

APPENDIX B



City of Westminster Cabinet Member Report

- Decision Maker:** Cabinet Member for Communities and Regeneration
- Date:** 05 October 2021
- Classification:** For General Release save for Appendix B and C be declared as exempt from publication. [For the purposes of the Scrutiny Committee this is now Appendix B.2 and B.3]
- Title:** 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:** The proposed regeneration of Church Street Sites A, B & C and the external Church Street Market infrastructure will enable Westminster City Council to meet the City for All commitments, specifically:
- **Greener and Cleaner** - the scheme will improve the quantity and quality of public realm in the area and will have an emphasis on green technology such as electric vehicle parking spaces and an ambitious sustainability strategy.
 - **Vibrant Communities** - the scheme has been designed with the unique Church Street community in mind, it will deliver homes in a range of tenures beneficial to the local residents and improvements for the Church Street Market which is a centre point of the community.
 - **Smart City** – Use of up to date technology shall be considered during the development of the scheme. For example, the new library space, updates for the Church Street Market and the sustainability strategy for the homes and buildings.
 - **Thriving Economy** – A key focus of the Church Street Regeneration is in creating an environment that unlocks business opportunities, broadens the economic base, and creates jobs for all. This will be achieved by leveraging Church Street's unique location and potential to attract business, enterprise, and investment.

Key Decision:	Yes
Financial Summary:	The financial implications are summarised in Appendix C (exempt from publication). [For the purposes of the Scrutiny Committee this is now in Appendix B.3]
Report of:	Executive Director of Growth Planning and Housing – Debbie Jackson.

1. Executive Summary

- 1.1. The regeneration of Church Street Sites A, B & C, the public realm and the external Church Street Market infrastructure (Church Street Sites A, B & C) will provide a significant boost in housing supply, including a net increase affordable housing and bring about the long-term physical, economic and social sustainability of the neighbourhood. The Council will continue to work with Church Street residents, traders, business and other stakeholders to create a high-quality neighbourhood that offers an attractive mix of homes shops, public realm and community facilities.
- 1.2. The proposals for Church Street Sites A, B & C will deliver approximately 1,125 new homes, significantly improved public realm, the introduction of a new traffic free street with extensive amenity and landscaping provision, improved sustainable housing and market with new market facilities and community infrastructure 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. 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.
- 1.3. The primary purpose of this report is to seek Cabinet Member approval for the submission of the necessary hybrid planning application for Church Street Sites A, B & C, and to seek delegated authority for officers to conduct the planning application process on behalf of the Council as landowner.
- 1.4. The financial implications are summarised in Appendix C (exempt from publication).
- 1.5. This report asks the Cabinet Member to consider and take decisions on the recommendations listed below in section 2.

2. Recommendations

- 2.1. That Appendix B and Appendix C of this report are exempt from disclosure by virtue of the Local Government Act 1972, Schedule 12A Part 1, paragraph 3 (as amended), in that they contains information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 2.2. That the Cabinet Member for Communities and Regeneration:
 - 2.2.1. 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
 - 2.2.2. 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.

3. Reasons for Decision

- 3.1. Assuming the recommendations in this report are agreed, the planning application can be submitted in early October 2021 as a 'hybrid' application that consists of two parts, as described below:
 - i. A detailed application for Site A
 - ii. An outline application with all matters reserved for Sites B & C, the public realm and external Church Street Market infrastructure.
- 3.2. It is intended that the planning application will be submitted for Church Street Sites A, B & C together as it will enable progress to be maintained by establishing design parameters and the overall approach.
- 3.3. The proposals include new homes, an improved and redesigned market, commercial and retail opportunities and many other community benefits for the local area. The planning application will be considered initially by the local planning authority and then referred to the Mayor of London because of the scale of the proposed development.
- 3.4. The list of properties contained within Sites A, B and C as at the date of this report can be found at Appendix B.1. All three sites contain commercial and residential

properties. The external Church Street Market infrastructure and public realm is located along the length of Church Street.

- 3.5. Subject to approval of the recommendations in this report, the Council's design team for Church Street Sites A, B and C shall complete further work on the outline design (RIBA Stage 2) for Sites B and C, the public realm and external Church Street Market infrastructure and detailed design for Site A (RIBA Stage 3) to fully support the above planning strategy.
- 3.6. The Cabinet Member views the draft planning application submission documents at Appendix B,2 (exempt from publication), noting that these may be subject to changes in line with the delegated authority sought in connection with the planning application.

4. Background, including Policy Context

- 4.1. The proposed redevelopment of Church Street Sites A, B & C form a part of the wider Church Street Masterplan.
- 4.2. The plans for regeneration within the area have evolved following the development of Westminster's housing renewal strategy and form part of the Church Street Masterplan which was approved by Cabinet in December 2017 as the Council's framework for informing the future regeneration of the Church Street area. Following an extensive public consultation, an equality impact assessment, soft market testing and stakeholder engagement exercise an option for partial redevelopment was identified and approved as the preferred way forward.
- 4.3. In April 2021 the City Plan was adopted which includes strategic policies supporting the regeneration of Church Street, as envisaged by the Masterplan (including Church Street Sites A, B & C). The proposed planning application for Church Street Sites A, B & C accords with the adopted City Plan.
- 4.4. The Church Street Masterplan, 2017 indicated the development sequence should begin with Site A, then Site B and finally Site C. It further indicates the redevelopment of Blackwater House as the first block within Site A. The intention to redevelop Site A with Blackwater House as the first block within that was confirmed in the options consultation exercise. As part of design development of the options, officers have considered programming and phasing matters and estimate 'start on site' on Site A to be in 2023.
- 4.5. Each phase of the development is expected to take between three to five years to complete, however there will be overlap between each phase. With this in mind the total length of the programme is currently estimated to be around thirteen years to deliver the development from commencement on site.
- 4.6. The external Church Street Market infrastructure and public realm upgrades will be delivered separately to the Site A, B and C works. Although, the market infrastructure will be improved with delivery parking, storage and welfare facilities within Sites A and B. A phasing strategy is being developed for the external Church Street Market

infrastructure and public realm upgrades, in order to minimise abortive works and disruption to local business, residents and visitors.

5. Site A Deliverability

- 5.1. A “partnership - style” delivery route was recommended as the preferred option of delivery in August 2020. In advance of formal procurement, the participation and involvement of the housing funding, development and construction market is essential to test market opinion on the Church Street Site A deliverability.
- 5.2. The Council has presented the scheme previously during two rounds of soft market testing. Following this, another, more detailed period of market engagement took place during July 2021. This involved a procurement launch event at City Hall, detailed interviews and discussions with 9 potential partners who all followed up with written submissions on their thoughts.
- 5.3. In general, the proposal was well received with the majority of participants stating that they were very keen to be involved in the delivery and that they would be submitting tenders. The proposed 50/50 Joint Venture (JV) structure was received well by the market and is the preferred format as it ensures the venture is equitable and partners are equally incentivised.
- 5.4. In terms of design there were areas which partners suggested they could optimise but in general it was well received. Most participants recognised the Council’s desire to pursue a planning application in advance of partner selection and were positive about how they might input during detail design Stage 4.

6. Financial Implications

- 6.1. Please refer Appendix B.3 for detailed analysis (exempt from publication).

6. Legal Implications

- 6.1 Section 1 of the Localism Act 2011 provides a general power of competence for local authorities. It gives local authorities the same power to act that an individual generally has, provided it is not prohibited by other legislation. The Council has the capacity to develop and submit a planning application to bring forward a development scheme such as the Church Street Sites A, B & C scheme, under this power.
- 6.2 There is also section 111(1) of the Local Government Act 1972 that provides a local authority with the power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. The test is not whether a particular activity is ancillary to the function of a local authority, but whether it is calculated to facilitate, or is conducive or incidental to the discharge of the local authority's functions.
- 6.3 Planning obligations are normally secured by bilateral agreements between a developer and a Council in its role as the Local Planning Authority (“LPA”). If there

are breaches of any of the planning obligations then the LPA can enforce the terms of the agreements. With the Church Street Sites A, B & C scheme, the Council is the majority landowner of the site and it is also the LPA. The Council is unable to enter into an agreement with itself. One approach in this situation is for a Council as landowner to enter into a unilateral undertaking under section 106 of the Town and Country Planning Act 1990. This is the expectation on the Church Street Sites A, B & C scheme. The Council (in its capacity as landowner) can give a unilateral undertaking planning obligation in connection with a planning permission, if granted, for the development, which will be secured on land which is owned by the Council. A unilateral undertaking sets out the intentions of the Council as landowner regarding the delivery of the development and the securing of the various benefits and ensures that, should any party (in addition to the Council) participate in the development that the same benefits are secured against that party. A unilateral undertaking will include mechanisms to ensure that it binds successors in title to the land.

7. Consultation

- 7.1. As well as consulting in the early stages of the design process, the Council has undertaken an extensive two stage pre-planning consultation. During the pre-planning consultation the Council delivered consultation materials to approximately 7000 properties in the area at each stage, adopted covid-safe engagement methods when appropriate, and hosted an exhibition on the Church Street Triangle. There were just under 600 survey respondents who made over 27000 comment contributions over both stages of the pre-planning consultation.
- 7.2. At the Council's most recent stage 2 pre-planning consultation there were 268 completed surveys and 1,310 survey contributions. This suggested:
 - Across the design themes 80% of respondents were either positive or somewhat positive about the scheme
 - 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 & C.
- 7.3. Detailed consultation has also been undertaken with the local stakeholder groups and Ward Councillors. Whilst some of these groups raised issues about the height of the proposals and the smaller size of the library (compared to existing) there was also positive feedback from these groups. This includes the modern design standards of homes, the new green spaces, new facilities for market traders and the library remaining on Church Street. We continued to engage with these groups to understand and respond to their concerns in the design process during the two stage, pre-planning consultation.

- 7.4. The Council has noted and welcomed written feedback from stakeholder groups in response to the proposals presented during the second stage of the pre-planning consultation. This includes feedback from the Church Street Neighbourhood Forum, Tenants and Residents Association (TARA) Lisson Green, St. Marylebone Society, Friends of Church Street Library and Ward Councillors. The Council will continue to engage with these groups to discuss the proposals and the feedback they have raised.
- 7.5. More detail on the consultation can be found in the Statement of Community Involvement, contained within the supporting planning application documents.

8. Equalities Implications

- 8.1. The Equality Act 2010 requires public authorities to have due regard to the need to eliminate discrimination and advance equality of opportunity. The Council must take into account its wider public sector equality duty under section 149 of the Equality Act 2010 when making decisions. For instance, the Council must have due regard to this duty in terms of the processes used, if a decision is taken to deliver the development scheme by way of a developer or delivery partner.
- 8.2. The Council has conducted an Equality Impact Assessment which shall be submitted as part of the planning application. The Council has noted the implications and recommendations in the Equality Impact Assessment and an action plan to deal with the mitigations is being developed. The Equality Impact Assessment is a document that is updated as appropriate, as the scheme continues.

9. Next Steps

- 9.1. The planning application is due for submission in early October 2021. It is currently anticipated the application will be determined in Q2 2022.
- 9.2. After submission of the planning application the LPA is required to undertake a formal period of public consultation, prior to deciding a planning application. Anyone can respond to a planning consultation. In addition to individuals who might be directly affected by a planning application, community groups and specific interest groups (national as well as local in some cases) may wish to provide representations on planning applications.
- 9.3. The statutory publicity requirements for applications for planning permission which comprises a site notice or neighbour notification letter, newspaper advertisement and information about the application being made publicly available on the LPA's website. Separate to the statutory planning consultations, the Council is in the process of drafting a comprehensive communication and engagement plan to support the planning application submission.
- 9.4. In addition, the Council will set out more detail on how they will consult the community on the planning application in the Statement of Community Involvement which can be found within the supporting planning application documents (available on request).

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

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APPENDICES

B.1 (List of existing properties in Church Street Sites A, B and C)

B.2 (Draft planning application documents ((Not for Publication))

B.3 (Financial Implications ((Not for Publication))

For completion by the **Cabinet Member for Communities and Regeneration**

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 Church Street Sites A, B & C, the public realm and the Church Street Market – Planning application approach and reject any alternative options which are referred to but not recommended.

Signed

Cabinet Member for Communities and Regeneration

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:

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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 Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (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.