



City of Westminster Cabinet Report

Decision Maker:	Cabinet
Date:	25th February 2019
Classification:	General Release
Title:	Response to petition: “To not proceed with any proposal to build on the Luxborough Tower playground, immediately adjacent to Luxborough Street W1, because it is listed as a Protected Open Space in the Council’s City Plan.”
Wards Affected:	Marylebone High Street
Key Decision:	No
Financial Summary:	Financial implications of any future use of the site will be assessed as options are brought forward.
Report of:	James Green Director of Development 020 7641 2537 jgreen@westminster.gov.uk

1. Executive Summary

1.1 This report considers a petition, that requested the following:

“To not proceed with any proposal to build on the Luxborough Tower playground, immediately adjacent to Luxborough Street W1, because it is listed as a Protected Open Space in the Council’s City Plan”

1.2 The petition has 778 signatures and was submitted at Full Council in January 2019 by Councillor Karen Scarborough.

2. Recommendations

2.1 That the Cabinet;

- Notes the submitted petition and acknowledges the concerns of those who have signed it regarding the Luxborough Street site.
- Acknowledges the need to consider development opportunities on this site as it is currently an under-utilised space and provides the potential to deliver much needed homes in the area, contributing to the Council's City For All priorities to deliver an increase in levels of affordable housing for the residents of Westminster.
- Supports the continued investigation into a provision of community space as part of this development project.
- Commits to engaging with the local community and ward members on any proposed development and the next steps.

3. Reasons for Decision

3.1 A balance needs to be made between the protection of open space within Westminster and the need for more housing within the borough.

3.2 There are clear advantages to assess development opportunities on this site as, on balance, it is considered that the potential benefits of the scheme, notably the delivery of new homes including affordable homes, may substantially outweigh the policy conflict with regards to protecting open space.

3.3 The development supports the overall key objectives of Westminster City Council's adopted City Plan.

4. Background, including Policy Context

4.1 The Luxborough Street Kickabout site is owned by Westminster City Council. The site is included as amenity space in the leases of some of the Luxborough Tower residents.

4.2 Originally the site was for the sole use of the Luxborough Tower residents however there is a history of it being used informally by the wider community.

4.3 Planning permission for a mixed-use scheme was granted in 2014, including community space in the form of a library. However, due to a change of requirements the approved scheme did not proceed. This decision released the site for an alternative future use. The site has been hoarded up since 2014.

- 4.4 The site is identified in the 2007 Open Space Strategy as a ‘private kickabout space’ and current City Plan Policy S35 does seek to address existing public open and play space deficiencies by protecting all open spaces. However, the site is not within an area deficient in open space or play space, as identified in the 2007 Open Space Strategy.
- 4.5 There is alternative provision of open space and play space immediately adjoining the Site at Paddington Street Gardens (North) and Paddington Street Gardens (South) which includes a variety of play equipment.
- 4.6 Planning policies in the City Plan must be looked at as a whole and balanced against one another. Whilst it is accepted that the loss of this open space is contrary to City Plan Policy S35, this needs to be balanced against the potential benefits of an alternative use of the site. The key benefit is the delivery of much needed housing, in line with current City Plan Policies S14 and S16 which seeks to optimise the number of housing including affordable units delivered in Westminster with an adopted target of 1069 per annum.
- 4.7 Early engagement with local residents and stakeholders took place in October 2018. The Council is committed to continuing this consultation process as the project progresses and emerging proposals, including those for a community space, will be presented to the public and stakeholders before planning submission.

5. Financial Implications

- 5.1 Financial implications of any future use of the site will be assessed as options are brought forward.

6. Legal Implications

- 6.1 Legal implications will vary depending on the future use of the site and these will be investigated as the project progresses.

7. Outstanding issues

- 7.1 Not applicable.

If you have any further questions regarding this project, please do not hesitate to contact Emily Myers – emyers@westminster.gov.uk or Jake Lock – jlock1@westminster.gov.uk.

Appendix A

Other Implications

1. **Resources Implications** – no implication
2. **Business Plan Implications** – no implication
3. **Risk Management Implications** – no implication
4. **Health and Wellbeing Impact Assessment including Health and Safety Implications** – no implication
5. **Crime and Disorder Implications** – no implication
6. **Impact on the Environment** – no implication
7. **Equalities Implications** – no implication
8. **Staffing Implications** – no implication
9. **Human Rights Implications** – no implication
10. **Energy Measure Implications** – no implication
11. **Communications Implications** – no implication