



City of Westminster

Committee Report

Meeting or Decision Maker:	Communities Regeneration and Housing Policy and Scrutiny Committee Report
Date:	17 th November 2021
Classification:	General Release
Title:	Call in report: Cabinet Member Report 'Church Street Sites A, B & C, the public realm and the external Church Street Market infrastructure – Planning application approach'
Wards Affected:	Church Street
City for All Summary	The revitalisation of Church Street to provide new affordable homes and support local communities is a key commitment to Vibrant Communities in the City for All Plan.
Key Decision:	Key Decision
Financial Summary:	As per the Cabinet Member Report: 'Church Street Sites A, B & C, the public realm and the external Church Street Market infrastructure – Planning application approach'
Report of:	Debbie Jackson, Executive Director, Growth Planning & Housing Email: djackson@westminster.gov.uk

1. Executive Summary

1.1 The Application

The Council has prepared a planning application for the regeneration of the Church Street Estate. The application is intended to enable the realisation of the ambition of the adopted Church Street Masterplan from 2017, which in turn built upon the principles established in the Futures Plan. The planning application concerns the sites known as 'A', 'B' and 'C', located between Broadley Street, Salisbury Street, Boscobel Street and the Edgware Road. The application's overarching ambition is consistent with the commitments made to the delivery of 'Vibrant Communities' in Westminster's 'City for All' Plan and the ambitions of the Church Street Masterplan. The proposed scheme for Sites A B and C is set out in a detailed application for Site A and outline for Sites B and C. The proposals will deliver approximately 1,121 new sustainable homes, of which approximately 560 will be affordable, significantly improved public realm, the introduction of a new traffic free street with extensive amenity and landscaping provision, new market and community infrastructure and facilities including a library and a community garden. There will be full reprovision of all the affordable housing existing on site, together with additional new affordable and private homes with an overall provision of 50% affordable housing. Church Street Sites A, B & C is a flagship placemaking and regeneration scheme for Westminster City Council and will bring wide ranging social and economic benefits to the local area.

1.2 The Call-In

The draft planning application has been prepared and on the 6th October 2021 the Cabinet Member made the following decisions regarding submission of the application:

“That the Cabinet Member for Communities and Regeneration:

Approves submission of the hybrid planning application on behalf of the Council as landowner for the regeneration of Church Street Sites A, B & C, as set out in section 3 of this report; and

Delegates authority to the Executive Director of Growth Planning and Housing to:

- i. approve the final details of the planning application for submission including the application boundary plans for Church Street Site A (detailed application), B, C, external Church Street Market infrastructure and public realm (outline application);
- ii. submit the planning application as soon as practicable and thereafter conduct the application process as officers see fit, including making amendments to the planning application documents as may be appropriate; and
- iii. approve the Council entering into any relevant planning agreement as landowner in respect of the hybrid planning application.”

Councillor Noble, Councillor Less and Councillor Aziz have subsequently exercised their right that the decision be “called-in” for scrutiny by the Committee on the grounds that the planning application will have an environmental impact; it will increase the density of development across the site to include tall buildings; it will have an impact on the level of community space available in the local area; and, through the delivery of private homes, it will have an impact on affordable housing and the local community.

1.3 The role of the planning application

The application, as with any major development application, will have an environmental impact; it will increase the density of development to include tall buildings; it will change the way community space is delivered; and it will deliver a range of housing types including affordable and private homes. In order to determine whether such an application should be supported, it is right and proper for the planning determination process to decide whether these changes are either 'in line' with policy, or, if not, whether there are material considerations which ought to be taken into consideration when assessing the balance of planning benefit. The merits of the scheme will not be capable of being properly assessed until such time as a formal planning application is made. It is therefore entirely appropriate for the proposed planning application to be submitted and for that to be the forum for discussion and decision.

It is useful for the Committee to note that the Cabinet Member's decision to approve a submission of a planning application by the Council as a landowner or developer (as is the case here) does not have any influence on the assessment and consideration of a local planning authority to the application itself. The local planning authority is entirely separate from the Council in its capacity as landowner or developer. It is also useful for the Committee to be aware that considerations around the nature of the scheme, impact and details, are matters that a local planning authority assesses under its processes. For example, consultations on planning applications are carried out to make sure that people who may be affected are aware of the application and have an opportunity to comment.

1.4 The Call-In issues

With regard to the four items raised by the Local Ward Cllrs in the call-in process, it is the view of officers and the appointed professional team that the planning application strikes an appropriate balance and a balance that ought to be capable of finding support. This balance has been reached having due regard to planning policy, local context and stakeholder feedback and subject to the Cabinet Member approval the officers are hoping to arrange to submit the application to begin the assessment by the local planning authority.

- 1.4.1 Under the first item of 'Environmental Impact', the proposals have been prepared to ensure that an appropriate level of light is achieved in Church Street where the market is held, driven through the careful design of Site 'A' to include an additional north-south street. In terms of carbon zero, the design has adopted measures under each of the heads of 'be lean', 'be clean' and 'be green', as detailed in the City Plan, enabling a site wide reduction in regulated carbon emissions of 61%. Taken together with an offset payment, the scheme is net carbon zero. In terms of open space, the scheme engages with the adjacent 'Green Spine' and this increases the quantum of accessible public open space by 40%, designed carefully to encourage walking and cycling, play and providing a safe environment for all. This is in line with the Masterplan's objectives which stated improving health and well-being in the Church Street area is fundamental and that up to a 40% increase in publicly accessible open space would be achieved. Courtyards are provided for the use of residents, the facilities for the market are upgraded, and trees are planted wherever possible.
- 1.4.2 Taking the second item of 'Building Height & Density', the proposals respond positively to policy which anticipates tall buildings in Housing Renewal Areas and encourages the optimisation of the potential of well located, highly accessible, previously developed brownfield land. Intensification enables the delivery of a greater number of homes across all tenures including affordable homes to meet need, and the taller buildings within the scheme have been designed to make a positive contribution to townscape as part of a varied composition that responds positively to local context. The effects of the proposed massing have been fully considered and technical analysis during design development has informed the arrangement of blocks and spaces. The Masterplan stated: 'A comprehensive delivery strategy supports the ambitious provision of increased density and homes at a range of type and tenure to meet the current and future needs of the community.'
- 1.4.3 Turning to the third item of 'Community Space', space is made for the re-provision of existing facilities where they are still needed; either within the scheme or within the wider Church Street Masterplan Area. The Library is core to the proposals. The new facility is of a suitable size to meet need and the quality of

the accommodation is significantly better than that which it replaces, including a library garden and flexible spaces, all informed through community engagement. The new library will be delivered before the existing facility is decommissioned ensuring continuity of service. Alongside the library, provision is made in the masterplan for the reprovision of the existing community centre, dental practice, and pub, should this be required. New sporting facilities have already been provided in Carrick Yard (opening 2022), directly accessible off the Green Spine which connects through the wider Church Street Masterplan area.

1.4.4 The fourth item centres around 'Housing Tenure'. Policy drives a target for 50% of homes to be 'affordable', inclusive of reprovision. Of the 50%, 40% will be available at social rents and 60% at intermediate rents, each tenure meeting a specific need. The detailed phase of the planning application is in line with Policy and achieves this level of provision. Later phases are expected to also be able to achieve this target. Homes have been designed to be tenure blind and receipts from market sales will help to cross-subsidise affordable housing provision. In addition, the proposals realise the delivery of many of the ambitions defined within the Church Street Masterplan, notably around quality and sustainability of new homes, to the benefit of the ward as a whole.

1.5 It is concluded that the request for Cabinet Member approval to submit a planning application for the redevelopment of Sites 'A', 'B' and 'C' at Church Street is consistent with the mandate set out in the Cabinet adopted Church Street Masterplan Document. If the decision is implemented, a submission of the planning application means the merits of the scheme can be scrutinised by the local planning authority and for stakeholder comments to be considered in the determination process of the local planning authority. It is our further conclusion that the proposals thus far have been developed through an appropriate process of community engagement, in line with best practice advice, and the design team has had due regard to the considerations of environmental impact, massing, community provision and tenure in formulating the proposals for which the current planning application is intended to be made.

2. Recommendation

2.1 That the Committee reviews the decision outlined above at 1.2 and, in this instance, agrees one of the following options:

(a) To endorse the decision made by the Cabinet Member for Communities and Regeneration

(b) To refer the matter back to the Cabinet Member for Communities and Regeneration for reconsideration.

3. Background

3.1 On 06 October 2021 notice of this decision was published in accordance with the Council's Constitution. The Statement of Decision can be found at Appendix A.

3.2 On 13 October 2021 a valid call-in from Councillor Noble, Councillor Less and Councillor Aziz was received. On 27 October 2021 further specific questions were received as further detail to the key issues initially raised in the call in. Set out below is a note of the issues raised by the Councillor together with a detailed response including the specific points raised on the 27 October.

4.0 Call in issues

The original call in identified the four issues as set out below in 4.1, 4.2, 4.3 and 4.4. This was subsequently followed up with further questions, which have been included, underlined, and responded to individually.

4.1 Issue 1: Environment impact

4.1.1 Response - Sunlight/Daylight market impacts

The Westminster City Plan (2021) (the City Plan) Policy 7 requires development to be ‘neighbourly’ by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. Overshadowing to Church Street has always been a key consideration as the design has developed. On Site ‘A’, the buildings are split into two distinct elements with the new garden street creating a break to the building massing, allowing daylight and sunlight to reach Church Street. Sunlight analysis of Church Street illustrates that the proposals lead to an increase in sunlight reaching Church Street at 9am and 10am in comparison to the existing condition, whilst from 2pm, the street continues to receive full afternoon sunshine as per the existing condition.

4.1.2 Response - Carbon zero/sustainability

The London Plan requires a zero-carbon target for the residential element of all major new developments to minimise carbon dioxide emissions to the fullest extent possible in line with the Greater London Authority’s Energy Hierarchy (Be Lean, Be Clean, Be Green). The City Plan Policy 36 (B) states that all development proposals should follow the principles of the Mayor of London’s energy hierarchy and major development should be net zero carbon and an energy strategy should demonstrate how this target can be achieved.

The energy assessment for the planning application includes a series of measures that have been adopted into the design. These include:

Be Lean	Be Clean	Be Green
Enhanced thermal efficiency of the building fabric	A building level heat network designed to reduce distribution losses is proposed with provision to connect to a future area-wide district heating network or a site-wide heating network (incorporating low carbon technologies that may be available at the time of later phases) as the site evolves across the phasing program.	Renewable energy systems in the form of low carbon Ambient Loop Heat Pump (ALHP) system comprising of central Air Source Heat Pumps (ASHP) and individual Water Source Heat Pumps (WSHP) in homes
Improved air tightness		
Mechanical ventilation and heat recovery		
Low energy lighting		
Highly efficient heat network within the buildings to reduce heat loss		
Openable windows		Solar photovoltaics are proposed on appropriate areas of roof to maximise on-site renewable energy generation

The overall effect of these measures is that the regulated carbon emissions are reduced by 62% for domestic and 35% for non-domestic uses, giving a site wide improvement of 61% over Building Regulation requirements. The remaining CO2 emissions for the residential and commercial elements will be met through a payment to the Council’s carbon offset fund, making the development net zero carbon.

4.1.3 To what extent does this in fact represent a clean scheme?

The proposed heat network is designed to comply with and to exceed the best practice standards (where possible) outlined in the Chartered Institution of Building Services Engineers Heat Networks: Code of Practice. It is aimed to improve the quality of the heat network by incorporating recommendations such as using low temperature systems, enhanced insulation to minimize distribution losses and high-quality heat pumps which would result in an heat network that will generate and deliver heat in an efficient and a low cost manner. The proposed “Be clean solutions” do not increase Co2 emissions.

4.1.4 Has an estimate been made of the carbon produced during the demolition and construction phases of the scheme?

Yes, a full Whole Lifecycle Carbon (WLC) assessment of Sites A, B and C using industry standard modelling principles is included in the planning application which separates out offsite fabrication, transport to site and on-site construction. This technical assessment demonstrates that the proposal complies with the London Plan policy with respect to embodied carbon performance for a typical residential development with opportunities for further improvement as detailed design develops after the planning application.

4.1.5 Is it true to say that environmental factors are outweighed by the desire to meet housing delivery targets?

The scheme is compliant with the requirements of the Mayor's Energy Hierarchy as required by the City Plan and is net zero carbon. It also creates significant new public open space and new communal gardens for the residents. This is a significant investment in new open space for residents and the community, and its inclusion is at the expense of further homes in order to comply with the balanced objectives of the Church Street Masterplan to deliver real change for the community by creating great places, opportunities for a healthy and prosperous lifestyle as well as new homes.

4.1.6 The HIA states that the air quality assessment within the ES judges the air quality effects of road traffic during the demolition and construction phase to be 'not significant'. This is an extraordinary conclusion considering the enormous volume of traffic involved in schemes much smaller than this one.

A construction air quality assessment has been carried out following the widely accepted best practice guidance from the Institute of Air Quality Management. Section 8.8.1, of that guidance, sets out a series of mitigation measures that would be required to manage construction air quality effects to result in them being classified as not significant. The construction traffic assessment considered the pollution concentration increases (nitrogen oxides and particulate matter) that would be caused at locations surrounding the site during construction as a result of construction vehicles. The assessment concluded that the change in nitrogen oxides and particulate matter concentration levels would range from 0 to 0.6% respectively, falling within the 'not significant' threshold category for assigning effect significance. This is in line with standard and established methodology for carrying out air quality assessments for planning and EIA.

4.1.7 The worrying conclusion here is reflected in many parts of the EIA and HIA which put forward the view that matters such as noise and air quality during construction can be mitigated simply. These are not relevant planning matters however they are relevant for good running of a local authority.

Whilst there would be significant effects from the construction phase, this would be temporary and there will be mitigation measures in place to reduce the effect from major to moderate. The Code of Construction Practice (CoCP) sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within the City of Westminster, that will be acceptable to Westminster City Council, and it is expected that developments should meet and aim to exceed these for projects. Contractors will be expected to exceed these standards and good practices will be tested in the procurement of developer partners and/or contractors.

4.1.8 The reports are stated to have been produced in conjunction with WCC project team. Has any independent assessment taken place of the findings in these reports? If not is the Cabinet Member Report and subsequent decision based on and taken purely on the information provided by WCC?

The reports have been prepared by leading environmental consultants in their field which are recognised by national professional institutions. The selection of consultants has been in line with internal consultants and their work reviewed by independent planning consultants and planning lawyers.

4.1.9 Response - open and green spaces

Policy C6 of the City Plan states that sites located within the Church Street Housing Renewal Area should contribute to providing new green infrastructure and public realm improvements, including a north-south green route or 'green spine'.

Policy 43 of the City Plan also states that Development proposals should contribute a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design.

The Church Street Masterplan sets out a more detailed framework for open space including:

- A greener neighbourhood with new public open spaces and public realm
- Up to 40% increase in publicly accessible open space
- A hierarchy of squares and gardens with play areas for children of all ages
- An improved street network with high quality streets that promote walking and cycling
- Public realm enhancement works to create an attractive and safe environment

The planning application will seek to address these masterplan objectives by improving the public realm offer for existing and future residents, creating a vibrant area that will feel safe and inclusive through the day and night by providing streets and parks that provide access to high quality public amenity and open space for all.

The landscape design within the planning application incorporates four key areas: Site 'A', Site 'B', Site 'C', and the public realm. The intent is to provide secure communal spaces for residents which allow a greater sense of security and privacy while providing spaces for growing, play, and socialising. Courtyards will be secure, overlooked, and only accessible by the residents. For the public realm the aim is to provide an updated public realm for the Church Street Market that is more aesthetically pleasing, more easily cleanable and more fit for use by the market traders, in accordance with City Plan policies.

Site 'A' consists of 3 distinct spaces, and the proposals are based around the creation of a new publicly accessible space called the 'New Street Gardens', a new area of public realm that is pedestrian dominated and located away from highways land. Courtyards are provided for residents of both proposed development blocks. In the larger of the two blocks, there is a ground level courtyard which consists of secure communal play and seating spaces, private rear gardens and a public managed library garden that attaches directly onto the new Church Street Library. In the second block behind properties on the Edgware Road, a podium level secure communal courtyard embraces the same principles as the ground level courtyard.

Site 'B' will comprise a single courtyard providing for residents with secure communal play and seating space.

Site 'C' will comprise a single courtyard block with landscaping with communal play and seating areas. A new open space will be created between the proposed building and Kennet House enhancing the setting of the existing building. There is the potential to use this space for some form of community garden space going forward.

For the Public Realm, the objective is to provide an updated public realm for the Church Street Market that is more aesthetically pleasing, more easily cleanable, more fit for use by the market traders and maximising pedestrian and active travel priority, whilst maintaining ease of access for servicing and market set up and decant.

Most of the planned planting is provided in raised planters to allow for necessary growing medium formation. Planting species have been selected to be drought and shade-tolerant and provide flowering interest. Deciduous tree species have been used to minimise shading in the winter and have been combined with herbaceous perennials to create a planting scheme that changes with seasons.

Policy 34 (D) of the City Plan requires a major development to provide new or improved public open space and space for children's active play. The overall Proposed Development (Site 'A', 'B' and 'C') would be expected to require 4,873sqm of play space. The Proposed Development aims to provide 5,664sqm of play space, an over provision of 791sqm for a range of age groups.

4.2 Issue 2: Building Height resulting in increased density

4.2.1 Response

The City Plan supports tall buildings within Housing Renewal Areas. Policy 42 of the City Plan also gives further guidance on by acknowledging that delivering large-scale public estate regeneration comes with viability challenges that are different to private developments. The policy emphasises that what is considered an appropriate height must be balanced against the wider public benefits the scheme is able to viably deliver. Furthermore, Part B of Policy 42 identifies the Church Street / Edgware Road Housing Renewal Area as an opportunity for renewal and taller buildings to be provided "*where they contribute to the creation of a place with a strong and enhanced character*".

The proposed development will provide buildings ranging up to 14 storeys in height of high architectural quality which is sustainable and durable. The principle of tall buildings in this location is acceptable due to the existing precedent of tall buildings, well-connected infrastructure, high PTAL rating and location within an existing brownfield site and a Housing Renewal Area.

At a specific level, the design team has carefully considered the proposed height and massing to ensure the scheme's environmental impacts are minimised whilst seeking to optimise the quantum of development. In particular the response to the "mansion block" typology which is typical in this area has led to an urban design solution that provides improved public realm and open space, with higher blocks at key points only, not as a repetitive form.

The development seeks to provide an appropriate transition in scale from the height and density of existing and emerging developments in Paddington Basin to the west, to the historic context of Marylebone to the east. Building heights gradually reduce from west to east, creating appropriate responses to the varying site contexts. Heights are typically 8-11 storeys with variation in height and the use of setbacks to provide a granular feel to the development. The use of projecting and recessed bays further seeks to reduce the perceived mass of the buildings from the street. Site 'A' has typical building heights of between 8-11, site 'B' 6-9 and site 'C' 4-8, however there are number points of increased and reduced height as noted below:

Localised points of height act as visual markers to punctuate important public spaces and views. These are located on:

- The eastern corner of Site 'A' addressing Broadley Gardens (14 storeys).
- The western corner of Site 'B' on the corner of Church Street and Penfold Street (12 storeys).
- The southern block of Site 'C' addressing Church Street (13 storeys).

Lower elements are introduced at notably sensitive areas to reduce impact. These are located on:

- The height reduces to 7 storeys at the western corner of Site 'A' in response to the existing buildings at 354-380 Edgware Road
- The height reduces to 6 storeys adjacent to Salisbury Street and closest to Lisson Grove Conservation Area on Site 'B'
- The height reduces to 2 storeys adjacent to Kennett House on Site 'C' and 4 storeys along portions of Venables Street to reduce the daylight impact to neighbouring buildings on Edgware Road.

4.2.2 Although there is a wind microclimate assessment, this does not refer to the market at all. Can this be confirmed to include the external public realm area including the market?

We can confirm the wind microclimate assessment included an assessment of the public realm area within the site, including all of Church Street where the market operates from. This assessment of wind conditions at the market location is represented through the assessment of (on-site) thoroughfares.

The assessment concluded that the wind conditions at Church Street (both after Site A and Sites B and C) are constructed would be suitable for sitting, standing and strolling category (under the Lawson Comfort Criteria approach). Wind conditions within these categories are judged to be suitable for a mixed-use development are not considered significant environmental effects.

It should be noted that the Lawson Comfort Criteria does not explicitly designate a particular wind speed threshold for market use, however in RWDI's opinion it would be reasonable to consider standing use conditions as a likely target wind environment given this implies a certain amount of lingering of pedestrians if it is a dedicated use for a space. Strolling-use conditions might be considered tolerable where market spaces are combined with throughfare routes through a site as a mixed-use.

Chapter 15 of the Environmental Statement presents the assessment configurations that show the difference between the existing wind conditions (as modelled by CFD software) and the predicted wind conditions once the development has been completed.

- Figures 15-8 shows the existing wind conditions at Church Street during the windiest season – the results show the site is suitable for sitting and standing along Church Street. This is deemed suitable for market operation activities in line with the above.
- Figure 15.10 shows the predicted changes to wind conditions during the windiest season with the introduction of the detailed component, Site A. The results predict a wind environment suitable for sitting and standing that is very similar to the existing conditions. A small area for strolling occurs at the junction with Penfold street on the thoroughfares and roadways where market stalls are not expected, therefore conditions remain suitable for market operation activities.
- Figure 15.17 shows the predicted changes to wind conditions during the windiest season after the complete development is constructed – Site A in detail, Sites B+C in outline. The Church Street market area becomes noticeably calmer around the junction of Penfold Street with a small area of strolling-use conditions present at the junction of Venables street instead, associated with outline components of the scheme. Wind conditions are likely to change with consideration of the detailed geometry for the outline sites in future, however notably the strolling-use conditions occur mainly on the roadway and mixed-use surfaces that will also form thoroughfares where strolling conditions would be acceptable.
- Figure 15-24 shows the predicted changes to wind conditions during the windiest season with the development is constructed – Site A in detail, Sites B+C in outline and also considering the cumulative schemes identified in the vicinity. The results predict no worsening of comfort categories to the previous configuration - and Church Street market area remains within categories suitable for sitting, standing with a small area suitable for strolling.

In conclusion, the wind assessment predicts an environment where conditions ranging from sitting to strolling will be experienced at the market and public realm areas within the site, with strolling conditions confined to localised areas rather than being widespread. This is considered a suitable range of conditions for a mixed-use site. The wind environment is likely to change as the details of the outline sites come forward, however the same range of wind effects would be targeted at-worst.

4.3 Issue 3 - Level of community space

4.3.1 Response

Policy 17 of the City Plan supports new community infrastructure where there is an identified present or future need. Part C of the policy seeks to protect existing community floorspace unless it can be

demonstrated that either: 1) the loss or relocation is necessary to enable service provision to be reconfigured, consolidated, upgraded, or delivered more effectively as part of a published strategy to improve services and meet identified needs; or 2) there is no demand for an alternative social and community use for that facility or floorspace, evidenced by vacancy and appropriate marketing for at least 18 months.

A summary of existing and proposed community infrastructure and a commentary behind the planning application approach is summarised below.

Church Street Library

Located on Site 'B', the library has been at the heart of our plans from inception. 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 848sqm gross internal area (GIA) in size and accessed via an undercroft from Church Street. It is single storey building with two basement levels, thus having limited access to natural sun and daylight and whilst the library is well used by the local community, it is considered outdated in comparison to modern day multifunctional spaces provided elsewhere in Central London.

It is the intention to deliver a new high quality facility at the heart of Church Street to provide greater opportunity for local residents. The library will be re-provided and upgraded to a flexible and useable space for existing and future residents to enjoy as part of Site 'A'. This new library will be accessible and visible with direct access of Church Street. Rather than waiting for the redevelopment of Site 'B' to come forward, the plan is to invest in and bring forward a new library facility within the first phase of development, to be opened before the existing facility is decommissioned, a decision informed by our community listening exercise. The proposed library is designed to be a flexible, usable and workable space. It will perform better in environmental terms than the existing facility and provide a range of uses such a workspace, reading, education, and community support. It will include a library garden to the rear for recreational use designed to enhance mental and physical wellbeing and be managed in order to accommodate and meet the wider needs of the local community in line with City Plan Policy 17 and the wider objectives of the Church Street Masterplan.

The proposed library area is 394sqm (GIA) with a recommendation to consider options to increase internal library space further without compromising flexibility or the range of events that can be hosted there.

Derry Hall Community Centre

Located on Site 'C' this facility provides a space for members of the local area to use for recreational activities. The Community Centre is approximately 23sqm (GIA).

The proposed development as part of the outline application in Sites 'B' and 'C', provides up to 606sqm (GIA) of community floorspace to enable reprovision and an enhanced offer for new community groups provision and support.

Dental Practice

The existing dental practice is located on Site 'B' and is approximately 120sqm (GIA) classified Use Class E (Commercial, Business and Services).

The proposed development allows the reprovision of up to 3,500sqm of Use Class E floorspace that is capable of subdivision into a range of sizes of units to suit demand.

Lord High Admiral Pub

City Plan Policy 17 Part B notes public houses will be protected throughout Westminster, except where there is no reasonable prospect of its continued use as a public house, as evidenced by appropriate marketing for a period of at least 18 months.

The Site contains an existing pub known as 'Lord High Admiral' located at Site 'A'. The pub comprises of 174sqm (GIA) of Public House Sui Generis floorspace. We have concluded in this instance that the

premises make no or little contribution to local townscape or identity, there are multiple pubs within the surrounding area to ensure diversity within the commercial offer, and the existing pub is not considered as a social hub based on the feedback received through extensive engagement from the local community.

Other facilities

Of importance to note is the Church Street Masterplan sets out other sites either due to come forward or where construction is already underway. These include Luton Street Development (now known as Carrick Yard), which will be complete by 2022 and which will provide three playing courts and a community room. The sports, leisure and community facility would be accessed from the Green Spine and can be used by the Church Street community.

In summary, the planned facilities provide a significant upgrade in the quality and flexibility of community space with a recommendation to explore a model or form of co-ordinating community infrastructure activities and groups to make them more accessible and available to residents and the community within the new facilities.

4.3.2 What assessment was carried out of the consequences of further increase in population density in Church Street Ward?

Chapter 2: 'Achieving Sustainable Development' outlines the NPPF's vision of sustainable development, which the Government states should be seen as a common theme running through plan-making and decision-taking. The NPPF outlines that there are three dimensions to achieving sustainable development: economic, social, and environmental. To address the economic aspects of development, there is an emphasis on building a strong, responsive and flexible economy by ensuring sufficient supply of land is available to support growth, innovation and improved productivity. For the social dimension, importance is placed on encouraging strong, vibrant and healthy communities by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' well-being. With regard to environmental sustainability, priority is given to protecting and enhancing the natural, built and historic environment.

The London Plan (2021) Policy GG1 Building strong and inclusive communities sets out the principles of delivering strong and inclusive communities which build upon London's tradition of openness, diversity and equality. This includes the provision of good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration, and addressing social isolation.

Chapter 13 of the accompanying Environmental Statement assess the impact of the Proposed Scheme on the baseline socio-economic conditions and the impacts on the community and local economy including health care facilities, education spaces, play space, employment, and affordable housing.

The Proposed Scheme will also provide a significant money from the community infrastructure levy (CIL), C. £9.5 million of WCC CIL and £3.4 million of Mayoral CIL and S106 Obligations. These financial contributions can be used to mitigate any impact from the Proposed Development.

4.3.3 The space allocated for the library however is significantly less than what is afforded at present. This too does not seem to marry up with the City for All agenda which commits to supporting people's mental wellbeing by creating active environments through for example recreation facilities.

We have explained above the limitations of the current facility and the intention to deliver a new high-quality facility and provide greater opportunity for the residents of Church Street. The proposed library will provide a more flexible space, with better light, accessibility and functionality and it sits alongside numerous benefits the hybrid planning application will provide, including 2,478sqm of new public open space, 5,664 sqm of play space and additional community floorspace within the outline element to come forward.

4.4 Issue 4 – Private sale flats and their impact on affordable homes and the community

4.4.1 Response

Paragraph 9.3 of the City Plan notes that estate regeneration scheme should maximise the amount of affordable housing and deliver 50% on public land where viable, taking account of any affordable housing that has been re-provided.

A key objective of the Church Street masterplan is to deliver more new homes across a range of types and tenure in the area.

The planning application seeks to deliver 50% affordable housing and on Site 'A' this is 214 affordable homes. In Sites 'B' and 'C' (outline elements) it is envisaged that the later phases will also deliver 50% affordable housing. Accordingly, the proposed quantum complies with the City Plan Policy.

The market sale homes are fully integrated into the design as a mixed tenure development. They are designed to market specification and demand requirements in this location and receipts will cross subsidise the affordable homes, allowing the Council to meet its affordable housing policy target and address housing need.

The affordable housing target is compliant with policy in providing 40% of new affordable units as social rent and 60% as intermediate rent. The intermediate rental product is an important tenure type addressing need from those that are not eligible for social rented product or are unable to purchase in the city.

4.4.2 At any point was consideration given to applying for Mayor of London funding, which would have allowed delivery of more affordable homes without the need for as many private market homes?

In 2014 the Council made an application to the Mayor of London's Housing Zone programme for the Edgware Road area. This was successful and the principles were agreed and £25.5m was allocated to the programme. £2m of this was designated for phase 1 projects including the Lisson Arches enabling works and the remaining £23.5m is earmarked for leaseholder acquisitions in phase 2 including the subject sites. The phase 1 monies were drawn down however the GLA did not wish to lend the phase 2 monies on the agreed terms.

More recently as part of the Council's submission for funding under the Greater London Affordable Housing Programme 2021-26 an application has been made for Site A in line with the Capital Funding Guide. However, the GLA have rejected the application.

These sums would have offset other Council funding contributions to the scheme which is already achieving policy compliant 50% affordable housing for estate regeneration schemes.

4.4.3 Assuming a similar price point for the 50% of all new homes in this scheme which will be for private sale, how is WCC meeting its City for All commitments?

The City for All Commitment is to enable 20,000 new homes to be built by 2040 of which at least 35% are affordable, helping people and families move into well designed green and affordable homes. This report has already set out how the development will be zero carbon, dual aspect and with private and communal amenity space. However, Paragraph 9.3 of the City Plan notes that estate regeneration scheme should maximise the amount of affordable housing and deliver 50% affordable housing on public land where viable, taking account of any affordable housing that has been re-provided. The Proposed Development seeks to deliver 50% affordable housing subject to viability discussions with the GLA and

it is therefore a scheme planning to deliver in excess of the City for All affordable housing targets, cross subsidised by the private sector homes.

4.4.4 What steps will WCC take to ensure these properties are not used by individuals or businesses to park cash obtained by suspicious methods or obtained in places where there is little regard for the rule of law?

There are several pieces of UK legislation that are designed to prevent property transactions being used for criminal purposes. These include the Proceeds of Crime Act (2002), Terrorism Act 2000, The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (as amended) and the Criminal Finances Act 2017

The Money Laundering (ML) Regulations 2017 were amended with effect from 10 January 2020. The Regulations set out what relevant businesses must do to prevent the use of their services for money laundering or terrorist financing purposes. These include parties involved in the property transaction process including estate agents, solicitors, financial advisors and banks which all have obligations under the Money Laundering Regulations.

The ML Regulations require agents responsible for sales to conduct checks on the identity of the purchasers. In addition agents must screen purchasers to check for higher risks for example Politically Exposed Persons, jurisdictions subject to sanctions and adverse media. Any suspicious activity needs to be escalated to the agent's nominated Money Laundering Reporting Officer.

The Council's solicitors will ultimately advise the client on whether or not to exchange contracts with any individuals or corporate entities. The decision to proceed with any buyer rests with the seller based on information about the buyer provided by the solicitors.

The Council has its own anti-money laundering protocol, *Anti Money laundering Policy and Procedure, December 2020*, and has its own Money Laundering Nominated Officer which will review any information passed to this post holder.

4.5 **Impact on Church Street ward as a whole**

Policy 6 Spatial Development Priorities for Church Street / Edgware Road makes specific reference to the area comprising the proposed development and sets out specific targets for the delivery of new homes, jobs and community facilities. The planning application provides clear evidence of the benefits that the scheme provided within the Church Street Masterplan.

- 1,121 new homes mixed tenure homes, policy compliant at 50% affordable housing, re-providing for those that wish to return, with social rent homes aligned to housing need and providing a mixed and balanced community for the future
- High quality dual aspect homes with private amenity space and private community gardens for all residents of each block
- Between 696sqm and 1,000sqm of new quality community facilities, including the new library which are flexible and adaptable to a wide variety of community needs
- 1,013sqm of flexible and adaptable new employment floorspace to respond to community needs
- 252 net new construction jobs per annum during the construction
- An additional £12.2m of net additional expenditure in the London economy per annum
- Improved Church Street public realm and new access route between Church Street and Broadley Street
- 5,664sqm of new play space for children of all ages
- 34% reductions in CO2 emissions and a net zero carbon development
- 1,500 new cycle parking bays

- New van parking, storage and improved pitches and services for the market traders to enable them to flourish and benefit from increased footfall across an improved Church Street environment

5.0 The options available to the Committee are:

Option A: Endorse the decision taken by Cabinet Member to give approval for the planning application to be submitted (and other related decisions) in the decision

Option B: Refer the decision back to the Cabinet Member to re consider.

If option B is chosen, the Cabinet Member should then reconsider the decision having regard to the views of the Policy and Scrutiny Committee within 10 working days, amending the decision or not, adopting a final decision. This option will have financial implications noted in Section 4.

- 5.1 The full Cabinet Member Report which was formally approved by Cabinet Member Heather Acton, Cabinet Member for Communities and Regeneration on 6th October 2021 is appended at Appendix B.

6. Financial Implications

- 6.1 The Financial Implications of the Cabinet Member Report - Church Street Sites A, B & C, the public realm and the external Church Street Market infrastructure – Planning application approach are set out in the Appendices to that report.

7. Legal and Constitutional Implications

- 7.1 The legal implications in the Cabinet Member Report apply to this report. A copy of the Cabinet Member Report is appended at Appendix B.

- 7.2 The Council's call in arrangements are set out in the Council's Constitution and include terms of reference and procedure rules. Once the Committee has concluded its scrutiny, the Committee is required under the Constitution to prepare a formal report and submit it to the proper officer for consideration by the Cabinet Member if the proposals are consistent with the existing budgetary and policy framework, or to the Council as appropriate e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework. In this instance it is considered that the proposals are consistent with the existing budgetary and policy framework to entail a formal report to the Cabinet Member rather than Cabinet. The Cabinet Member shall consider the report of the Committee at the earliest practicable opportunity.

8. Consultation

- 8.1 The approach to consultation and engagement with Church Street residents has been transparent, consistent, and meaningful. The Council has used many ways to communicate with people, which meant that residents have been given a choice of options to view proposals and have their say throughout the process. The Council's project team, based at 99 Church Street, has also provided support and information for residents, Monday to Friday, on a drop-in basis. The office was only closed when Covid-19 restrictions were in place, and the Council used other forms of engagement.

- 8.2 At each stage of progressing the scheme, the Council has aimed to give residents clear and thorough information informed by our consultation methodology. The Council has built strong relationships with residents and community stakeholders. Consequently, the Council's project team has been able to use the feedback received to align the scheme's development with the values and needs of those living and working in the area. This is demonstrated in the 2019 Options Consultation, where residents expressed a preference for partial redevelopment and part refurbishment for Sites A, B and C. As a result, the Council have worked closely with the community to develop detailed designs to reflect this for the 2021 Pre-Planning Consultation.

- 8.3 The Council has prioritised making the regeneration of Sites A, B and C a truly empowering process, starting with Site A, setting out the opportunities to influence and understand each stage of the scheme. By balancing the needs of the community with the financial responsibilities of the local authority, the Council has created a planning application or a scheme that addresses the vital need for the regeneration of Church Street.
- 8.4 Since the Church Street Masterplan was launched in December 2017, the Council has:
- Carried out several consultations:
 - priorities (2018)
 - options (2019)
 - design update for Church Street Site A (2020)
 - delivery options/best value (2020)
 - two-stage pre-planning process (2021)
 - In total over 30 weeks of formal consultation exercises including drop-in events, webinars and stakeholder meetings with residents, Ward Councillors and amenity groups in the local area.
 - Provided up-to-date information online and in print to residents, businesses, and market stallholders.
 - Made sure that engagement remained high during the Covid-19 lockdown restrictions by using online activity, such as an online consultation platform on Commonplace which is recommended by the Mayors Good Practice Guide to Estate Regeneration, Zoom meetings and webinars, to make sure that people were able take part remotely.
 - With the easing of Covid-19 restrictions, consultation exercises included a hybrid of online and in-person events such as consultation drop-in sessions. During both stages of the 2021 pre-planning process the levels of engagement were higher than previous Options Consultation in 2019, with the first stage in March 2021 having double the amount of respondent feedback received.
 - In our most recent second stage pre-planning consultation in June/July 2021 key feedback figures included:
 - 78% of respondents felt positive or somewhat positive about the proposals for new homes
 - 80% of respondents felt positive or somewhat positive about the proposals for the Church Street Market
 - 81% of respondents felt positive or somewhat positive about the proposals to improve health and wellbeing
 - 82% of respondents felt positive or somewhat positive about our proposals to improve the way people get around Church Street
 - 79% of respondents felt positive or somewhat positive to how optimistic they felt about the proposals
 - 72% of respondents gave the highest scores of either 4 or 5 to how informed they felt about the proposals for Sites A, B and C
- 8.5 Overall, the majority of feedback received has shown a great level of support for the scheme and many residents and stakeholders in the area welcomed the designs. Many of those who have then taken part in consultation exercises are overwhelmingly positive about the plans and their long-awaited benefits for the area.
- 8.6 The Council received feedback from a small number of residents and stakeholders who raised issues with certain design aspects of the proposals. During the consultation process the Council continued to discuss the proposals with these groups and have set out design responses which are documented later in this report.
- 8.7 The consultation and design development for Sites A, B and C has been a thorough and extensive process. The Council will continue to work closely with the community as the project progresses.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

Insert report author contact details here

BACKGROUND PAPERS:

List background papers here

NB: For individual Cabinet Member reports only

For completion by the **Cabinet Member** for *(add portfolio title)*

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____

NAME: _____

State nature of interest if any
.....

(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled
.....and reject any alternative options which are referred to but not recommended.

Signed

Cabinet Member for *(add portfolio title)*

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional _____ comment:
.....
.....
.....
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Head of Legal and Democratic Services, Chief Operating Officer and, if there are resources implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working

days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

Appendices:

Appendix A

The notice of decision in accordance with the Council's Constitution for the report considered by the Cabinet.

Appendix B

The report considered by the Cabinet titled Church Street Sites A, B & C, the public realm and the external Church Street Market infrastructure – Planning application approach.