update

18. Tables 1 and 2 below set out the proposed affordable housing provision following the changes to the application that have been made since consultation stage (see paragraph 3 of this report). These figures demonstrate that all 228 existing social rent units would be replaced across all three sites. Compared to the existing situation, a greater proportion of larger social rented units is proposed across the three sites to better meet the needs of returning residents, which is welcomed. The proposal is for the entire development to be tenure blind, which is welcomed,

and will help to promote mixed and inclusive communities. Given all of the above, GLA officers are satisfied that the estate development meets the requirements of London Plan Policy H8. Comments relating to the GLA's affordable housing Viability review are provided in paragraphs 42-45 of this report.

	1 bedroom	2 bedroom	3 bedroom	4 bedroom	5 bedroom	Total (%)
Market	276 (55)	237 (68)	54 (40)	0 (9)	0	567 (51%)
Social Rent	164 (147)	116 (11)	94 (67)	8 (3)	2	384 (34%)
Intermediate	84 (0)	80 (79)	5 (0)	0	0	169 (15%)
Total	524 (202)	433 (79)	153 (107)	8 (12)	2 (0)	1120 (400)
Percentage	47% (50%)	39% (20%)	14% (27%)	0% (3%)	0% (0%)	100

Table 1: Existing and Proposed Social Rent Units for Sites A, B and C

Unit Status	Tenure	No. Units (Habitable Rooms)	% Split by Habitable Room	Floorspace (GIA) for detailed area and illustrative outline (sqm)
Existing Units to be Demolished	Social	228 (545)	52.3%	18084
	Intermediate	0	0	0
	Private	172 (507)	47.7%	12577
Proposed Units	Social	384 (1094)	36.9%	48968
	Intermediate	169 (420)	14.2%	
	Private	567 (1450)	48.9%	49742
Net Gain	Social	156 (549)	28.7%	30884
	Intermediate	169 (420)	22.0%	
	Private	395 (943)	49.3%	37165
Total New build flats (replaced + uplift)		1120 (2964)	n/a	98710
Affordable total		553 (1514)	n/a	48968
Affordable Net Gain		325 (969)	n/a	30884

Table 2: Existing affordable housing and proposed affordable housing uplift

Mayor's Good Practice Guide to Estate Regeneration

19. The Mayor's GPGER provides clear guidance to developers and local authorities on how the design of such scheme 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).

Summary of Stage 1 comments

20. The applicant's submitted Statement of Community Involvement clearly set out the key issues raised during the pre-application engagement and how they had been responded to. A wide range of consultation methods were used to involve the community and other stakeholders. As well as residents of the estate, the applicant engaged with other residents in the surrounding area; businesses and market traders as well as other local stakeholder and amenity groups. This was all welcomed.
21. At consultation stage, a ballot had not been undertaken which is a pre-requisite of GLA funding however the applicant's viability information suggested GLA funding was being sought. With the exception of this query, the SCI demonstrated that the consultation strategy was extensive and transparent and, subject to the ballot issue, fully aligned with the requirements of the GPGER.
22. In respect of returning residents, the applicant was asked to confirm that returning social rent tenants would be provided with a home of adequate size and accessibility at the same or equivalent rents and the same security of tenure. GLA officers also requested full details of the decant strategy.
23. Lastly, the offer to leaseholders was also deemed to be in accordance with the principles of the GPGER. GLA officers requested evidence of how the provisions for leaseholders would be secured in the legal agreement.

Update

24. A public ballot on the proposals was undertaken in December 2022 in response to the GLA's consultation comments and this is welcomed. 73.1% voted 'Yes'. As such the applicant's public consultation activities are now considered to fully align with the principles of the GPGER.
25. The applicant has confirmed that all social tenants would have a right to return to a replacement unit that suits their needs, offered at a similar rent to before, and with the same security of tenure. The Council's Housing officer has confirmed that the size of the replacement units responds appropriately to the current needs of returning residents, and this is welcomed.
26. There are 47 leasehold properties on Site A (the detailed component) and all resident leaseholders (a total of 12) have been offered a new home on the estate.

The Council has confirmed that as per WCC's Policy for Leaseholders in Housing Renewal Areas (August 2018) all resident leaseholders will be offered compensation equal to the open market value of their property plus a 10% home loss payment. For non-resident leaseholders, the payment would be 7.5%. For leaseholders wishing to return, 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 either of the other two options.

27. The Council has confirmed in writing that a fully detailed decant strategy is to be secured by legal agreement within the Unilateral Undertaking.
28. In summary Officers are satisfied that the estate redevelopment proposals comply with London Plan Policy H8 and that they respond positively and appropriately to the Mayor's GPGER, with relevant conditions and legal undertakings secured.

Church Street Market

Summary of Stage 1 comments

29. Church Street is home to a historic market. The original submission identified a number of issues affecting the market including a lack of storage; congestion, air pollution and noise from servicing vehicles; lack of welfare facilities; a lack of electrical or water infrastructure or formal provisions for dealing with refuse. The application proposals include public realm and infrastructure works involving redesigning and replacing the existing pavement and road on Church Street. At consultation stage, GLA officers asked for several items of information to confirm that the market and its traders would not be adversely impacted through the proposals, namely:
 - (a) Clarify what proportion of existing traders would be able to make use of the proposed storage and welfare facilities at any one time or whether storage facilities would still be required elsewhere/ details of how the market would be managed in this regard.
 - (b) A condition or obligation to be secured requiring the submission of a detailed management plan to ensure the market continues to trade during construction.
 - (c) The applicant's intentions with regards to the costs associated with renting the new market pitches and use of ancillary facilities to ensure they are not prohibitive.

Update

30. In response to the above, the Council's report to Committee confirms the following:
 - (a) The officer's report suggests that the proposed market storage facilities proposed for Sites A and B (1,124 square metres and 3,776 square metres respectively) combined will be sufficient to meet the needs of the whole market, making the existing storage containers (presently on Site C) redundant, allowing for the development proposals on that site to come forward.

- (b) The application is supported by an Estate Regeneration Statement which sets out how the market will function during the redevelopment of the sites as well as during the public realm works to Church Street. As occupancy of the market pitches is around 50% during the week, it will be possible to move some traders between both parts of the site to avoid disruption if necessary. Conditions are secured for a market storage plan and for the development to comply with the provisions of the Estate Regeneration Statement referred to above. The new market storage facilities within the scheme are also secured for the lifetime of the development.
- (c) The market will continue to be governed by the City of Westminster Act 1999 and license holders' rights and licensing conditions will remain the same.
31. Officers are satisfied that the above responses are satisfactory, and the development is making sufficient provision for the retention and protection of Church Street Market, including minimising disruption and continued trading during the construction phase.

Library and community hall

Summary of Stage 1 comments

32. There is an existing library on the site, which comprises 848 square metres over three floors and is set behind the residential blocks on Site B with a small community garden adjacent. At consultation stage, GLA officers raised concerns about the size of the re-provided library, which was 541 square metres. Officers also stipulated that any replacement library should be ready for occupation prior to the closure of the existing library to ensure continuity of service, to be secured by legal agreement.
33. There is also a small community hall within Derry House on Site C, which is 23 square metres and currently used as an asylum seekers' advice centre by a charity. An uplift in community floorspace is proposed as part of the outline proposals on either Site B or C but as an interim measure, the library on Site A is said to be capable of providing community space together with the existing Lisson Grove Hub to ensure continuity of service. Officers requested further assurances this would be a practical solution and that a community use agreement for these facilities would be secured.

Update

34. Following amendments to the proposals, the library has been increased in size to fill the whole of the Church Street frontage of Block A1 and would now be 605 square metres. The Committee report sets out the extensive consultation and review process that has led to the current size and configuration of the library, and this is accepted. The library will be fitted out to Cat B and secured at a peppercorn rent through the Unilateral Undertaking.
35. The final application also proposes a 292 square metre community space as part of the outline component which will be provided at ground floor level on either Site B or C, however it is envisaged that it would be provided in Site B. It is accepted that this would ultimately ensure that suitable community facilities are maintained

within the masterplan area throughout construction and that the replacement permanent facilities would enhance the existing facilities.

Class E uses and public house

Summary of Stage 1 comments

36. The application site's frontages onto Church Street and Edgware Road are identified as part of the respective district centres. The development would result in a considerable reduction in the amount of Class E floorspace across the site, which its existing form is predominantly retail. This was identified as being contrary to Policy E9 of the London Plan, however, at consultation stage GLA officers stated that a reduction in retail floorspace may be acceptable given some of the existing stock is inefficient and generally poorly designed.
37. Officers requested that the applicant set out what essential retail and related uses exist on the site currently and what provisions would be put in place to ensure they are not lost through the proposals. No strategic concerns were raised with regards to the replacement public house to be provided within the outline phase, replacing the existing public house on Site A, which would be demolished.

Update

38. It is accepted that since existing retail uses now fall within Class E, they are not afforded any protection from change of use within that class, even if they provide an essential service. In order to ensure the vibrancy of Church Street, Council officers recommend a condition to ensure that the range of potential uses on the ground floor frontage are limited so that the units are only occupied by uses which promote visiting members of the public and protect the vibrancy of Church Street. The Council's Committee report however also recommends that, due to the changing state of retail market conditions and the long timescales for delivery of Sites B and C, details of the uses and layouts of the commercial uses are secured by condition for the reserved matters applications. This is acceptable and this matter is now considered to be satisfactorily resolved.

Equalities

Summary of Stage 1 comments

39. An equalities statement was provided with the application which considered the impact of the development's construction and operation on homes, the market, accessibility, health and wellbeing of the community. It sets out mitigation measures and identifies priority groups for which there are differential or disproportionate impacts including older people, younger people, children, BAME people and people with disabilities. It also sets out recommendations for groups with multiple protected characteristics for whom the proposals could have an exacerbated or cumulative effect.
40. GLA officers considered the mitigation measures to be appropriate in the most part and noted that the EqIA will require regular review and updating, the provisions for which should be incorporated into the legal agreement.

Update

41. A condition is included to secure an Equalities Impact Assessment management plan prior to the commencement of each phase of development, setting out how the recommendations in the EqlA have been taken forward by the applicant. This condition is considered sufficient to refresh the Equalities Impact Assessment submitted with the application and update the current position on how the identified impacts summarised have been assessed, monitored and/or resolved.

Affordable Housing

42. All estate redevelopment schemes are required to follow the Viability Tested Route, with viability information submitted for scrutiny by GLA officers to ensure the maximum amount of affordable housing is being provided.
43. Since Stage 1, a number of changes have been made to the proposed scheme including increasing the proportion of social rent tenure. The illustrative masterplan proposes a residential net uplift of 1,912 habitable rooms, of which 969 would be affordable. This equates to 51.1% provision of the net uplift as affordable (as explained in paragraph 18 of this report, all of the existing affordable housing is being re-provided as social rented housing on a like-for-like basis). When expressed in terms of unit numbers this is a net increase of 325 affordable homes (45%) and 395 market units (55%). Of these, 156 would be social rented.
44. In terms of tenure, since the adoption of the Westminster City Plan, Westminster launched its Fairer Westminster Strategy which contains a new target for 70% of the affordable provision to be social rent on Council-owned developments. The application was revised to meet this target for Site A with the remaining 30% intermediate tenures. The illustrative masterplan for Sites B and C indicates that 60% of the affordable housing would be social rent and 40% would be intermediate. The intermediate housing will comprise London Living Rent housing.
45. The GLA Viability officer has scrutinised the applicant's viability information and is satisfied that the proposed affordable housing offer represents the maximum amount viable. The required quantum of affordable housing, affordability thresholds and Early, Mid and Late Stage review mechanisms are to be appropriately secured within the UU and the scheme is found to comply with London Plan Policies H4, H5 and H6.

Urban design and residential quality

Summary of Stage 1 comments with update

46. At Stage 1, the application proposals were largely supported in terms of design, architectural quality, public realm, landscaping, residential quality and amenity/ playspace. Some minor points were raised by GLA officers, the key items of which are summarised in the table below with how they have been responded to.

Proposed playspace provision should be accessible to all children, regardless of tenure.	This has been confirmed. The tenure-blind nature of the development will assure the playspace is open to all, but this is also secured within the UU.
A management plan for the public realm on the development site and the enhancements to the markets should be secured.	Officers are satisfied that the provision and management of the public realm has been appropriately considered.
Architectural quality should be secured through the Design Code and Parameter Plans.	Building and landscape parameters have been approved and are sufficient to secure the overall architectural quality.
A landscaping plan should be secured through condition.	Details of landscaping for the detailed and outline phases are appropriately secured.

Tall buildings assessment

47. The Westminster City Plan identifies tall buildings as “those that are twice the prevailing context height, or those which would result in a significant change to the skyline”. This is considered to apply in the context of this application and the development includes tall buildings.
48. In respect of the Church Street/ Edgware Road Housing Renewal Area, Policy 42 of 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. The Church Street Masterplan identifies potential for tall buildings in a cluster at the corner of Penfold Street and Church Street in Site A (3-16 storeys), 4-8 storeys on Site A, and 3-14 storeys on Site C. The proposals envisage height at the corner of Church Street and Penfold Street of 12 storeys on Site B and 13 storeys to the south of Site C, with the maximum height parameters being broadly in line with the Local Plan.
49. For these reasons, the proposals comply with the locational requirements of Part B of Policy D9. Notwithstanding, consideration should also be given to the provisions of Part C of Policy D9 in terms of the tall buildings’ visual, functional, environmental and cumulative impacts. GLA officers’ assessment of these issues are considered below.
50. Officers are supportive of the proposed building heights in strategic terms. In visual terms, the proposed height is supported as being generally in accordance with the maximum heights envisioned in the Masterplan and represents a high quality response to the site and surrounds, with the tallest elements secured within the parameter plans as being at the corners. The Council has not identified any harm to nearby heritage assets as a result of the development, and GLA

officers agree with this assessment. Heritage impacts are discussed further in paragraphs 59-62 of this report.

51. In functional terms, the proposals make improvements to the public realm and servicing, as well as accessibility. In strategic terms, the capacity of the site to accommodate the quantum of development proposed given public transport access, availability of shops and services, and encouraging active travel, is accepted. An update on fire safety is provided in paragraphs 54-57 below.
52. In terms of environmental impacts (including overshadowing, wind and microclimate, and pollution) GLA officers are satisfied that the Council's assessment of these local matters is thorough, and the conclusions are accepted, including the balancing of any adverse impacts, and appropriate mitigation measures, against the overall benefits of the scheme.
53. Considered cumulatively, 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. The Council's report comprehensively assesses the combined effects of the scheme in conjunction with other schemes and conclude that there are not likely to be any significant negative cumulative effects, but there are liable to be positive cumulative effects including on open space and playspace provision.

Fire Safety update

54. London Plan Policy D12 states that all development proposals must achieve the highest standards of fire safety and requires all major development proposals to be supported by a Fire Statement. London Plan Policy D5 states that new development should be designed to incorporate safe and dignified emergency evacuation for all building users and where lifts are installed, at a minimum, at least one lift per core should be a suitably sized fire evacuation lift suitable for use by people who require level access from the building.
55. At Stage 1, GLA officers noted that the submitted Fire Safety Statement by Arcadis addressed the requirements of Policy D12 in respect of Site A only. It was recommended that the Council secure all the proposed measures through appropriate planning conditions and detailed statements for the outline phases should be required by condition.
56. Since Stage 1, the applicant has undertaken a design review of the layouts in response to the government's consultation on revised Building Regulations and have introduced a number of amendments to the design, notably to include the introduction of a second staircase within Blocks A1 and A2 (comprising Site A, the detailed component). The revised drawings have been accompanied by an updated detailed Fire Statements for Blocks A1 and A2 as well as an Outline Fire Statement covering Sites B and C in accordance with the requirements of London Plan Policy D12.
57. The Council have confirmed that Westminster's Building Control team fed into the revised layouts and that the Health and Safety Executive (HSE) were also consulted on the revised plans with no further comments to raise. Conditions have

been used to secure detailed Fire Statements for Sites B and C prior to commencement of those phases.

Heritage

Summary of Stage 1 comments

58. The site is not within a conservation area, and there are no listed buildings on the site. However, Lisson Grove Conservation Area is around 50 metres to the south-east of the application site; Fisherton Street Estate Conservation Area is around 150 metres to the north and Paddington Green Conservation Area is around 100 metres to the south-west. The closest listed buildings to the site are Marylebone Lower House North Westminster Community School, which lies to the south-east and is Grade II* listed, and a sculpture within the grounds is also Grade II listed. There are a number of Grade II listed buildings on Ranston Street 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.
59. At Stage 1, GLA officers concluded that whilst the development would impact on the setting of the listed Marylebone Lower House school and sculpture, it is unlikely to harm its significance. It was also considered that the development would also impact on the setting of the Lisson Grove CA, but again would be unlikely to harm its significance.

Update

60. The Council has carried out a full assessment of the impact of the proposals against all relevant designated and non-designated heritage assets and their settings. They have also concluded that there would be no harm to any designated heritage assets, including to their settings, but that there would be some small degree of harm to the setting of the row of non-designated traditionally scaled buildings fronting Edgware Road and which run parallel with the western extent of the application site. In these views, however, the Council have noted that the high architectural quality of the development, including that of the rear facades, would be appreciable and so that harm is somewhat mitigated by, or compensated for by good design.
61. In view of the above conclusion the proposals comply with Policy HC1 of the London Plan 2021 and the National Planning Policy Framework.

Sustainable development

Summary of Stage 1 comments

62. At Stage 1, the Energy Strategy was generally found to be compliant with London Plan policy, and it confirmed that a 35% reduction in regulated CO2 emissions for the domestic element and a 43% reduction against the non-domestic element (against Part L 2013, which has now been superseded by Part L 2021). However, further information was requested regarding the energy costs to occupants; clarifications on the overheating assessment; correspondence with the Church Street district heat network operator; site-wide heat network and connection drawings to be provided; and further information on PV provision.

63. As part of the reserved matters for the outline elements, conditions were requested to ensure the remainder of the development meets London Plan standards in respect of energy performance. The carbon offset payment and GLA's 'Be Seen' energy monitoring clause were also requested to be included within the legal agreement.

Update

64. The applicant has updated the Energy Strategy due to a number of changes to the design as detailed within that document. The energy modelling has also been updated to be in line with Part L 2021. The remaining carbon reductions required to offset the scheme to Net Zero are the subject of a carbon offsetting payment secured within the Unilateral Undertaking.
65. Upon review of the latest Energy Strategy, specialist GLA officers had some outstanding comments regarding the document and also requested a number of conditions, mostly for the outline component of the application. On balance, it is considered that the remaining matters may be suitably addressed by suitably worded condition which have been secured by the Council to address compliance with London Plan Policies SI 2, SI 3, and SI 4.

Whole Life Cycle Carbon

66. Following consultation stage, the applicant's Whole Life Carbon Assessment was subject to review with GLA specialist officers. The final assessment was found to be acceptable. The Council has applied conditions requiring further updated reports prior to commencement of each phase, as well as the GLA's post-construction monitoring applied as separate conditions. This is acceptable and meets the requirements of London Plan Policy SI 2.

Circular Economy

67. Following consultation stage, the applicant's Circular Economy Statement was subject to review with the GLA specialist officers. There are some outstanding matters of detail that have not been resolved but on balance, the responses provided by the applicant are accepted and a Waste Management Plan for construction and operational phases has now been received. The Council has applied conditions for detailed Circular Economy Statements to be submitted prior to commencement of each of the detailed phases, as well as the GLA's post-construction monitoring applied as a separate condition. This is acceptable and meets the requirements of London Plan Policy SI 7.

Other environmental matters

Biodiversity

68. At consultation stage, the proposed development was considered to represent a well-considered approach to integrating green infrastructure and urban greening, which was strongly supported, as was the calculated UGF scores which exceeded Policy G5 of the London Plan. Officers requested that some further consideration

was given to the extent of tree removal, and quantitative evidence of Biodiversity Net Gain was also requested.

69. The applicant has provided a Biodiversity Net Gain assessment, which states that Sites 1 and 2 would demonstrate a BNG of 179.47% and 254.95% respectively. This is welcomed and no further information is required. A satisfactory response was also provided in respect of the tree proposals.

Sustainable drainage/ flood risk

70. At Stage 1, the Flood Risk Assessment provided for the proposed development generally complied with London Plan Policy SI12. The surface water drainage strategy for the proposed development also generally complied with London Plan Policy SI 13. Given the scheme has been amended since consultation stage, the applicant has provided a cover letter outlining the proposed amendments and an updated Flood Risk Assessment and Foul Surface Water Drainage Strategy.
71. The updates to the FRA include the updated surface water storage estimate, blue roof calculations and layout for Block A1 as requested. Considering the rest of the strategy (including the proposed discharge rates and SuDS proposals) remain unchanged, the proposed flood risk, surface water drainage and water efficiency for the development are acceptable and comply with London Plan Policy SI 5.

Air quality

72. At Stage 1, an Air Quality Assessment was supplied with the application as part of the Environmental Statement (ES). The ES determined that the proposals would be air quality neutral, but a condition was requested to demonstrate that Sites B and C also demonstrated compliance with air quality neutral benchmarks. As required by London Plan Policy SI1 Part C, the applicant was reminded that they are required 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. Conditions were requested relating to other technical matters.
73. The Air Quality Positive Statement, reflecting the amended scheme, has been supplied. The updated Air Quality Assessment has been reviewed by the GLA's specialist officers and is considered to comply with London Plan Policy SI 1 with no further information required.

Transport

74. At consultation stage, officers requested further information and revisions on a number of issues including the Active Travel Zone (ATZ) assessment, cycle parking and cycle hire, car parking and public transport.

75. Cycle parking to meet London Plan standards has been conditioned. A contribution of £220,000, to be paid to TfL, for increase cycle hire capacity in the vicinity has also been secured.
76. The proposal is car free with the exception of disabled persons parking which is in accordance with London Plan Policy T6.1 which has a requirement for a minimum of 3% of units to have at least one designated parking bay. To be truly car-free, this needs to be complemented by a planning obligation restricting residents from applying for on-street parking permits within the local Controlled Parking Zone (CPZ). This has not been secured by the Council, but the Planning Officer's report states that this could be delivered through the Council's parking permits team.
77. All spaces will have active Electric Vehicle Charging points which has been secured by condition.
78. A station and line capacity assessment have been undertaken, and no site specific contribution is required.
79. A Construction Logistics Plan, servicing management plan, and travel plan have been secured.
80. To conclude, most of the transport issues raised at Stage 1 have been resolved satisfactorily or are secured by condition. Therefore, the scheme is considered to be acceptable in strategic transport terms.

Section 106 agreement

81. The Unilateral Undertaking will include the following provisions relating to strategic planning and transport matters:
 - Affordable housing – provision of affordable housing, rent levels, and Early, Mid and Late Stage review mechanisms;
 - The relevant carbon offset contribution;
 - Contribution towards provision of Cycle Hire docking stations;
 - Provision of the proposed playspace;
 - GLA 'Be Seen' energy monitoring clause;
 - A Car Park Management Plan and car lift management strategy;
 - An electrical vehicle charging contribution;
 - Provision for residents to be entitled from time to time to join the car club without paying the membership fee.

Legal considerations

82. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct

the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

Financial considerations

83. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.
84. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

Conclusion

85. The strategic issues raised at consultation stage with respect to the **land use, affordable housing, sustainable development** and **transport** have either been addressed or acceptably resolved on balance, and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision, and considering the material planning considerations of strategic importance raised in responses to the public consultation the application is acceptable in strategic planning terms, and there are no sound planning reasons for the Mayor to intervene in this case. It is therefore recommended that Westminster Council is advised to determine the case itself, subject to any action that the Secretary of State may take.

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