



CITY OF WESTMINSTER

**TOWN AND COUNTRY PLANNING ACT 1990,
ACQUISITION OF LAND ACT 1981 AND LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976**

**THE CITY OF WESTMINSTER (SITE A CHURCH STREET)
COMPULSORY PURCHASE ORDER 20[]**

STATEMENT OF REASONS

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1 INTRODUCTION

- 1.1 This is the Statement of Reasons for the making of The City of Westminster (Site A Church Street) Compulsory Purchase Order 20[] (the "Order") under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended)(the "Act"), the Acquisition of Land Act 1981 (the "1981 Act") and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (the "1976 Act"). This Statement of Reasons is a non-statutory statement provided by the City of Westminster as the Acquiring Authority (the "Council") in compliance with the Ministry of Housing, Communities and Local Government's Guidance on Compulsory purchase process and The Crichel Down Rules 2019 (the "Guidance").
- 1.2 If confirmed by the Secretary of State for Levelling Up, Housing and Communities, the Order will enable the Council to acquire compulsorily the land included in the Order (the "Order Land") as shown within the red-line boundary of the draft Order Plan at Appendix 2 to facilitate its regeneration by the demolition of existing properties and the erection of mixed-use buildings providing residential units, flexible commercial use floorspace, market storage and infrastructure, landscape amenity space and car, motorcycle and cycle parking together with other associated works (the "CPO Scheme") as described in Section 5 below. It will also facilitate the acquisition of new rights necessary for the purposes of constructing the CPO Scheme.
- 1.3 The CPO Scheme forms part of the Council's proposals for the regeneration of the wider estate as shown indicatively edged red on the Estate Plan at Appendix 3 (the "Estate") for residential-led mixed use development comprising new buildings to provide mixed-tenure residential units and ancillary residential facilities, community, commercial, business and service floorspace, market infrastructure and ancillary facilities, new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, servicing and other associated works (the "Regeneration Scheme").
- 1.4 Although the Order Land forms part of the Estate and the CPO Scheme forms part of the wider Regeneration Scheme, use of the Council's compulsory purchase powers is only sought in respect of the Order Land for the purposes of delivering the CPO Scheme. Whilst the proposals for the Order Land and the wider Estate have been consulted upon and promoted via the planning system as a single scheme, for the reasons more fully set out in this Statement of Reasons, the Council considers that the case for using compulsory purchase powers is justified by reference to the proposed regeneration of the Order Land alone and the benefits that will arise as a result.
- 1.5 The Council has given careful consideration to all relevant issues, and having done so, it is satisfied that there is a compelling case in the public interest for it using its powers of compulsory acquisition to facilitate the regeneration of the Order Land and that the proposed acquisition will:
 - (a) facilitate the carrying out of development, redevelopment and improvement on and in relation to the Order Land; and
 - (b) contribute to the promotion and improvement of the economic, social and environmental wellbeing of the City of Westminster.

The benefits of the CPO Scheme are described in detail in Section 7.

- 1.6 The Regeneration Scheme has been a planning and regenerative objective of the Council for many years. Although the Council owns the freehold interest of the Order Land (albeit there is a small parcel of unregistered land to the rear passageway to 372 Edgware Road where the freeholder cannot be identified), implementation of the CPO Scheme requires the acquisition of leasehold interests and new rights. The Council has endeavoured to acquire the necessary interests by negotiation, but it has not been possible to reach agreement with all of the parties affected. The Council will continue to make reasonable attempts to acquire outstanding interests by private treaty with a view to limiting the number of interests that need to be compulsorily acquired.
- 1.7 Whilst compulsory purchase is a last resort, the Secretary of State recognises in paragraph 2 of the Guidance that, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Accordingly, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for an acquiring authority to plan a compulsory purchase timetable as a contingency measure; and initiate formal procedures, at the same time as seeking to purchase land by agreement.
- 1.8 On 13 December 2021, the Council resolved to approve the progress of all work necessary to establish a case for compulsory purchase and approved, in principle, the use of compulsory purchase powers for the acquisition of the Order Land required for the CPO Scheme.
- 1.9 On 28 March 2023, the local planning authority resolved to grant a hybrid planning permission (the "Planning Permission") for the Regeneration Scheme (of which the CPO Scheme forms part) to provide a residential-led mixed use development comprising the erection of mixed-use buildings providing ground floor flexible commercial use floorspace (use class E), a library (use class F1), market storage (use class B8), residential units (Use Class C3), landscaped amenity space, car parking, motorcycle parking, cycle parking, market infrastructure and associated works. It is proposed to deliver the Regeneration Scheme through the implementation of the Planning Permission.
- 1.10 It is proposed to deliver the CPO Scheme through the implementation of the detailed part of the Planning Permission on the Order Land. The detailed component of the Planning Permission comprises erection of mixed-use buildings providing ground floor flexible commercial uses (use class E), a library (use class F1), market storage (use class B8), residential units (use class C3) (up to 428 units), landscaped amenity space, car parking, motorcycle parking, cycle parking, market infrastructure and associated works.
- 1.11 Subject to the making (and confirmation) of the Order in order to secure the Order Land required for the purposes of implementing the CPO Scheme and the grant of the Planning Permission, the intention is to proceed with the detailed part of Planning Permission in a timely manner.
- 1.12 This Statement sets out the existing and proposed uses of the Order Land and the wider Estate, the justification for the Order, a description of the CPO Scheme, how the

CPO Scheme will be implemented and funded, steps taken to negotiate the acquisition of land by agreement and explains why there is a compelling case in the public interest for the making of the Order.

2 DESCRIPTION OF THE ORDER LAND AND ITS LOCATION, TOPOGRAPHICAL FEATURES AND PRESENT USE

Description

- 2.1 The Order Land is identified on the draft Order Plan at Appendix 2 and comprises 0.9927 hectares of land that is to be compulsorily acquired. The Order Land comprises part of the Estate, incorporating those leasehold properties (both commercial and residential) which have not already been acquired by agreement, together with any associated interests and rights that may exist. The Order Land is more particularly described below and a schedule of interests is being prepared, which lists the owners, lessees, tenants, occupiers of the Order Land and other parties with a qualifying interest in the Order Land where known as defined by section 12(2) of the 1981 Act. Details of statutory undertakers' rights and interests will also be included.
- 2.2 The Order Land is located within Church Street Ward within the City of Westminster. Church Street is an ethnically diverse ward and home to one of the highest concentrations of social housing in the borough. Despite its proximity to the West End, the area has high levels of social and economic exclusion. It is the most densely populated ward in London and in the 10% most deprived wards in the UK (index of Multiple Deprivation, DCLG 2015). According to the 2011 census¹, Church Street is the 23rd most diverse ward in the UK. A total of 50% of households speak English at home, with Arabic the most common language after English. The area encompassing the Estate has a high level of people reporting bad/very bad health and a prevalence of diabetes, being the highest amongst Westminster's wards (Public Health England – National General Practice – Profiles – Data, 2021). The proportion of the Church Street Ward's population affected by long-term illness or disability is also above average for Westminster. The area also suffers from severance caused by surrounding transport infrastructure creating barriers to accessibility and movement into and out of the area.
- 2.3 The Order Land is predominantly residential with the exception of 15 individual commercial spaces and a basement carpark used for storage.
- 2.4 The residential properties within the Order Land include 145 residential properties in Blackwater House, Cray House, Ingrebourne House, Pool House and Lambourne House. Of the 145 residential units, 98 are provided for social rent and 47 are provided as market housing.
- 2.5 The blocks were built in the 1970s and are arranged in long ranges, for the most part, fronting the streets, albeit in the case of Lambourne House and Pool House set back from the footway with some gardens or landscaped areas and in the case of Pool House a vehicle ramp down to a basement. A communal courtyard garden lies within the centre of the block. To the west of Ingrebourne House is a ramped vehicle access point into a large basement area and to the west of this a servicing area which backs

¹ Relevant sections of the 2021 Census are not available at the time of writing

onto the Edgware Road facing properties. The architecture is relatively uniform with a strong horizontal emphasis, using red brick as the main cladding material and punctuated by a regular arrangement of full-height window bays, which typically contain replacement upvc windows.

- 2.6 Blackwater House fronts onto Church Street and is four storeys in height. Approximately 2927 sqm GIA of commercial units are located at ground floor with residential units above. The majority of commercial units contain retail uses falling within Use Class E, although a public house (Lord High Admiral – Use Class Sui Generis) is also located at the northern corner, at the junction of Church Street and Penfold Street, and a betting shop (Use Class Sui Generis) is located on the Church Street frontage.
- 2.7 The Westminster Regeneration Base (Class E) (being one of the 15 commercial interests) is also located in Blackwater House and acts as a drop-in hub for residents and businesses to enable them to be kept informed as to the proposed regeneration of the Estate. All uses are accessed via Church Street, with the residential premises accessed through a designated entrance in-between the retail units.
- 2.8 Lambourne House is located on the south-eastern side of the Order Land, along the Broadley Street frontage. It is five storeys in height, with the top floor set back at roof level and houses residential units throughout. On the western side of the building at street level, there is a pedestrian and a vehicular access route that leads into the Order Land and provides access to a large single storey storage/plant building and basement parking level.
- 2.9 Pool House is located on the north eastern side of the Order Land, on the Penfold Street frontage. It is five storeys in height and contains residential units throughout. At its northern end there is also a vehicular access to the rear of the commercial units fronting Church Street.
- 2.10 Ingrebourne House is located towards the south-western end of the Order Land. It is also five storeys high and contains residential uses throughout.
- 2.11 Cray House is located between Blackwater House and Ingrebourne House. It is three storeys high and contains residential units throughout.
- 2.12 Cray House, Pool House and Ingrebourne House enclose a large communal garden area for existing residents.
- 2.13 The Order Land is bounded by Church Street to the north, Penfold Street to the east, and Broadley Street to the south, it is located directly east of Edgware Road. The properties on Edgware Road are outside of the Order Land save for the corner property which sits on the south side of Church Street at the junction with Edgware Road. However, the Order seeks the acquisition of rights over such properties for the purposes of oversailing and rights of access for the purposes of undertaking and maintaining works. The Order Land comprises of the following land and property

(subject to any revisions arising out of the land referencing exercise):

- (a) Parts of the public footpath, wall boundary, subsoil and airspace situated on Church Street and the land to the rear passageway to 372 Edgware Road;
- (b) Residential premises in Blackwater House comprising flat 7 together with communal stairwells and walkways situated in Blackwater House and Broadley Street Car Park located beneath;
- (c) Commercial premises comprising units 95, 97, 99, 101, 103, 105-107, 109, 111, 113 -115, 117, 119 - 123, 125-127, 129 (r/o 384 Edgware Road) (Church Street) and units 382 and 384-386 Edgware Road;
- (d) Residential premises in Cray House comprising flat 6 together with the communal stairwells and walkways situated in Cray House;
- (e) Residential premises in Ingrebourne House comprising flats 7 and 16 together with the communal stairwells and walkways situated in Ingrebourne House;
- (f) Residential premises in Pool House comprising flats 18 and 22, together with communal stairwells and walkways situated in Pool House;
- (g) Residential premises in Lambourne House comprising flat 7 together with communal stairwells and walkways situated in Lambourne House.

2.14 There is an electricity sub-station located within Lambourne House, which is subject to a lease to London Power Networks Plc.

2.15 In total the Order Land comprises:

- (a) 145 residential units, of which 7² remain in use.
- (b) 15 commercial units (inclusive of the Regeneration Base at 99 Church Street), of which 13 remain in use. It is proposed that a further tenant will vacate the property at 113-115 Church Street in August 2023.

2.16 The Order Land is located within Paddington and (along with the wider Estate) within the Church Street/Edgware Road Housing Renewal Area. The frontages to Church Street are also located within the Church Street/Edgware Road District Centre.

2.17 The buildings comprised within the Order Land have a post-war character being medium rise at 4-5 storeys, flat roofs and generally oriented to face in line with the road network with the public realm located within the centre. In general the Order Land (and indeed, the Estate) has a low-quality urban character, further reduced by a lack of sufficient public realm (primarily hard landscape), a lack of seating and play opportunities and insufficient lighting. The public realm is dominated by vehicles, with busy roads and on-street parking throughout. There are limited designated cycle routes

² Residential leasehold interests

and pedestrians are generally restricted to narrow footpaths.

- 2.18 At more than 50 years old the buildings are showing signs of deterioration, with most residential blocks lacking modern design standards such as internal lifts and private amenity space. Overcrowding is also an issue for up to 19% of social housing properties in the Estate.
- 2.19 The Order Land (and the Estate) does not feature any buildings that are designated as statutory listed or locally listed buildings, nor is it located within a Conservation Area. However, the neighbouring context includes the Grade II* listed Marylebone Lower House at King Solomon Academy and sculpture as part of the North Westminster Community School, which are approximately 100 metres southeast of the Order Land. The Grade II listed 129-135 Lisson Grove is located approximately 120 metres to the south-east of Church Street near its junction with Lisson Grove. Situated marginally south of the Order Land's boundary are the Miles Buildings that line Penfold Street, considered to be unlisted buildings of merit. Similarly, at an approximate distance of 30 metres directly north of the Order Land boundary are the Wallis Building, Tadema House and Eastlake House, which are also considered to be unlisted buildings of merit. There are no Tree Preservation Orders in respect of the Order Land.
- 2.20 The Lisson Grove Conservation Area is located approximately 120 metres of the Order Land and the Fisherton Street Conservation Area is located approximately 250 metres to the north of the Order Land.
- 2.21 The Order Land is within the Watling Street Archaeological Priority Area, a Nature Deficiency Area and an Air Quality Focus Area.
- 2.22 Prior approval was granted on 16 February 2023 (reference 23/00183/COAPAD) for the demolition of Pool House, Ingrebourne House, Lambourne House and adjacent single-storey storage units (forming part of the Order Land). The single-storey storage units have been demolished pursuant to the prior approval.

The Wider Estate and Surrounding Area

- 2.23 As above, the Order Land comprises part of the Estate. An indicative plan of the Estate is attached at Appendix 3, which identifies each of Site B and Site C comprised within the Estate. The Order Land is designated Site A. The Estate is 3.84 hectares and is located at the south-western end of Church Street. The Estate (inclusive of the Order Land) comprises 400 residential units (228 for social rent and 172 as market housing) and 6,020 sqm (GIA) of Class E floorspace.
- 2.24 As with the Order Land, the Estate is located within the Church Street/Edgware Road Housing Renewal Area and the frontages to Church Street within the entirety of the Estate are located within the Church Street/Edgware Road District Centre.
- 2.25 In addition to the Order Land, the Estate comprises (within Site B):
- (a) Eden House – a four storey high block fronting Church Street containing approximately 2278 sqm GIA of commercial units (Use Class E) at ground floor with residential uses above. Church Street Library (approximately 848 sqm GIA,

Use Class F) is located to the rear of Eden House and accessed via a shopfront on its Church Street frontage. The library has been in existence since the late 1960s. Whilst the library is well-used and frequently visited, it is currently inefficiently located in terms of layout and lacks visibility due to its location. The library comprises three floors and provides a number of important functions for Church Street residents, including study spaces, a learning centre including a computer room, meeting rooms and open learning provision;

- (b) A disused Multi-Use Games Area (MUGA) is located to the rear of the library;
- (c) The following blocks, all of four storeys and including residential units:
 - (i) Ravensbourne House – on the frontage to Broadley Street;
 - (ii) Wandle House – on the south-western frontage to Penfold Street;
 - (iii) Lea House and Roding House – located on the north-eastern frontage to Salisbury Street;
 - (iv) Medway House – located centrally within Site B,
- (d) A commercial car park (approximately 4310 sqm GIA) located under the majority of Site B and accessed via the Penfold and Salisbury Street frontages

2.26 Within Site C:

- (a) Darent House, Windrush House, Mole House, Isis House, Derry House and Colne House. All are three to five storeys in height and contain residential units;
- (b) A business known as 'Ayslum Aid' is located on the ground floor of Derry House;
- (c) A supermarket (Use Class E) to the ground floor of Darent House;
- (d) Storage containers for Church Street Market are located between Darent House and Windrush House; and
- (e) A paved play area with perimeter trees is located near the centre of Site C.

2.27 Kennet House, rising to 16 storeys and comprising residential units sits in the centre of Site C (outlined in blue on the Estate Plan). Given its good condition and the clear preference of local residents to retain Kennet House (as expressed during the various consultation exercises), is not included within the Estate for the purposes of the Regeneration Scheme.

2.28 In total the Estate comprises 18 buildings housing 145 residential units and 15 commercial units in the Order Land, 176 residential and 10 commercial units within Site B and 79 residential units and 3 commercial units within Site C.

2.29 As with the Order Land, Site B comprises 1970s Council-built housing blocks, albeit using a brown multi-stock brick rather than red; and containing recessed deck access

walkways and embellished end stair towers. Site C comprises a more disparate group of buildings with more varied architecture consisting of a mixture of post-war blocks of flats dating from c.1949 and blocks ranging from the 1960s – 1980s.

- 2.30 The historic Church Street Market (formerly known as the Portman Market) is located on Church Street Monday to Saturday. Monday to Friday it operates between Edgware Road and Salisbury Street and contains 135 market pitches. On Saturdays, the market extends to Lisson Grove and comprises a total of 220 market pitches. The Church Street Market has been operating since 1830 and some of the traders have operated from the Estate for generations.
- 2.31 The market is made up of two banks of pitches, each set to the north and south kerbsides of the street. The weekday market is spread along half the length of the street with approximately 60% occupancy and a mix of permanent and temporary licenced traders. On a Saturday, the market is fully occupied and runs the full length of the street with high representation from permanent licenced traders. The market is a key part of the local area and sells a range of products including food, clothing and other convenience items to the local population at affordable prices. The market's vibrant aspect contributes to the unique character of the area and its vitality.
- 2.32 The Estate (including the Order Land) has excellent transportation accessibility. Edgware Road is the nearest rail station, directly to the south of the Estate and served by the London Underground. London Marylebone and Paddington stations are 0.5 miles and 0.8 miles from the Estate, respectively and provide National Rail services to connect the Estate to the surrounding areas. Several roads with numerous bus routes link the Estate to Central London, notably Edgware Road and Lisson Grove. As such, local residents are offered regular and convenient services to Central London.
- 2.33 Edgware Road also plays an important role as a major arterial route into the Central London road network providing the primary north-south route for public transport, cars and pedestrians. The Church Street Market bus stop connects the Estate to a number of key locations in Central London including Paddington, Holborn, Victoria and suburban London locations. A cycle docking station is available at Penfold Street, within the Estate, which provides 15 Santander Cycles for hire. There are 33 off-street car parking spaces and occupiers hold 150 on-street residential parking permits across the Estate.
- 2.34 Due to its size, the PTAL rating of the Estate varies from 6a (excellent) to 6b (best). The rating for the Order Land is 6b. This indicates high levels of accessibility to public transport and optimal transport infrastructure for the local community.
- 2.35 The character of the area is very mixed in terms of age, form and architecture, ranging from early nineteenth century terrace housing at the eastern end of Church Street; through a variety of late nineteenth and twentieth century housing schemes, to post-war housing. Lying on the west side of Edgware Road, and very close to the Order Land, is a completed redevelopment known as West End Gate, which features a series of large 10-storey residential blocks lining Edgware Road, with taller blocks behind including a 30-storey residential tower.
- 2.36 If any generalisations about the character of the area can be made, it is that the

prevailing building height is in the order of four to five storeys. There are some blocks of considerably greater height, although, with the exception of Kennett House, these tend to be to the west of Edgware Road. The development at West End Gate has introduced a greater scale. The wider area is primarily residential but with a mix of uses concentrated along Church Street and Edgware Road in particular including retail, food and beverage and commercial space at ground level. The north-eastern end of Church Street is notable for its concentration of antiques and furniture trade.

- 2.37 The area is well served by a range of amenities including schools, such as the King Solomon Academy, further education facilities, such as City of Westminster College, and cultural venues such as the Cockpit Theatre. The Regent's Canal provides amenity value and historic attraction to the area. Its main connection locally runs from Kensal Town, over Regent's Park to Camden.
- 2.38 The nearby Lisson Grove, which is designated as a Site of Importance for Nature Conservation provides a valuable green space, in addition to Broadley Street garden, located to the east of the Estate. However, in general, the Estate is within an area deficient in public open space.
- 2.39 Two large developments are currently being constructed within the vicinity of the Estate. Planning permission was granted in March 2019 for the Luton Street/Carrick Yard (reference 17/08619/FULL) development comprising two large six storey blocks containing 168 residential units (market and affordable) and a new sports hall. The development is 62 metres northeast of the Estate. The green spine (being a new park and pedestrian-friendly route that runs through the Church Street area) connects the development, together with a pedestrian link along Fisherton Street.
- 2.40 The second development is at West End Gate, approximately 43 metres south-west of the Order Land at its closest point. The consented development comprises eight blocks from seven to thirty storeys containing 652 residential units (market and affordable) with commercial uses at ground floor level. The quantum of the development has been uplifted to 830 units when taken together with the neighbouring Paddington Green site. Potential residential-led development may also come forward at the former Paddington Green Police Station, albeit the proposals are currently under consideration by the Mayor.

Ownership

- 2.41 A substantial part of the Order Land is already within the ownership of the Council. The Council owns the freehold of Blackwater House, Cray House, Pool House, Lambourne House and Ingrebourne House including the freehold of the commercial premises included in the Order.
- 2.42 At the start of the purchase process there were 47 long residential leasehold interests throughout the Order Land that needed to be acquired by the Council. Of these leasehold interests, 31 were owned by non-resident lessees.
- 2.43 Since negotiations with lessees to acquire those leasehold interests began in 2018, the Council has purchased 35 properties with a further 5 owned by WCH. WCH has agreed to transfer the properties back to the Council in line with the vacant possession

timeline.

- 2.44 Of the remaining 7 residential leasehold interests to be acquired 4 are currently under offer to the Council and a further 2 in active negotiations. Efforts continue to be made with the remaining residential leaseholder yet to enter into negotiations to sell by agreement.
- 2.45 At the outset of the purchase process, there were 15 commercial/retail interests. 13 are currently occupied with a further tenant due to vacate in August 2023. Discounting the unit currently occupied by the Council's regeneration team and the tenant due to vacate, of the remaining 11 commercial leasehold interests, 2 have been served with notices pursuant to section 25 of the Landlord and Tenant Act 1954 (the "1954 Act ") and 5 are occupying pursuant to unprotected leases such that the Council is able to secure vacant possession of such units. The 4 remaining tenants occupy pursuant to leases protected by the 1954 Act (the "Protected Tenancies"). Of these Protected Tenancies, 3 are in active negotiations with the Council. Efforts continue to be made with the final leaseholder yet to enter into negotiations to sell by agreement.
- 2.46 With regard to council tenants, there were a total of 98 secure tenants within the Order Land. Since 2018 all residents have been rehoused.
- 2.47 The CPO Scheme will provide up to 428 new homes across two buildings, and will provide the opportunity for all Council-secure tenants and resident leaseholders to be re-housed, should they wish.
- 2.48 Given the number of commercial interests in Blackwater House and the limited re-provision in the CPO Scheme, none of the commercial interests are being offered a right to return. The Council is working with affected businesses to help them to find suitable, available premises to which to re-locate or, to agree on ending their respective lease with the payment of compensation. Presently, two tenants occupying under Protected Tenancies have expressed an interest in moving to an alternative location with the remainder considering ceasing operation. In respect of the Protected Tenancies, the Council has appointed Savills, a property consultancy with a specialism in compulsory purchase and compensation, to lead negotiations to purchase their interests by agreement.

3 EXPLANATION OF THE USE OF THE ENABLING POWER SECTION 226(1)(A) OF THE TOWN AND COUNTRY PLANNING ACT 1990

- 3.1 The Council has powers (subject to confirmation by the Secretary of State) under section 226 of the Act to acquire land compulsorily for "development and other planning purposes". Section 226(1)(a) allows the use of these powers if the Council thinks the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land.
- 3.2 Section 226(1)(a) is subject to subsection (1A) which provides that the Council as an acquiring authority, must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to achievement of the promotion or improvement of one or more of the economic, social or environmental well-being of its area. As explained in Section 7 below the Council is satisfied that the

compulsory acquisition of the Order Land will achieve the objectives of section 226(1) (a) and (1A). The proposed use of compulsory purchase powers will result in the redevelopment of the Order Land in a manner which will bring about social, economic and environmental improvements through the provision of new housing, new and improved community facilities and enhanced public realm.

- 3.3 The Guidance recognises the use of the Section 226 power as a positive tool to help acquiring authorities to assemble land where this is necessary to implement proposals in their local plans or where strong planning justifications for the use of the power exists. The Council has taken full account of the Guidance in making the Order. It is utilising the powers under section 226(1)(a) of the Act because it is not certain that it will be able to acquire the remaining interests and rights to enable the redevelopment to commence by agreement, notwithstanding that it is proposed to reach agreement by negotiation wherever reasonably possible.
- 3.4 Section 13 of the 1976 Act enables local authorities to purchase compulsorily new rights over land, where the acquisition of the land itself is not required and where such rights are not in existence when the compulsory purchase order is made. In the Order, new rights are sought for crane oversailing and rights of access for the purpose of erecting scaffolding and undertaking and maintaining works.
- 3.5 The Council has had regard to the advice in paragraph 11 of the Guidance, which states that acquiring authorities should look to use the most specific power available for the purposes in mind and only use a general power when a specific power is not available. The Council is satisfied that the use of the powers contained in the legislation referred to above are the most appropriate powers available for its purposes and will facilitate the carrying out of development, redevelopment or improvement on or in relation to the Order Land and that it will contribute to the development, redevelopment or improvement of that area, thus meeting the statutory tests.

4 PROJECT BACKGROUND AND PURPOSE IN SEEKING TO ACQUIRE THE LAND

Background – Option Selection

- 4.1 The Estate (of which the Order Land forms part) has been a regeneration priority of the Council for some time. The Estate comprised one of the priority housing estates identified in the Westminster Housing Renewal Strategy March 2010 (the "Renewal Strategy") as being in need of improvement and significant investment and as part of the Council's drive to address the shortage of affordable housing in the City. In accordance with the Council's City for All objective at the time, the overarching objective of regenerating the Estate was to create a comprehensive renewal that brings about physical, economic, and sustainable change; and that creates additional homes and improves the lives of residents, businesses and visitors alike.
- 4.2 The Renewal Strategy proposed five 'Wellbeing Principles' to be applied to key regeneration areas: These principles were:
 - (a) to increase the supply and quality of affordable housing to meet a variety of local needs including for families;

- (b) to improve the quality of the local environment with outstanding green and open spaces that promotes low energy consumption and environmental sustainability;
- (c) to promote a high quality of life for people of all ages and backgrounds in safe cohesive and healthy neighbourhoods, supported by a range of high quality housing and excellent community facilities;
- (d) to enable people to maximise economic opportunity with housing tenure with support for training, employment and enterprise, and housing tenures which help those in work to remain in the City;
- (e) to create a more distinct sense of neighbourhood ending the physical divide between Westminster's estates and surrounding streets.

4.3 Back in 2013, and in accordance with the Futures Plan (2012) a ballot was put to the community for a previous iteration of the Regeneration Scheme. The ballot received an 87.5% 'yes' vote, with a voter turnout of 25.5%. Although the majority of people supported the development, at the time it was not considered financially viable to proceed. Following the ballot, the Council took the view that ballots are not the optimum metric for measuring community appetite for regeneration (albeit this has changed again more recently, as described later in this Statement). As such, a long-term engagement model has been adopted to ensure that residents and stakeholders are informed and can participate and influence decision-making during the consultation process.

4.4 Six phases of structured engagement have been undertaken between September 2017 and July 2021 with stakeholders and the local community, including (amongst other things) over 30 weeks of formal consultation, over 1,500 exhibition visits and over 600 visitors to the Commonplace web consultation platform. A further programme of engagement has been embarked upon following the submission of the application underlying the development now subject to a resolution to grant Planning Permission. A summary is provided below:

The 2017 Masterplan Consultation

4.5 In order to work towards a new scheme, a Ward-wide consultation was undertaken for seven weeks during October and November 2017. This listening exercise was used to gather feedback about the regeneration of Church Street and inform the development of the Church Street Masterplan. Published in December 2017, the Masterplan outlined the main features for each proposed development site within the Church Street ward boundary and marked the start of a cohesive approach to regeneration across the Church Street Ward.

4.6 The Masterplan emphasised the need to ensure that regeneration meets the needs of the community and creates sustainable, socio-economic change for generations. Within the Masterplan a set of priorities were established which included creating more homes (particularly affordable), improving health and wellbeing, providing better shops and a more vibrant market and improving connectivity. The Masterplan was subject to significant consultation before its adoption. This included a permanent exhibition at 99

Church Street, outreach events to local groups and organisations and 6,000 copies of newsletters being distributed in the local area. In summary, 350 residents viewed the exhibition, a further 360 were engaged via outreach events, seven local schools were visited, 120 completed feedback forms were returned, 152 comment cards received and 3,400 visits were made to the consultation website.

- 4.7 The delivery of new homes in Church Street was identified by a majority of respondents to the Masterplan consultation as being the most important element of any regeneration scheme. 54% of those who responded supported higher residential density in the area, 75% felt that the current market could be improved and 80% of the respondents showed support for a Health and Wellbeing Hub on Lisson Grove.
- 4.8 Following the consultation, the Masterplan was adopted to guide the economic growth and physical development of the Church Street area for the next 15-20 years and the Council began working with residents to develop the more detailed plans for the regeneration of each of the sites comprised within the Estate.

2018 Priorities Consultation

- 4.9 The 2018 Priorities Consultation was undertaken between 12 November and 7 December 2018. The focus was ensuring that the Council's vision (per the Masterplan and the priorities set out above) aligned with the priorities of the local community and to further understand what the community most wanted from the regeneration. The consultation was promoted via newsletter and door knocking of all properties within the Estate. The feedback gathered shaped the Options Consultation, as to which see below.
- 4.10 The consultation began with a workshop for 27 residents identified as being keen to be involved in the consultation. A business forum was also offered for local business owners and market stall traders on 4 December 2018 to garner their views. Drop-in sessions and exhibitions available to all members of the public followed at the Regeneration Base on 24 and 28 November and 5 and 6 December 2018. The exhibition boards provided a background to the Masterplan and set out the four options for development (maintain, refurbish, part develop/part refurbish and fully develop) that could be considered as part of a future options appraisal process. Visitors were encouraged to complete feedback forms. A total of 162 responses were received during this phase of consultation.
- 4.11 Of the 162 people who gave their views, 115 (71%) chose providing new homes as one of their priorities in the Church Street regeneration. In particular, residents mentioned the poor quality of current housing and a desire for homes that are genuinely affordable, together with assurances regarding re-housing in the area and a wish for the community to remain mixed. Health and wellbeing was the second highest, with 57% saying that this was a priority. In particular, the provision of more and better public spaces. Just under half (48%) said that new jobs and supporting the shops and market in Church Street was a priority. Many people wanted to see more choice in what the market offered and an improvement as to the facilities available. Only 35% gave improving access as one of their top two priorities. Priorities around access were mainly focused on making Church Street more cyclist and pedestrian friendly. Other issues raised included the need for crime reduction, better street lighting and more

opportunities for young people.

- 4.12 Overall, the Consultation reaffirmed the priorities set out in the Masterplan. The Council began to shape future proposals for regeneration of the Estate, appointing a professional team to work on potential redevelopment options.

2019 Options Consultation

- 4.13 The consultation on the four options for Church Street took place between 7 March and 30 April 2019. As part of this consultation, the Council presented a set of pledges which underpinned the Council's assurance to residents that any scenario involving redevelopment would provide for:

- (a) A right of return for residents, guaranteed for all secure tenants and resident leaseholders;
- (b) Full replacement of all council homes;
- (c) 35% of any new homes provided will be affordable for social and intermediate rent;
- (d) Addressing overcrowding as a top priority;
- (e) Good local shopping that serves local communities to be central to any scheme;
- (f) Church Street remaining a Council-owned estate;
- (g) Residents being at the heart of developing a viable new scheme.

- 4.14 The four options presented to the community included the "do nothing" or maintenance only options as well as the option for comprehensive redevelopment; the latter having been progressed by a multi-disciplinary team appointed in summer 2018. Due to the complexities of the different phases of work and rehousing residents, the potential to choose individual options for each site within the Estate was ruled out ahead of the consultation and was communicated to all stakeholders. In summary the options comprised:

- (a) Option 1: Maintenance ('business as usual', with maintenance of buildings at current levels);
- (b) Option 2: Refurbishment (improvements to interior and exterior of buildings, including replacing kitchens and bathrooms);
- (c) Option 3: Partial redevelopment and partial refurbishment (redeveloping many blocks in Sites A, B and C, except Kennet House. Other buildings would undergo refurbishment as in Option 2);
- (d) Option 4: Comprehensive redevelopment (replacement of all buildings in Sites A, B and C) including Kennet House and Edgware Road properties.

- 4.15 The consultation involved residents and businesses within the Estate, plus stakeholders in the wider area. Information was given on each of the four options, and views were sought based on the extent to which each option met the main priorities identified. The criteria included viability, homes, health and wellbeing, market and enterprise and movement, as drawn from the Masterplan and confirmed as the community's priorities in the 2018 Priorities Consultation. As a result of the consultation, partial redevelopment and partial refurbishment (Option 3) was chosen as the preferred way forward. Council and private tenants indicated a preference for Option 3, closely followed by Option 4, whereas resident leaseholders and business owners were more evenly split between the four options. Option 4 was ultimately discounted as feedback received during consultation was critical of the high density and the loss of the Dutch gabled properties on the Edgware Road frontage adjacent to the Order Land as well as Kennett House. There was also a concern that the inclusion of the largely privately owned properties on Edgware Road in Option 4 would add a level of uncertainty and delay that could be avoided under Option 3. The overwhelming message from the consultation was a desire from the Church Street community for change. The decision to progress with Option 3 was endorsed by stakeholders and residents in accordance with the requirements of consultation under Section 105 of the Housing Act 1985.
- 4.16 The consultation was widely promoted including by sending 6,000 invitations to residents and businesses advising of dates of exhibitions and drop-in sessions, posters, targeted letters and a consultation booklet and questionnaire were also emailed to resident associations, schools, councillors, community organisations and various youth groups. The Council held a series of engagement activities during this time, including holding a permanent exhibition at 35 Church Street throughout the consultation, where each option was presented and consultation materials were available to take away. A large-scale model was also available to demonstrate the various development options. The exhibition was advertised in all publicised material and from the second week of the consultation window, vinyls were added to 35 Church Street to attract passers-by. A total of 236 people attended the exhibition between 7 March – 30 April 2019.
- 4.17 Consultation workshops were also held with residents of the Estate (20, 30 March and 2 and 6 April 2019) and community pop-up exhibitions were used to raise awareness about the regeneration at locations around the Church Street area (18, 20 March and 2, 23 and 30 April 2019). Themed sessions focusing on the priorities members of the community had identified and tenure-specific drop-ins were also held with residents as well as a lunch with market traders and a breakfast with Church Street businesses to ensure all relevant interests were heard.
- 4.18 Businesses and market traders within the Estate were invited to a series of breakfast, lunch and evening meetings (12 February, 14 February and 26 February 2019) to meet with members of the multi-disciplinary team, hear more about the CPO Scheme and ask any questions. The Church Street Regeneration Team also held a Business Options Consultation Breakfast on 9 April at 35-37 Church Street, which was publicised in advance to businesses within the Estate. Businesses were invited to attend, discuss any issues directly with the Community Engagement Team and the architects, planners and designers working on the potential options for re-development and complete a survey with their thoughts.

- 4.19 The Council has also run a series of Business Forums with affected businesses, during which local businesses were able to book a place to attend and hear details of the commercial strategy and how they could access support. It was also the Council's opportunity to hear from all businesses and market traders as to their views on the proposed regeneration. The Business Forums were/are widely publicised, with invitations (including translations) provided to businesses in the local area.
- 4.20 Overall findings from the consultation events showed a preference for redevelopment and support for the benefits this would bring. For example, that new homes and improvements would be of higher quality, it would make the area look more appealing for visitors, and more modern buildings and green spaces would be welcomed. Whilst quantitative data did not show a clear preference between Option 3 and Option 4 (with 63% and 62% of respondents, respectively, finding that they met or exceeded the needs of the community), written feedback from local stakeholder groups and Kennett House residents (which is retained in Option 3 but not in Option 4) indicated a stronger preference for Option 3 to be pursued. A small number of people expressed a desire for the redevelopment of shops on Edgware Road (Option 4) whilst others were keen for these properties to be kept as they are. Many residents considered that Kennett House was in good condition and did not need to be part of the regeneration project.
- 4.21 In order to develop the initial design proposal, the design team used the feedback from the Priorities and Options Consultations. The table below illustrates how community feedback has created a set of objectives which the design team fed into the initial designs for the Pre-Planning Consultation for the Estate:

	Key design objectives established	Design team response
Homes	Spacious flats	Flats designed to London Plan Housing Space Standards and Westminster Space Standards
	Suitable storage space	Good amount of storage space across all new home sizes
	Improved ventilation	Flats designed to encourage natural air flow and the ability to control temperatures in individual flats
	Private amenity space	Private balconies with space for tables and chairs
	Flexibility	Flexible design, ensuring layouts can be adapted as needs change
	Well designed	Windows on two walls (dual aspect) to maximise light and air; and the reuse of energy to be more efficient and sustainable
	Good insulation	Thermal insulation to increase energy efficiency and reduce bills. Acoustic insulation to reduce noise from the market and neighbouring properties
Shops and markets	More variety	New retail offer, variety of units sizes and enterprise space
	Cleaner and smarter market	Modern, flexible retail spaces; improved layout with better experience for customers with more space to move; enhanced public space with seating, planting and lighting
	Better market facilities	Improving the market including access to Wi-Fi, water and electricity; trader only welfare and toilet facilities; van parking facilities
	Significance of the market	Market remains central to creating a more vibrant Church Street
Health and wellbeing	More, and improved, green and community spaces	New public green spaces and a community garden. Places to sit and relax in; new street gardens; over 300 new trees planted across Sites A, B and C; planting with a broad range of biodiverse species; public access to the new spaces created by the Green Spine project
	Improved local community space	Provision for a new library and a health and wellbeing hub (at Lisson Grove)
	Library remaining on Church Street	Library remaining on Church Street, with better access.
	Variety of outdoor spaces	Space for children and young people, with playgrounds and a other areas to play and spend time in
Getting around	More pedestrianised and cycling areas	Pedestrian and cycle-friendly features; including over 1,500 new cycle spaces
	Improved safety	Better security in the area, with no hidden corners or dead ends; current walking routes made safer and brighter with the help of the Metropolitan Police's 'Designing Out Crime' team
	Parking provision	Parking to include accessible spaces and electric vehicle charging points

- 4.22 On 6 June 2019 the Council's Cabinet resolved to accept the officer's recommendation and approve Option 3 as the preferred way forward. Whilst it was acknowledged that Option 4 performs better than Option 3 in the delivery of new homes, given the support

from the community and the benefit of other factors such as health and well-being, market and enterprise and making connections, the better performance was only marginal. Further, there were considered to be significant challenges in the acquisition of interests outside of the Council's freehold. Given the general sense in the community that delivery should be accelerated, it made Option 4 less attractive.

- 4.23 The Cabinet agreed with officers' recommendation to include the properties on Edgware Road (within Site C) in the scope of redevelopment Option 3 on the basis that they were considered to detract from the character and appearance of the area and will be detrimental to the appearance, value and benefits of the regeneration scheme. Their inclusion was considered to maximise the transformational impact of regeneration.
- 4.24 The Council undertook soft market testing in April 2019 to gauge market interest from potential development partners. The market expressed a strong interest in partnering with the Council and was broadly supportive of both Options 3 and 4.

Best Value, Delivery Options Consultation 2020

- 4.25 To ensure 'best value' (per s3, Local Government Act 1999), the Council sought views from residents in the Church Street area as to how the Order Scheme could be delivered. The consultation held between 20 January and 17 February 2020 provided the team with feedback on three proposed strategies for delivery of the regeneration of the Order Land: (a) a developer-led strategy; (b) a partnership strategy; and (c) a direct delivery strategy. Overall, there was no clear preference but there was more support for the direct delivery approach. Feedback indicated an expectation that the Council makes sure that any agreement keeps the developer highly accountable.

Order Land Design Update 2020

- 4.26 In May 2020, a consultation update was carried out in respect of the Order Land only. The designs for the development of the Order Land were altered significantly in response to feedback to the Options Consultation. The key changes were the provision of more open space and a new street garden (New Street Gardens) created between the two residential blocks in order to offer more green space, better accessibility and more daylight onto Church Street. The update also provided a new location for the library within the Order Land, with additional garden space. The change means that the library only needs to move once from its location in Site B, removing the need for a temporary library to be provided, which feedback indicated was not supported by the community. The consultation was targeted on those living in and near to the Order Land. An eight page newsletter was delivered across the Ward, a film explaining the changes was made available on the Church Street website and stakeholder meetings and a webinar were held to inform and engage local residents and businesses.
- 4.27 A total of 37 people gave feedback on the updated designs. Generally, the designs were well liked and there was particular support for the location of the library and the changes to the public realm were seen as an improvement.

Pre-Planning Consultation

- 4.28 The pre-planning consultation consisted of the following parts:
- (a) Stage 1 (3 – 31 March 2021) – following the selection of Option 3, the Council worked with residents to develop the initial design proposal for the Estate informed by the feedback garnered through consultation to date; and
 - (b) Stage 2 (30 June – 28 July 2021) – the design proposal was presented in greater detail by the design team, based on feedback received as part of the initial design consultation.
- 4.29 The pre-planning consultation was undertaken widely within in the Church Street Ward and a section of the Little Venice Ward which includes around 7,000 properties. As part of the Stage 1 Consultation, the Council again employed a number of engagement activities, including meeting with local community groups, residents, Church Street Youth session, the business forum and market traders. Public webinars were also held. Due to the Covid-19 lockdown the consultation took place remotely. During Stage 1, feedback was sought (via a consultation booklet and questionnaire) on those aspects of the design that were considered to work well or needed improvement. Information was provided as to the approximate number of new homes, the library design, new public and green spaces, proposed walking and cycling routes, the consultation timeline and guarantees for tenants and leaseholders.
- 4.30 5,600 text messages were sent to Estate residents to remind them of the consultation both at launch and the week before it closed, over 1,500 residents and businesses were called and three webinars were held for the design team to present and answer questions. Comments could also be made and viewed and documents could be downloaded via Commonplace. Further, Public Participation Consultation and Research ("PPCR") contacted all residents within the Estate to make them aware of the consultation, in addition to holding their own drop-in sessions to provide independent support on the consultation process and pass on any queries to the project team.
- 4.31 Stakeholder meetings were also held with library staff, Church Street Ward councillors, the Church Street Neighbourhood Forum, Little Venice Ward Councillors and Friends of Church Street Library from January to March 2021 during which the design team (Bell Philips Architects and landscape architects, Camlins) were able to present a series of emerging designs, describe their evolution and answer any questions.
- 4.32 1,397 pieces of feedback were received via Commonplace, 324 completed surveys were received, 65 people attended webinars and 20+ pieces of feedback were received though email and via stakeholders. The feedback was overwhelmingly positive with 78% of respondents advising they felt well informed about the regeneration proposals. 80% of respondents felt positive or somewhat positive about the design of new homes, with similar scores (87%, 91% and 82%, respectively) in respect of proposals to increase the mix of shops and improve the market, improve the quality of green spaces and increase the health and well-being benefits and improve the way local people get around Church Street.
- 4.33 Many comments were positive about the design and materials but there was some concern as to the height and density of buildings. Some respondents were concerned

as to the effect of the height on natural light received by outside space nearby and that it was not in-keeping with the character of other buildings in the area. There was support for balconies and communal green space. Emphasis was placed on the need for rooms big enough for young families, with adequate storage space and light and ventilation. Noise, security and fire safety were also a concern, with many responses mentioning a need for double-glazed windows and fire safety measures. Concerns were raised regarding the upkeep and maintenance of communal areas and amenities. A number of comments mentioned the need for better accessibility (including lifts) and suggested better lighting, CCTV and fewer narrow alleyways to address security concerns. There was also an emphasis on the need for affordable housing and enough social housing.

4.34 The consultation identified the following main feedback themes, which were used to further develop and inform the design:

- (a) Concern regarding the proposed building heights and the impact on daylight reaching Church Street;
- (b) Concern as to the size of the new library and a request for more detail on the size and proposed uses;
- (c) A request to see the proposals within the context of the existing local townscape;
- (d) Positive feedback about how the designs for the homes, market and green spaces were seen as modern and an improvement on Church Street.

4.35 Engagement activities as part of Stage 2 of the Pre-Planning Consultation included webinars, a 3D design walk-through video available online, continuing to use Commonplace for residents and stakeholders to give feedback and consultation pop-up exhibitions, which were visited by over 400 people who either left feedback or took away a copy of the consultation booklet. Business and trader drop-in sessions to provide traders with an update on the proposed impact to their pitches during construction work and how the regeneration team was seeking to minimise disruption were also held.

4.36 The Stage 2 consultation presented back to the community the feedback from Stage 1 and further developed the designs. The consultation explained how the design team had responded to the main feedback themes:

- (a) It was acknowledged that, in order to build this volume of homes, the buildings would be considerably taller than existing buildings. To keep overshadowing to a minimum, the designs are stepped back along the facades and corners of buildings are configured so that lower storeys face Church Street, minimising overshadowing of public spaces. The configuration of the buildings also ensures that frequently used public spaces still benefit from sunlight. Sunlight studies were undertaken (and presented during consultation) and evidenced that the proposed new building designs will lead to more sunlight on Church Street than now, given the creation of the new garden street within the Order Land. Whilst there is some more overshadowing in the late morning, to remove this, the buildings would need to be lowered to six storeys which would be a significant

reduction in affordable homes and would limit the ability to create new open spaces and improvements to the market and library;

- (b) The current library comprises 613 sqm usable internal space and a 200 sqm garden. The new library is proposed to comprise 355 sqm of usable internal space and 192 sqm of garden area but would improve on existing facilities and offer the opportunity for a range of new events and activities. As a result of further engagement with community groups, the design was amended to include a mezzanine, increasing overall usable floorspace to 495 sqm with designated areas for different uses (e.g. childrens', events, adults);
- (c) Further modelling was presented showing the Regeneration Scheme in the local context, including a walk-through video to help residents understand the design in more detail;
- (d) As part of the Stage 2 Consultation, the Council was able to respond in more detail on issues such as materials and interiors. In respect of the latter, it confirmed every flat will have a generous balcony or terrace, good insulation and triple-glazed windows to provide low-energy homes and increased living areas. The number of dual aspect units was increased and balconies will be designed to shield clutter and provide privacy. Two lifts in each housing block will ensure that homes are accessible. In response to concerns about safety and security, the designs were further developed to remove blind corners and increase overlooking of external spaces to allow passive surveillance. All areas were proposed to be well-lit at night, with seating and hard landscaping designed to reduce opportunities for lingering and anti-social behaviour whilst soft landscaping would be used to ensure sight lines are not blocked.

4.37 The Stage 2 consultation garnered 1,310 pieces of feedback via the Commonplace website, 268 completed surveys, 465 visitors to the Commonplace website and 15+ pieces of feedback were received through email and via stakeholders. 80% of respondents were either positive or somewhat positive across all design proposals.

4.38 As with Stage 1, there was some criticism of the height of the proposed buildings but other comments were positive about the 'stepping back' approach. There was support for the design and materials proposed and the use of balconies and approach to windows (e.g. dual aspect). A returning theme remained the need for larger rooms with more storage space. There was also some concern regarding the construction impacts of the proposals and the impact of new residents on the local character of the area.

4.39 The overwhelming concern regarding the shops and markets was the tidiness and cleanliness of the latter and some suggestions were made as to improvements to amenities for traders such as storage spaces, refrigeration etc. Several respondents also suggested improved facilities on Church Street, such as toilets, parking for traders and measures to guard against anti-social behaviour. There was some concern as to the impact of the proposals on existing shops and whether rents would increase.

4.40 On the issue of health and well-being, the retention of the library on Church Street was supported but disappointment was expressed as to its reduced size. Support remained for green spaces and biodiversity and several comments observed that they would like

to see facilities for young people, such as play facilities and youth clubs. Anti-social behaviour and security remained a focus for residents. As to getting around, there was a mixed response with some feeling that car owners/car parking provision had been overlooked at the expense of cyclists and other respondents feeling that greater provision for cyclists – such as cycle lanes- was needed.

- 4.41 72% of respondents gave the highest scores as to how informed they felt about the proposals. After Stage 2 of the consultation, the Council prepared to notify the community on the formal submission of the planning application, which, if approved, would be the means by which to deliver the Regeneration Scheme.
- 4.42 In addition to formal consultation exercises, since 2016, the Council has used a vacant shop unit on the Order Land as an onsite office and one-stop shop for residents (the 'Regeneration Base') to get more information about the Regeneration Scheme. It is staffed by members of various teams, including housing services, business development, employment coaches and leasehold advisers. Residents are able to ask questions, pick up information and be directed to appropriate services. The Regeneration Base is open Monday-Friday between 9am and 5pm. During the Covid-19 lockdown, the service was available via online appointments before the office re-opened in the second quarter of 2021.
- 4.43 In furtherance of the Council's vision for the Regeneration Scheme to create a place that people love to work in, live and visit, it has also developed a significant social regeneration programme including the following support and services: (i) a Neighbourhood Keepers programme which funds local providers of health, wellbeing and environmental activities in the community at no cost to users (examples include over 50s-Zuma, a chess group and projects to encourage the community to garden together); (ii) employment coaches to support local people with essential skills to find ways into employment; and (iii) an ongoing business support programme to engage local business.
- 4.44 As to the support offered to tenants and leaseholders, since 2018 PPCR has been the Independent Tenant Liaison Adviser for the Estate, which provides confidential independent support and advice to residents whose homes are affected by the Regeneration Scheme. PPCR was chosen by Church Street residents and encourages residents to attend Council consultation events and provide feedback. It has held regular drop-in sessions both onsite and online, hosted community outreach activities and distributed posters and flyers raising awareness of the services they offer. Between 2020 – July 2021 (the period of the design update and pre-planning consultation), PPCR carried out over 200 doorknock sessions, held over 30 drop-ins and dealt with over 170 queries. PPCR remains engaged.
- 4.45 The approach to consultation and engagement has also been tailored to support people who have additional needs or require specific information. Detailed housing needs assessments have helped identify support needs and bespoke plans have been developed to support residents during their move away from the Order Land, including preparing their new homes with adaptations. The Council has liaised with the Church Street branch of Age UK who have assisted with promoting consultation activities and has sought the advice of the WCC Able Staff Network to facilitate exhibitions for people with autism and residents with visual and hearing impairments. Translation services

are also available and several of the team members speak Bengali and Arabic, being the most popular languages in the Ward after English. For those unable or unwilling to engage in person, the online engagement tool, Commonplace has been used to garner feedback, as recommended by the Mayor's Good Practice Guide to Regeneration (2018) (the "Guide"). Coffee and cake drop-ins have been held at 35-37 Church Street and the local school and the Church Street Youth Voice Forum has been established in partnership with the Marylebone Bangladesh Society and the Young Westminster Foundation to work with young people to make sure their opinions are heard across the programme. The Forum is made up of around 20 local young people aged 12-24 with the intention of creating a sounding board for both design development and social regeneration initiatives across the Regeneration Scheme.

- 4.46 As is clear from the feedback received, people feel both informed as to the proposals and there are high levels of approval in respect of the design. Apart from a small number of residents and stakeholders who have specific concerns about certain aspects of the design, the community has been shown to be largely supportive. The above evidences how the Council has listened to the community and responded to feedback in order to shape the Regeneration Scheme. It is considered that, at all stages of consultation, the Guide, in particular the principles of 'full and transparent consultation and involvement' and 'better homes for local people' have been adhered to. As noted by the GLA in its Stage 1 response, the Statement of Community Involvement submitted with the application for Planning Permission demonstrated that the consultation strategy employed has been extensive and transparent.
- 4.47 Following a change in the Council's political leadership, the Council launched its new Fairer Westminster strategy in October 2022, which sets out how the Council will work with the local community to support them and tackle inequality. In accordance with the same, a ballot was held between 28 November – 21 December 2022 as to whether there was support for the proposals to redevelop the Estate. All secure tenants, resident leaseholders and temporary accommodation tenants within the Estate (who have lived in the area for over a year) (including Kennett House residents) were eligible to vote. In total there were 352 eligible voters, being a 56% turnout. 73.1% voted 'yes' and 29.9% voted 'no'. The ballot was widely promoted over a 13 week period with ten weekly information drop-ins, four sessions held by PPCR and ballot information sessions held virtually. As part of the twelve dedicated landlord and tenant sessions, residents were taken through the proposals and their questions were answered. A number of one-on-one appointments were held for vulnerable residents and those requiring additional support.
- 4.48 A further round of consultation was also held with library staff and friends of the Church Street Library between June – November 2022 in respect of changes to the library's design to increase its size by incorporating two adjacent retail units. This change was supported by stakeholders and incorporated into the detailed component of the application underlying the scheme now subject to a resolution to grant the Planning Permission.
- 4.49 Engagement continues with residents and businesses within the Estate. The Council is in the process of establishing a Church Street Residents Group to bring local residents and stakeholders together to ensure they remain informed, updated and can work alongside the Council to deliver the CPO Scheme. The group will give residents

a platform to share ideas and raise any concerns with the Council. It is proposed that the group will be chaired by PPCR and, at present, 11 residents from across the Estate have expressed an interest in joining, with 6 attending a preliminary meeting. The terms of reference and structure of the group are currently being drafted with all participants.

- 4.50 Residents of the Estate have also been invited to participate in the appointment of the Council's joint venture partner to bring forward the CPO Scheme at the Order Land. Nominated residents will be asked to help the Council select the potential bidder as part of the negotiation process and the Council will look to them to assist with evaluating the prospective bidders' social value proposals. This process will continue until January 2024.

Phasing/Relocation and Rehousing

- 4.51 As above, as part of the 2019 Options Consultation, the Council presented a set of key pledges that would underpin any option taken forward. The first was a guaranteed right of return for all secure tenants and resident leaseholders. This commitment safeguarded a new home on the Estate for such residents in the event of a redevelopment option being taken forward.
- 4.52 Prior to any scenario appraisals, the tenure make-up of the Order Land was 98 council homes and 47 leasehold properties. To date:
- (a) All secure Council tenants and their families have moved from the Order Land (either temporarily or permanently);
 - (b) Of the total who have moved, 48 households have signalled they want to return to the CPO Scheme;
 - (c) 50 households have chosen to permanently move to another home in Westminster;
 - (d) 4 resident leasehold households have temporarily moved and expressed a wish to return to a new home in the CPO Scheme;
 - (e) It is expected that one further resident leaseholder will be supported to return to a new home in the CPO Scheme.
- 4.53 To fulfil the Council's commitment to enable a right of return for both secure tenants and resident leaseholders, the Council's rehousing strategy is underpinned with two bespoke policies: Policy for Tenants in Housing Renewal Areas 2019 and Policy for Leaseholders in Housing Renewal Areas 2018. The Council has a dedicated re-housing team, responsible for carrying out a thorough housing needs assessment and supporting each household with their temporary or permanent move from the Order Land. All secure council tenants are provided the highest bidding priority on the Council's choice based lettings system in respect of alternative accommodation. This means that if they identify a suitable alternative property they are likely to be successful when bidding. The re-housing team will also identify potential properties, ahead of them becoming available, and arrange viewings with tenants.

Council's Secure Tenants

- 4.54 Under the Council's policy secure tenants are entitled to a home loss payment, to compensate them for having to move at a time which is not of their choosing and a disturbance payment, to cover the reasonable costs of moving. Council tenants will have the option to move into one of the homes comprised in the CPO Scheme but will need to move into another social home in Westminster for a temporary period until the properties have been completed.
- 4.55 If tenants do not want to move into one of the new homes, they can: (i) move to another social home in Westminster; or (ii) have a high priority to buy any of the new intermediate homes that are for sale in the housing renewal area. Any new social homes will be of a size that is needed, of the same tenant type and offered at a rent set using the standard formula (per the bed size) accepted for the relevant fiscal year.

Leaseholders

- 4.56 In addition to the statutory home loss compensation, the Council has also consulted on and produced a leaseholder policy to support all resident leaseholders impacted by the renewal. Throughout 2017 and into 2018 widespread consultation on the policy took place across the borough.
- 4.57 Following this consultation, the Policy for Leaseholders in Housing Renewal Areas was updated with its key features including;
- (a) **An equity loan will be offered**, where the leaseholder is buying one of the new homes directly from any developer. The Council provides an interest free loan to bridge the gap between the leaseholder's contribution and the price of the new property.
 - (b) **Shared equity will be offered**, where the leaseholder is buying one of the new homes directly from the Council. The Council bridges the gap between the leaseholder's contribution and the price of the new property, by having a share in the equity of the home.
 - (c) **Buy one of the new homes on a shared ownership basis**, shared ownership is different to buying with an equity loan or on a shared equity basis as the leaseholder only part owns the property, rather than them being the full legal owner and rent is paid on the proportion that is not owned.
 - (d) **Buy one of the new homes outright**, Leaseholders can buy one of the new homes outright, if they want to and can afford to. There is no obligation on them to buy in this way, even if they can afford to. If this option is chosen they can buy a property of any size.
 - (e) **Buy another leasehold property in the housing renewal area**, Leaseholders may prefer to buy another property of the same value as their current home in the local area i.e. one that is not part of the redevelopment programme, if available. Where this is possible, assistance will be provided from the Council

to help them find one. In some cases, the Council may be able to sell them property from its own vacant housing stock.

- (f) **Become a social or an intermediate tenant in the housing renewal area**, in some cases leaseholders may be able to remain in the local area by becoming a social or an intermediate tenant. This option will only be offered in special circumstances, such as where none of the other home ownership options are suitable or where leaseholders want to become tenants due to having health problems for example. Where it is agreed leaseholders will receive 75% of the market value of their property, rather than 100%, to reflect the cost to the Council of the loss of a social or intermediate unit.
- (g) **Receive help and support to move away from the housing renewal area**, Practical help and support will be available for leaseholders, where needed, that want to move to another part of Westminster or elsewhere. This can include help to find a property or with the whole process of buying. In some cases the Council may be able to sell them a property in Westminster from its own vacant housing stock. An equity loan or shared equity might be offered to buy another property close to the housing renewal area, in some limited circumstances.

Commercial Operators

- 4.58 Due to the limited re-provision of commercial floorspace within the CPO Scheme, no businesses comprised within the Order Land will be offered a right to return.
- 4.59 In respect of those occupiers that are occupying under Protected Tenancies, the Council has appointed Savills to lead negotiations with affected businesses to purchase their interests by agreement. Qualifying occupiers will be entitled to compensation for any losses or costs reasonably incurred as a result of the compulsory purchase. Basic and occupier's loss payments will also be available, as appropriate.
- 4.60 The Council is developing a more formal Business Relocation Strategy ("BRS") to record and finalise its approach to the acquisition of commercial interests comprised within the Order Land and the engagement, advice and assistance given to occupiers of commercial interests to relocate from the Order Land to an alternative location. It seeks to identify measures that are/will be put in place to help minimise the impacts of the Order on affected businesses and the community they serve.
- 4.61 At the end of 2018, the Council appointed Tree Shepherd, a charity to work with businesses within the Estate to develop their respective business models to successfully manage the transition away from the Estate and ensure that their businesses are sustainable in their new locations. At a meeting of the Business Forum on 19 February 2018, Tree Shepherd invited businesses to sign up for free business training workshops, one-to-one confidential advice, support with local opportunities and measures to help build resilient local trade networks. Businesses were invited to sign-up to sessions held at 382-386 Edgware Road in the morning, afternoon and evening on 22 January 2019 (how to grow your business), 28 February (how to protect your business and help it grow), 3 April (accounting and financial planning with smart technology) and 21 May 2019 (generating more sales via social media). However, the businesses within the Order Land (and the Estate) expressed no interest in engaging

with the services provided. Accordingly, Tree Shepherd's contract came to an end and was not renewed.

- 4.62 Since the termination of Tree Shepherd's appointment, the Regeneration Team has continued to liaise with affected businesses to understand their particular circumstances and, where relevant, ensure that relocation proposals seek to meet their ongoing needs and accommodation requirements. Once the Regeneration Team has an understanding of a businesses' preference, it conducts searches on a monthly basis of suitable, available premises within Westminster's administrative area and distributes the particulars to affected businesses. Those businesses then have a one-month period in which to consider the alternative premises until it is placed on the open market. Priority is afforded to those occupying under Protected Tenancies.
- 4.63 In accordance with the BRS, the Council will continue to maintain a dialogue with affected businesses, produce details of current alternative sites, meet with those business willing to engage in order to discuss the CPO Scheme, compensation and answer their queries and, should the Order be confirmed, work with businesses to ensure that the acquisition of their interest will allow sufficient time for them to plan and organise relocation so as to minimise disruption to trade.

Market Traders

- 4.64 Although the Church Street Market does not form part of the Order Land, the Council is conscious that it is a valuable source of affordable food, clothing, employment and social interaction that will be affected by the CPO Scheme. As such, the Council is adopting policies to minimise the impact of the regeneration on the trading and storage abilities of the market stallholders.
- 4.65 A number of market traders currently use Broadley Street Car Park (under Blackwater House) for storage. The Council proposes to re-provide this storage via the acquisition of the Church Street Car Park, located on Site B until new market storage is delivered pursuant to the CPO Scheme.
- 4.66 The Council has produced the Church Street Market Impacts and Risk Assessment ("CSMIRA") to consider options for market traders during the redevelopment works and to ensure that the market can continue to operate as close to full capacity as possible whilst the regeneration of the surrounding area takes place.
- 4.67 The recommendations of the CSMIRA will allow stallholders to continue trading for as long as possible with trading suspensions only coming into effect for Saturday traders directly impacted by the phased public realm works. Weekday traders may be affected by heavy works or delivery of heavy plant machinery, in which case they may be relocated for a temporary period to Site B (within the wider Estate) or to the north kerb of the Order Land. Traders that need to be moved temporarily will be provided with as much advanced notice as possible of their proposed pitch number and market inspectors will be able to assist with relocations. Any traders unable to operate due to pitch suspensions will have their pitch fees waived for that period.
- 4.68 The noise of the works will be controlled via planning condition to ensure traders are not disrupted. The market will continue to be governed by the City of Westminster Act

1999, and as such, licence holders' rights and conditions will remain the same. The Council and the Church Street Regeneration Team will continue to inform, engage and update market traders as plans for the regeneration progress. Traders temporarily relocated for the purposes of undertaking the public realm works will be able to return to their pitch number, albeit the pitch maybe in a slightly different location.

- 4.69 An information leaflet was issued to traders in October 2021 to outline how the Council proposes to minimise disruption of building works, per the measures set out above.

Purpose of the Order

- 4.70 The purpose of the Order is to enable the implementation of the CPO Scheme which, in the opinion of the Council, will meet its planning and regeneration objectives within a realistic timescale. Without it, the Council has no certainty that development will come forward, which would mean that the economic, social and environmental benefits that come from redevelopment of the Order Land (and the wider benefits associated with the proposed regeneration of the Estate pursuant to the Regeneration Scheme, which the Order would unlock) would not be realised.
- 4.71 The Order Land is home to a cohesive community, including many householders and businesses who have lived there for a number of years and are established in the area. However, the building stock is ageing and in need of significant improvement. It currently provides relatively poor-quality housing, amenity space and best use is not being made of the public realm. The Renewal Strategy outlined how some of Westminster's housing estates face challenges as a result of high concentrations of social housing that does not meet modern living standards and is expensive to maintain; disproportionate levels of overcrowding; health problems; poor levels of numeracy and literacy that contribute to low levels of employment and economic activity and higher perceptions of anti-social behaviour. The Order Land is characterised by many of these problems.
- 4.72 The Order Land forms part of the Church Street Housing Renewal Area. City Plan Policy 6 acknowledges that the area has the potential to make efficient use of land to deliver a significant uplift in high quality homes that meet local needs. It also provides opportunities to link to further job growth in Westminster, particularly the Central Activities Zone (CAZ), to the community in Church Street/Edgware Road. In accordance with such policy imperatives, the regeneration of the Order Land presents the opportunity to improve quality of life for existing residents, deliver enhanced community uses, improve the public realm and enhance accessibility, connectivity and safety.
- 4.73 The CPO Scheme aims to reduce inequality by providing new homes of varying tenures and size, to high build and environmental standards, a proportion of which will be wheelchair accessible. It will deliver much-needed affordable housing (allowing all existing residents to return to the Order Land) in a highly accessible location. The improvements to the public realm will create a legible and accessible mixed-use neighbourhood with pedestrian links that will better integrate the Order Land into the surrounding street network. As to the Church Street Library, its re-provision and enhancement will ensure that it better serves the diverse needs of the community, whilst contributing to the vitality of the area with its commercial frontage. In addition,

the CPO Scheme also proposes improved facilities for the Church Street Market, including a new layout and storage facilities for traders. As such, the proposals retain and enhance a key local retail resource for both local people, as well as those from surrounding areas, exploiting the Order Land's accessibility.

- 4.74 The CPO Scheme will also deliver wider benefits to the community from increased investment e.g. new construction jobs and the increase in local spend resulting from the increased density. It is considered that the regeneration of the wider Estate, which also forms part of the Council's vision, will build on the benefits associated with the CPO Scheme. In this respect, the CPO Scheme will act as a catalyst for further development in the vicinity.
- 4.75 The Council is satisfied that: (i) all of the Order Land is required to deliver the CPO Scheme; and (ii) the social, economic and environmental benefits of the CPO Scheme are not capable of being realised otherwise than as part of a comprehensive redevelopment of the Order Land. As there is no certainty that all of the interests can be acquired by negotiation, the Order is needed to enable the full, unified ownership so the CPO Scheme can proceed.
- 4.76 Compulsory purchase will enable redevelopment to take place in a timely fashion in order to derive the wider public benefits the CPO Scheme will secure and the realisation of the Council's objectives. The Order is therefore, not only necessary, but justified in the public interest.
- 4.77 If compulsory purchase is not achieved then the redevelopment of the Order Land (and, as a consequence, the wider Estate) will not come forward, leaving the existing problems of the Order Land unaddressed. This would thwart the much-needed redevelopment of the area and the benefits to the local community would not be realised. The additional residential units (including an uplift in affordable housing), improved library offer and enhancements to public realm would be lost.

5 DESCRIPTION OF THE PROPOSALS FOR THE USE AND DEVELOPMENT OF THE LAND AND PLANNING POSITION

- 5.1 The CPO Scheme has been sensitively designed in response to detailed analysis of the Order Land, the local context, the wishes of local residents, stakeholders and the Council's objective of delivering high-quality development.
- 5.2 As detailed in Section 4, the CPO Scheme has been developed in close consultation with residents of the Order Land, the Estate, the local planning authority and other key stakeholders. Throughout the consultation process, the support aired for the CPO Scheme was widespread with feedback from consultation exercises used to inform the evolving design.
- 5.3 On 28 March 2023, the local planning authority resolved to grant the Planning Permission subject to the completion of a planning obligation under section 106 of the Act:
 - (a) in full for the Order Land for the:

"demolition of all buildings on Site A and erection of mixed-use buildings providing ground floor flexible commercial use floorspace (use class E), a library (use class F1), market storage (use class B8), residential units (use class C3), landscaped amenity space, car parking, motorcycle parking, cycling parking, market infrastructure and associated works"

(b) in outline for Sites B and C and Church Street Market (i.e. the remainder of the Estate) for:

"the demolition of buildings and structures. The erection of buildings and works of alteration to existing buildings for the following uses: (a) flexible commercial floorspace (Use Class E); (b) community floorspace (Use Class F1 and F2); (c) public houses, wine bars, or drinking establishments floorspace (Use Class sui generis); (d) market storage (Use Class B8); and (e) residential floorspace (Use Class C3). Ancillary residential facilities; associated infrastructure; streets, open spaces, landscaping and public realm; car, motorcycle and bicycle parking spaces and delivery/servicing spaces; new pedestrian and vehicular access; market infrastructure and ancillary facilities; utilities and other works incidental to the proposed development."

- 5.4 Pursuant to the detailed element of the Planning Permission, the CPO Scheme proposes up to 428 Class C3 residential units, 605 sqm (GIA) of Community Floorspace (Use Class F1), 341 sqm (GIA) of Commercial Floorspace (Use Class E), 1,124 sqm of Market Storage Floorspace (Use Class B8), 2,603 sqm of plant & service and 896 sqm of parking.
- 5.5 The detailed component of the scheme now subject to a resolution to grant the Planning Permission is the means by which it is proposed to deliver the CPO Scheme on the Order Land. It comprises the demolition of all buildings and the erection of two buildings separated by a new pedestrian street (known as New Street Gardens) that runs northwest to southeast through the Order Land. The east building (Block A1) is a perimeter block development around a central landscaped garden. The building ranges from ten floors at the southern corner of the Order Land to fifteen floors at the eastern corner of the Order Land. The basement level houses parking for people with disabilities (22 spaces) and cycle car parking (827 long stay and 23 short stay), together with mechanical plant. Vehicular access to the basement level is proposed via a car lift on the Penfold Street frontage. Access to cycle parking is via cores to the floors above.
- 5.6 The west building (Block A2) has an L-shaped plan that wraps around a new podium level landscaped garden to the rear of the existing buildings on Edgware Road. The building height is proposed to range from eight floors on the Edgware Road/Church Street corner of the Order Land to twelve floors where the new building meets the New Street Gardens being a publicly accessible pedestrianised space.
- 5.7 Both blocks include commercial floorspace (Use Class E) at ground floor on the Church Street frontage. Block A1 would also include a new library (Use Class F), to replace the library to be demolished on Site B (within the Estate), at ground and mezzanine level and accessed via Church Street. Block A2 also includes storage and parking for market traders at ground floor level (Use Class B8), beneath the new landscaped garden. The ground floor frontages to Broadley Street, Penfold Street and New Street

Gardens would have residential units. The outline component comprises the subsequent phases of the Regeneration Scheme on land within the Estate but outside of the Order Land.

- 5.8 The landscaped garden area within Block A1 is to be divided, with the majority comprising a secure communal area for residents of Block A1, including soft landscaping and play equipment for residents. The ground floor residential units backing onto the communal area would benefit from private outdoor terraces. The second area is located to the rear of the proposed library and would be publicly accessible. It would also include seating and community gardening areas.
- 5.9 The podium level landscape garden within Block A2 would be for the exclusive use of residents in that Block, including soft landscaping and play equipment for residents. Again, those residential units backing onto this garden area will also have private outdoor terraces abutting the communal garden.
- 5.10 New Street Gardens will be pedestrianised and publicly accessible. It will comprise large areas of soft landscaping and play equipment, with those residential units that front onto New Street Gardens benefitting from private outdoor terraces.
- 5.11 The floor areas of the proposed uses and the residential units within the Order Land are set out below, together with relevant existing floor areas:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
Storage (Use Class B8)	2,736	1,124	-1612
Residential Affordable (Use Class C3)	9,336	18,833	+9,497
Residential Private (Use Class C3)	4,131	18,281	+14,150
Residential Total (Use Class C3)	13,467	37,114	+23,647
Commercial, Business and Service (Use Class E)	2,494	341	-2,153
Betting Shop (Use Class Sui Generis)	159	0	-159
Public House (Use Class Sui Generis)	174	0	-174
Library (Use Class F)	0	605	+605
Ancillary Parking	0	896	+896

Plant and Service Space	0	2,603	+2,603
Total	19,030	42,683	+23,653

5.12 The outline component of the scheme now subject to a resolution to grant the Planning Permission is the means by which it is proposed to deliver the wider Regeneration Scheme to include, in addition to the Order Land, Sites B and C (i.e. the Estate).

6 PLANNING POLICY

6.1 Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, however paragraph 106 of the Guidance makes clear what factors the Secretary of State is likely to take into account in deciding whether to confirm an Order, including whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework.

6.2 The statutory development plan for the Order Land comprises:

- (a) Westminster's City Plan 2019-2040 adopted by the Council on 21 April 2021; and
- (b) The London Plan 2021.

6.3 As noted above, the local planning authority resolved to grant the Planning Permission on 28 March 2023. The application was determined having regard to the development plan. A resolution to grant was made on the basis that the development proposed was, on balance, in accordance with the development plan as a whole. There have been no material changes to the development plan or other material considerations since that very recent resolution and as such, the grant is considered to demonstrate that the Order does fit in with the adopted Local Plan for the area. Nonetheless, for the sake of completeness, the below sets out the development plan policies considered to be relevant to the proposed development and which the proposed development supports.

London Plan

6.4 The Mayor's London Plan (2021) is the Spatial Development Strategy for Greater London. It sets out an integrated social, economic and environmental framework for the future development of London.

6.5 The London Plan (2021) places a greater emphasis on the need to genuinely optimise residential land uses in order to provide the high quality and well- designed homes that London needs. This is set out across Chapter 3, in which the overarching principle is expressed as good growth through design. Policy H1 of the London Plan seeks to increase the supply in the capital and sets Westminster a 10 year housing target of 9,850 homes.

6.6 Within the London Plan (2021), Policy H8 concerns the loss of existing housing and

estate redevelopment. This policy provides that existing housing, if lost, should be replaced by new housing at existing or higher densities with at least an equivalent level of overall floorspace. It cautions that, before considering the demolition and replacement of affordable homes, consideration should be given to alternative options. The potential benefits of demolition and rebuilding of homes should be balanced against wider social and environmental impacts and consideration should be given to the availability of Mayoral funding. Paragraph 4.8.2 of the supporting text to Policy H8 states that the Guide provides detailed guidance to assessing appropriate approaches to estate regeneration.

- 6.7 The Guide sets out the following key principles: (i) like for like replacement of existing affordable housing floorspace; (ii) increase in affordable housing; (iii) full rights of return for social housing tenants; (iv) fair deal for leaseholders/freeholders; and (v) full and transparent consultation and involvement.
- 6.8 The London Plan (2021) comprises policies founded on the “golden thread” principle of ‘good growth’. For housing delivery this means guiding London’s development in a way that allows it to meet the needs of its growing population on existing brownfield sites. A key component of this is the support of mixed-use developments that are able to distribute the success of London’s economy, whilst delivering more housing and creating stronger communities. In terms of location, the London Plan emphasizes the importance of making best use of London’s land – by using brownfield sites and intensifying the density and use of existing places. Policy H1 reinforces this, noting that boroughs should seek to optimise the potential for housing delivery on all suitable and available brownfield sites. As Policy GG1 recognises, the creation of mixed-use developments contributes towards achieving good growth and inclusive communities.
- 6.9 Policy H4 sets London's strategic target for 50% of all new homes to be genuinely affordable with major developments required to provide affordable housing in line with Policy H5's 'threshold approach.' Policy H8 requires developments that include the demolition and replacement of affordable housing to provide the maximum possible amount of affordable housing to be determined through viability testing. As to tenure, Policy H10 expects residential schemes to comprise a range of unit sizes to meet local housing need, deliver mixed neighbourhoods and to ensure that sites reach their potential without adding to the pressure on existing housing stock.
- 6.10 Strategic policies D1, D4 and D8 set out a series of overarching design principles for major development in London, including in relation to tall buildings, design quality and urban design. Policies D4 and D6 stipulate that residential developments should be of high quality design, comprising comfortable and functional layouts that are fit for purpose and which do not differentiate between tenures. New development is also required to have regard to its context and make a positive contribution to local character within its neighbourhood.
- 6.11 Policy D5 on Inclusive Design states that proposals should have regard for specific groups, being designed to include spaces for social interaction and community. In addition, at least 10% of dwellings comprised in a development should be wheelchair user dwellings with the remainder accessible and adaptable.
- 6.12 Policy S1 considers that social infrastructure should be high quality and inclusive to

London's diverse communities by meeting local or strategic need. Developments which result in the loss of social infrastructure should only be permitted where: there is a realistic re-provision that continues to serve the needs of the community; or, the loss is part of a wider public service transformation, with fit for purpose infrastructure and facilities to meet the future needs of the community.

- 6.13 Policy HC7 notes that planning decisions should protect public houses where they have a heritage, economic, social or cultural value to local communities, or where they contribute towards wider policy objectives for town centres. Planning applications that propose the loss of public houses with such value should be refused unless marketing evidence demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.
- 6.14 Policy D9 concerns the London-wide strategy on tall buildings. It states that it is up to the borough to define both what constitutes a tall building and which areas are appropriate for them – though they should be located in areas that have capacity for such development. Tall buildings are required to be of an exemplary standard and address daylight, sunlight penetration and temperature conditions around the buildings and the neighbourhood must be carefully considered and not compromise the comfort and enjoyment of open spaces around the building(s).
- 6.15 Policy S4 requires developments to include suitable provision of play and recreation (of at least 10sqm per child) that is safely accessible, designed so that they are overlooked and integrated into the neighbourhood.
- 6.16 Policy G5 of the London Plan states that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 6.17 Policy E9 supports London's markets in their full variety, including street markets and measures to improve their management, offer and contribution to local identity. The reasoned justification notes the valuable economic, social and cultural role they play in meeting Londoners' needs, in addition to contributing to the character of high streets and providing opportunities to start-ups.
- 6.18 In accordance with the NPPF, Policy HC1 requires development proposal affecting heritage assets and their settings to conserve their significance and avoid harm.
- 6.19 As to transport and accessibility, Policy T1 requires that development makes the most effective use of land, reflecting its connectivity and accessibility by public transport and walking and cycling routes. Policy T6 encourages car-free development.
- 6.20 Finally, Policy GG6 necessitates development to improve energy efficiency and support the move towards a low carbon economy, contributing towards London becoming a zero-carbon city by 2050. Policy SI2 requires all major development to be net zero carbon (Policy SI 7 adopts the same approach in respect of waste).
- 6.21 Policy SD8 states that District Centres should focus on the consolidation of a viable range of functions.

City Plan

- 6.22 The Council adopted the Westminster City Plan 2019 – 2040 on 21 April 2021. It sets out the vision for the City of Westminster up to and beyond 2040, putting in place a policy framework that would deliver this vision. Many of its policies are therefore of high relevance to the CPO Scheme.
- 6.23 The City Plan recognises the challenges faced by the Council to accommodate the growth required alongside the need to preserve a good quality of life for its residents and visitors. In this respect, the Plan's vision anticipates 'economic regeneration and housing developments in Church Street will bring a renewed vitality. A vitality that will resonate throughout the City.'
- 6.24 Spatial Strategy Policy 1 continues the theme of growth, and considers that supporting intensification and optimizing densities in high quality new developments that showcase the best of modern architecture and integrate with their surroundings to make the most efficient use of the land, is the best way to achieve this. In particular, the policy requires the delivery of 20,685 homes with 35% of new homes as affordable. The policy cites the renewal of the Church Street Housing Renewal Area as a key way in which growth will be delivered.
- 6.25 As a Housing Renewal Area, the expectation is for additional housing, improved connections and public realm, and the provision of new retail and community facilities. Policy 6 cites the Church Street/Edgware Road Housing Renewal Area as a Spatial Development Priority, which will deliver: (i) at least 2,000 new high-quality homes; (ii) at least 350 new jobs; (iii) community facilities; (iv) new green infrastructure and public realm improvements; (v) improved mobility; (vi) innovative and high-quality design to ensure the most efficient use of land, including tall buildings; and (vii) enhancements to the Church Street/Edgware Road District Centre, including the market.
- 6.26 Policy 8 within the City Plan 2019-2040 is geared towards encouraging more housing, optimising housing delivery sites and finding new innovative ways to deliver more homes. Through this approach, there is an expectation that the London Plan derived target of 20,685 homes across the plan period (2019-2040) will be exceeded. Policy 8 states that this will be achieved through, inter alia, optimising site densities and planning positively for tall buildings in certain locations.
- 6.27 The Council wishes to increase the amount of affordable homes delivered in Westminster. In carrying this through, City Plan Policy 9 protects affordable housing and will resist any development that would result in its net loss. Accordingly, all residential proposals are to provide a minimum of 35% of the total residential units as affordable on-site, subject to meeting certain conditions. City Plan Policy 10 requires a mix of units in terms of size, type and tenure to secure mixed and inclusive communities. The policy requires that 25% of all new homes are to be family sized and limits studio flats to no more than 10% of new homes.
- 6.28 As to design, City Plan Policy 12 provides that all new homes should be well- designed, energy efficient and create a high-quality living environment. It reiterates the accessibility requirements of the London Plan Policy D5 and requires all new homes to meet or exceed Nationally Described Space Standards.

- 6.29 As to amenity, City Plan Policy 7 requires development to be 'neighbourly'. This includes protecting and enhancing amenity by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. The policy notes in paragraph 7.1 that the borough is already densely populated and detrimental impacts on existing occupiers must be avoided, with developments expected to make a positive contribution to the quality and function of the local area. It does however also note that a balanced approach should be taken to design solutions that consider the specific location and context as well as the merits of each proposal including the wider benefits a scheme can deliver against impacts on the surrounding area. Policy 33 also seeks to ensure that quality of life and well-being is not adversely affected by harmful pollutants and other negative impacts (e.g. light, noise and vibration) on the environment.
- 6.30 The Order Land is within the Church Street District Centre. Policy 14 of the City Plan states that proposals within the area will provide a mix of commercial and community uses to meet the needs of residents. Class E is the priority use at ground floor throughout the town centre hierarchy, supported by complementary town centre uses that increase consumer dwell time and enhance town centre vitality and viability. Policy 13 and Policy 6 of the City Plan also acknowledge the creation of jobs and provision of community facilities as spatial priorities.
- 6.31 City Plan Policy 16 protects public houses except where there is no reasonable prospect of its continued use as a public house, as evidenced by reasonable marketing for a period of 18 months.
- 6.32 City Plan Policy 17 resists the loss of existing community facilities and floorspace unless the loss or relocation is in the interests of reconfiguring, consolidating or upgrading services. The policy encourages new social and community uses where there is an identified or future need.
- 6.33 City Plan Policy 29 requires that delivery and services infrastructure should be incorporated into developments to allow them to operate and be maintained efficiently with minimal disruption. The parking standards contained within City Plan Policy 27 align with the standards prescribed by the London Plan.
- 6.34 As to open space, City Plan Policy 34 requires major development to provide new or improved public open space and space for children's play. Opportunities to enhance existing habitats and create new habitats should be maximized and trees of value ought to be protected. As to public realm, City Plan Policy 43 requires developments to incorporate well-designed public realm that is safe, attractive and accessible to all and to improve connectivity of the network of open space and public realm in the City.
- 6.35 City Plan policies 38 – 45 underline the fundamental role of new development to enhance its local context by positively responding to local characteristics and local features. In particular, City Plan Policy 38 requires new development to incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture, reduce emissions and ensure a reduction, reuse or recycling of resources. Development is required to positively contribute to Westminster's townscape and streetscape having regard to the character and appearance of the existing area and to create inclusive and accessible spaces that reduce the opportunity for crime and

promotes health and well-being. Principles of sustainable design should be incorporated into development proposals. Policy 39 requires development to conserve features that contribute positively to the setting of conservation areas and to take opportunities to enhance their settings, wherever possible.

- 6.36 City Plan Policy 42 recognises that the general principles to be applied to building heights (i.e. that buildings are proportionate to role, function and location, of exceptional architectural quality, avoid unacceptable impacts etc) in Housing Renewal Areas. It is acknowledged that appropriate height must be balanced against the wider public benefits the scheme is able to viably deliver. With regards to the Church Street Housing Renewal Area, the policy notes that there are opportunities for tall buildings (being buildings of more than 30 metres or, those that are more than twice the prevailing context height (whichever is lower)), where they contribute to the creation of a place with a strong and enhanced character. In particular, the tallest elements ought to be on 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.
- 6.37 The following are material considerations:

National Policy

- 6.38 The National Planning Policy Framework 2021 ("NPPF") (at paragraph 2) reiterates the statutory requirement to determine planning applications in accordance with the development plan and, therefore, the development plan is the starting point for determining the acceptability of the development. There is a presumption in favour of sustainable development which the NPPF identifies as having three overarching objectives, namely economic, social and environmental objectives (paragraph 8).
- 6.39 In relation to the economic objective, the NPPF explains that to help build a strong responsive and competitive economy, 'sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure' (paragraph 8a).
- 6.40 In relation to the social objective, the NPPF encourages the planning system to 'support 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' health, social and cultural well-being' (paragraph 8b).
- 6.41 The NPPF's overarching environmental objective is to 'protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy' (paragraph 8c).
- 6.42 Chapter 5 of the NPPF promotes increases and improvements in the quantity, quality and variety of housing, with paragraph 60 noting the Government's support for schemes that significantly boost the supply of housing, including affordable housing. Paragraph 62 provides that dwellings should be delivered in a variety of sizes, types

and tenures to meet the broad needs of different groups in the community.

- 6.43 As regards design, Chapter 12 of the NPPF states that achieving well- designed places is a key purpose of the planning system. In addition, paragraph 130 cites functionality, attractiveness and responsiveness to local context as important principles in the design of developments and highlights that developments should promote accessibility.
- 6.44 Paragraph 86 of the NPPF notes that planning policies should retain and enhance existing markets and, where appropriate, re-introduce or create new ones.
- 6.45 Chapter 8 of the NPPF promotes the creation of healthy and safe communities. This is expressed in paragraph 98, which emphasizes the importance of creating high quality open space where people can meet and interact. Paragraph 98 of the NPPF builds on this, promoting the importance of a high quality network of open spaces which provide opportunities for physical activity and social interaction.
- 6.46 Paragraph 93 of the NPPF highlights the planning system's role in supplying the social, recreation and cultural facilities and services that are crucial in meeting community needs. The importance of safeguarding existing valued facilities and the need to ensure residential economic and community uses are integrated within new developments is noted. Paired with paragraph 98, paragraph 179 encourages the incorporation of biodiversity improvements in and around development, especially where this can secure measurable net gains. Paragraphs 98 and 99 also resist the loss of recreation spaces and require new developments to incorporate both private and public open spaces for use by occupants.
- 6.47 Section 9 of the NPPF sets out the importance of developments encouraging and facilitating an increase in the use of and access to sustainable transport modes.
- 6.48 Chapter 16 sets out the approach to be adopted to conserving and enhancing the historic environment. Paragraph 203 states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Fairer Westminster Delivery Plan 2023-24

- 6.49 The Council's Fairer Westminster Delivery Plan sets out the Council's vision for building a city that supports all of its communities. In particular, to deliver:
- (a) Fairer communities to reduce inequalities at every turn;
 - (b) Fairer housing to ensure that the housing needs of all are met and that homes are well managed, environmentally sound and, most importantly, genuinely affordable;
 - (c) Fairer economy by catering for and supporting businesses;
 - (d) Fairer environment by tackling the climate emergency and become a net zero council by 2030 and a net zero city by 2040; and

- (e) Fairer Council by ensuring that residents are at the heart of all decision-making and listening to their needs.

Local Planning Authority's Determination

- 6.50 In recommending the grant of Planning Permission, officers reached the view that it will create a high quality neighbourhood for both existing and new residents on the relevant part of Church Street. Officers noted that the Estate is well located and the proposal is a high-density form of development designed to meet the objectives of national, regional and local planning policies, which seek to intensify the use of land and optimise the delivery of new homes including affordable homes. In respect of the detailed proposals for the Order Land, officers concluded that the proposals would represent a positive redevelopment with an exceptional quality of design.
- 6.51 The local planning authority ("LPA") considered the package of public benefits to be significant in terms of the City Plan's strategic aims and policies. Although the LPA's conclusions were in respect of the Regeneration Scheme, the LPA noted specific benefits referable to the CPO Scheme, namely:
- (a) a considerable uplift in residential accommodation, with the Order Land delivering an increase in 145 to 248 units;
 - (b) a 50% increase in affordable housing (units) on the Order Land;
 - (c) a new purpose built library;
 - (d) purpose built market infrastructure;
 - (e) new public realm including New Street Gardens and playspace.
- 6.52 Whilst a small degree of harm was identified as a result of the CPO Scheme to the setting of the row of non-designated traditionally scaled buildings which front Edgware Road, and which run parallel with the western extent of the Order Land, the good design and high-quality architecture were considered to mitigate this.
- 6.53 It was acknowledged that creating a high-density development at the Order Land would result in negative impacts on adjacent occupiers in terms of losses of light, sunlight, overshadowing and sense of enclosure, contrary to City Plan policies 7, 33 and 38C of the City Plan. This was considered to result largely due to the low-rise nature of the surrounding properties. However, officers concluded that this harm has to be balanced with the significant public benefits of redevelopment. In particular, boosting significantly the supply of market and affordable housing and optimising housing delivery, which could not be delivered as part of a lower density scheme. The Council considers that key to the significant benefits attributable to the hybrid planning application are those that will result from the redevelopment of the Order Land, per paragraph 6.51 above. Further, the redevelopment of the Order Land will serve to unlock the wider benefits the local planning authority noted would result from the regeneration of the wider Estate in accordance with the outline component of the Planning Permission.
- 6.54 The loss of retail floorspace was noted by the LPA (and found to be contrary to Policy

14 of the City Plan). However, siting an enhanced library in a prominent retail frontage within the Order Land was considered to maintain activity and vitality whilst providing a purpose built community facility that better meets the need of the community it serves.

- 6.55 It was considered that, on balance, the Regeneration Scheme (of which the CPO Scheme forms part) is in accordance with the Development Plan read as a whole. The proposed development was also considered to meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of on-site affordable housing. The proposed enhancements to the public realm and Church Street Market were considered to promote greening and assist with the rejuvenation of the area.
- 6.56 Further, it is considered that the renewal of the Order Land will meet the Council's Fairer Westminster outcomes, including:
- (a) Fairer Communities and Housing – the CPO Scheme will provide high quality and affordable homes delivering a range of tenures beneficial to local residents and relieving overcrowding, making Westminster a more equitable place. The condition and energy efficiency of housing stock will be much improved. The CPO Scheme will enhance the quantity and quality of public realm in the area, allowing opportunities for physical activity and the library provision provides learning opportunities for children and adults alike;
 - (b) Fairer Environment – the CPO Scheme proposes an ambitious sustainability strategy and will provide access to high quality green spaces and community facilities. The enhanced connectivity ensures that residents, workers and visitors are encouraged to travel through Westminster in more active and sustainable ways; and
 - (c) Fairer Council – the CPO Scheme has been designed with the Church Street community in mind and includes a transparent engagement process with residents at its centre.

7 JUSTIFICATION FOR COMPULSORY PURCHASE

- 7.1 Having regard to paragraph 106 of the Guidance, the Council notes that, where a compulsory purchase order is promoted pursuant to section 226(1)(a) of the Act, the Secretary of State will take into account the following issues:
- (a) Whether the purpose for which the Order Land is being acquired fits with the adopted local plan for the area or, where no such up to date local plan exists, with the draft local plan and NPPF;
 - (b) The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
 - (c) Whether the purpose for which the Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe;

- (d) The potential financial viability of the CPO Scheme (this is addressed in section 7(iv)).

7.2 The Guidance also requires the Council to have regard to the following when considering making a compulsory purchase order:

- (a) That the purposes for which the Order is made sufficiently justify interfering with the human rights of those with an interest in the land affected;
- (b) Whether it is likely that the CPO Scheme will be blocked by any physical or legal impediments to implementation.

7.3 These are each considered below in relation to the Order and the CPO Scheme.

(i) Whether the purpose for which the Order Land is being acquired fits with the adopted planning framework or, where no up-to-date local plan exists, with the draft local plan and NPPF:

7.4 The renewal of the Order Land is supported in land use terms. The development would optimise housing delivery and help the City Council meet its ten year housing target set out in the London Plan (2021). For the reasons set out below, the acquisition of the Order Land to facilitate the delivery of the CPO Scheme would on balance, be in accordance with the Development Plan when read as a whole and the NPPF.

7.5 The Council refers to the following key aspects of the CPO Scheme by reference to the planning framework:

Principle of Development

7.6 The regeneration of Estate (of which the Order Land forms part) is promoted at a strategic and local level. In particular:

- (a) it has been identified as a strategic opportunity since 2010 (per the Housing Renewal Strategy);
- (b) Policy 1 of the City Plan cites the Estate as a Housing Renewal Area key to the way in which the target for 22,685 homes over the plan period will be delivered;
- (c) Policy 6 of the City Plan cites the Estate as a spatial development priority with the scope (together with the wider Housing Renewal Area) to deliver approximately 2,000 high-quality new homes, new jobs linking further employment opportunities in the CAZ to the local community, enhanced community facilities, new green infrastructure and high-quality design to make the most effective use of land, including tall buildings;
- (d) Policy 8 of the City Plan aims to exceed the provision of 20,685 new homes across the plan period and acknowledges the uplift of homes will be achieved by optimising site densities in Housing Renewal Areas and incorporating tall buildings, where appropriate.

- 7.7 Accordingly, coupled with the increased demand for new homes and jobs, the policy framework clearly supports the need to optimise development on sustainable brownfield sites such as the Order Land.
- 7.8 The supporting text of the relevant City Plan Policy 6 states that Church Street has the potential to create a significant uplift in the number of high-quality homes to meet local needs and will also deliver wider benefits for the community. The reasoned justification acknowledges that regeneration presents the opportunity to improve quality of life for existing residents, increasing the offer of public open space and resulting in environmental improvements that will enhance accessibility and mobility. Further, policies H1 and GG2 of the London Plan recognise the need to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations (such as the Order Land) that are well-connected.
- 7.9 Turning to the NPPF, paragraph 119 states that planning decisions should promote the effective use of land in meeting housing needs and other uses in a way which makes effective use of previously developed or brownfield land. It is clear that the regeneration and effective use of the Order Land, being previously developed land, will contribute to sustainable development in accordance with the NPPF (paragraph 8). Regeneration and redevelopment will create a place that is well-designed, safe and accessible, with open spaces that support the well-being of surrounding communities (per paragraph 8b). Further, the regeneration of the Order Land and the application of development plan policies in the planning application determination process will ensure the protection and enhancement of the natural, built and historic environment (per paragraph 8c).
- 7.10 In accordance with the development plan, national policy imperatives and emerging policy, the CPO Scheme would act as a catalyst for further transformational investment in the local area. Relevant to the proposals is policy H8 of the London Plan. As detailed in Section 4 above, and in accordance with the reasoned justification to policy H8, there has been significant engagement and consultation with local residents, the wider community, businesses, market traders, amenity groups and other stakeholders since October 2017 as to the development proposals for the Estate. The Priorities and Options Consultations (and, most recently, the pre-planning consultation) have put these interest groups at the heart of the Estate's regeneration.
- 7.11 Ultimately, less disruptive alternatives (Options 1 and 2) scored less favourably when those consulted were asked whether such options met or exceeded the needs of the community. In particular, it was considered that such options failed to provide a real opportunity for future improvement and development of the area. The potential benefits of demolition and rebuilding of homes (namely, the uplift in affordable housing, enhanced and improved community uses and the creation of improved open space) are considered to clearly outweigh any social and environmental impacts. In addition, retrofitting the existing blocks would not be capable of delivering the same density and housing provision required.
- 7.12 Although it is noted that support for Option 3 and Option 4 was relatively evenly split, ultimately, it was considered that Option 3 is the only one that addresses the issues affecting the Estate (see Section 4 above) in a timely manner.

- 7.13 The proposals for the CPO Scheme have taken into account (and fully comply with) the Guide, which acknowledges that more interventionist regeneration can realise significant benefits, including opening up access to a full range of better quality housing of all tenures, improvements across neighbourhoods; new opportunities for training and employment and new community facilities. The ballot undertaken in November/December 2022 was overwhelmingly in favour of the regeneration proposals. Accordingly, the acquisition of the Order Land for the purposes of delivering the CPO Scheme is considered to fully comply with London Plan Policy H8, City Plan policies 1 and 6, and the Guide.
- 7.14 The proposed boost to housing, particularly affordable housing, improvements to the quality of homes, the provision of community facilities and enhanced public realm for residents (as proposed by the CPO Scheme) is strongly supported in principle by national, regional and local policy objectives, and specifically meets the aims of City Plan policy 6.

Housing

- 7.15 The Order Land will deliver 428 new homes, which is an uplift of 283 from the existing 145 units. In terms of habitable rooms, this is a residential uplift of (730) habitable homes, of which 335 (46%) are affordable. As to affordable housing, the Order Land currently has 98 units offered for social rent. The CPO Scheme proposes a net increase of 115 affordable homes (comprising 73 social rented units and 42 intermediate units), whilst also offering the re-provision of existing affordable homes, allowing existing residents the right to return.
- 7.16 Although the proposed use of the Council's compulsory purchase powers is limited to the Order Land (and the analysis in this Statement of Reasons is predicated on the CPO Scheme only), it is acknowledged that the implementation of the CPO Scheme is the first phase of the Council's intended regeneration of the wider Estate. Taken as a whole, the illustrative Masterplan proposes a residential net uplift of 1912 habitable rooms, of which 969 are affordable. This equates to a 51.1% provision as affordable. When expressed in terms of unit numbers, the illustrative masterplan proposes a net increase of 325 affordable homes.
- 7.17 The additional housing to be delivered within the Order Land would 'boost significantly the supply of housing' (per paragraph 59 of the NPPF) and optimize the potential for housing delivery on a suitable and available brownfield site (per London Plan policy H1). It will also serve to unlock the benefits associated with the uplift in affordable housing Estate-wide as part of the wider Regeneration Scheme.
- 7.18 The Order Land will deliver 213 affordable residential units, which would equate to 52.1% of affordable housing by habitable room and 50% when calculated on a unit basis. All social rented units within the Order Land will be replaced as part of the CPO Scheme (indeed, this is the case in respect of the Regeneration Scheme and is proposed for all social rented units comprised in the Estate). As to the significant uplift in affordable housing, the CPO Scheme proposes (in accordance with the Fairer Westminster Strategy) that this will comprise 70% council rent (or social rent), with the 30% intermediate housing comprising housing for London Living Rent. Accordingly, the proposed quantum complies with London Plan policy H8 and City Plan policy 9 and

the proposed tenure split is above the threshold set out in London Plan policy H6 and City Plan policy 9.

- 7.19 By reconfiguring the layout of the existing residential floorspace, the Council is able to deliver an optimised range of homes. As to this, a greater proportion of larger units are proposed to meet the needs of existing residents. In terms of the mix, only three studio flats are proposed within the Order Land. Whilst only 15% of the flats will have 3 bedrooms or more (in comparison to the policy requirement of 25%, per City Plan policy 10), the Council's Affordable Housing Manager has, in this case, accepted 2 bedroom flats as family housing (as is permitted in accordance with the glossary of the City Plan). The CPO Scheme includes 92x2 bedroom flats for 4 people. Taking this into account, it will deliver 25.2% family housing. In any case, given the Order Land's location and accessibility, a higher volume of 1 and 2 bedroom units is appropriate in this location, in accordance with City Plan policy 10.
- 7.20 The CPO Scheme's approach to density has been design-led, optimizing the use of the land in a way that respects the surrounding constraints and land uses in accordance with policy 6 of the City Plan and Section 11 of the NPPF (Making Effective Use of Land). In this regard, the CPO Scheme further accords with City Plan policy 8, which recognizes the need to optimize site densities on Housing Renewal Areas, so as to achieve the borough's 'stepped-up' housing delivery target.
- 7.21 The CPO Scheme will provide high-quality residential living. The detailed component of the scheme now subject to a resolution to grant the Planning Permission demonstrates that all flats will meet the nationally described space standards, the requirements of part F of policy D6 of the London Plan and policy 12 of the City Plan. The vast majority of units (91%) are dual aspect and whilst the CPO Scheme does not comply with new BRE guidelines this is largely due to a change in the way assessments are carried out introduced subsequent to the design for the detailed part of the Planning Permission being finalised. The local planning authority acknowledged in its determination of the Planning Permission that given the Order Land is to be redeveloped at a higher density level to meet policy objectives of boosting significantly the supply of housing and optimising housing delivery, reductions in daylight are to be expected and it will be difficult to achieve 100% compliance. It was considered that there will be benefits to light and airflow and where possible, the design has ensured that those worst affected flats have been arranged so that living areas are located where they will be best located for light and air.
- 7.22 The CPO Scheme (per the detailed component of the scheme now subject to a resolution to grant the Planning Permission) will also provide an uplift of 18,281 sqm of private residential floorspace within the Order Land. It is considered that the mix of tenures will give rise to a healthy and balanced community in accordance with the Council's aspirations for housing growth, per City Plan policies 8 and 10 and paragraph 61 of the NPPF. Further, the proposed buildings have been designed to be tenure-blind in terms of location, facility and appearance in accordance with London Plan policy H8.
- 7.23 Every flat will be provided with private amenity space in accordance with the London Housing Design Guide. In addition, all recessed balconies have single glazed fully openable bi-fold windows to give flexibility to occupants to have a private balcony or

enclosed winter balcony, which can be used all year round. Principles of inclusive design have also been incorporated to ensure that, in accordance with the Mayor's Housing SPD (standard 11) and London Plan policy D7, 10% of all proposed units will be wheelchair user dwellings.

- 7.24 In light of the above, the CPO Scheme would secure a mixed and balanced community at the Order Land in accordance with adopted policy.

Community Uses

- 7.25 In accordance with the aims of policies S1 and S5 of the London Plan and policy 17 of the City Plan, the Council's aim is to ensure that the Order Land continues to provide social and community infrastructure through protection or consolidated upgrades unless there is no demand or the same are available within the wider area.
- 7.26 The Church Street Library is currently inefficiently located in terms of layout and lacks visibility but provides both a dual library and community function for local residents. It measures 828 sqm GIA but contains significant areas of unusable (storage and circulation) space. The usable NIA measures 613 sqm.
- 7.27 The new library, in qualitative terms, is significantly better than the existing offer providing services for children, learning rooms, community space, and ancillary staff facilities in a space that can flex to changing needs and uses. It has been designed following extensive and ongoing consultation with the local community and the Library Group, which ensures a bespoke design for a facility that meets the needs of the local community. The library garden will provide opportunities for recreational use and contribute to the physical and mental well-being of the local community. The library will take up a prominent and highly visible location on Church Street contributing to the mix of uses and activity on the street in accordance with London Plan policy SD6.
- 7.28 Although the CPO Scheme will result in the loss of a public house (Lord High Admiral), the public house is of no architectural or historical significance and is not listed as an Asset of Community Value. Although, contrary to policy 16 of the City Plan no marketing has been undertaken to evidence that there is no real prospect of its continued use, this has been precluded by the pub's continued operation and, in any case, the results of the various consultation exercises have demonstrated that there is no desire amongst residents to retain the pub. It is not considered that the pub has any of the values that policy HC7 of the London Plan seeks to protect. Should a community need for a public house become evident, it is proposed to provide for up to 174 sqm of sui generis floorspace as part of the wider Regeneration Scheme, in accordance with the relevant reserved matters consent.

Commercial and Retail

- 7.29 The Order Land is located within the Church Street District Centre which is known for its range of shops and services for local people. Whilst the scheme now subject to a resolution to grant the Planning Permission proposes a reduction in the amount of Class E floorspace (from 2,494 sqm to 341 sqm), this is in part a result of moving Church Street Library from Site B to the Order Land, which, at 605 sqm comprises the majority of the Church Street retail frontage. In addition, the frontage is reduced

through the provision of New Street Gardens, which provides valuable and enhanced public realm.

- 7.30 The proposals are for the whole of the ground floor facing onto Church Street to be commercial or community uses. The CPO Scheme seeks to provide a flexible and viable Class E use. Although there will be a loss of Class E floorspace within the Order Land, within the spirit of Policy 14 of the City Plan, a mix of community and commercial uses will be provided which, when taken together, will meet residents' day to day shopping needs and more effectively support opportunities for community interaction.
- 7.31 The Class E floorspace presents an active frontage to Church Street and Edgware Road and reinforces the existing adjacent uses in accordance with London Plan policy SD7 and City Plan policy 14. Whilst officers in the determination of the Planning Permission considered the loss of retail floorspace regrettable, it was considered to be compensated for by the re-provision of the library and opportunity for replacement retail as part of the wider Regeneration Scheme.
- 7.32 Finally, the CPO Scheme acknowledges that the Church Street Market is a core asset for the community, providing much-needed goods and services but also a community hub for people to engage. In accordance with London Plan policy E9 and Policy 6 of the City Plan the Church Street Market will be supported and enhanced in order to promote the vitality of the Church Street District Centre. The CPO Scheme proposes measures to improve market storage (with the detailed component of the Planning Permission proposing 1,124 sqm of storage floorspace), welfare facilities and vehicular and pedestrian access to support the continued (and improved) operation of the Market, which is considered a key landmark contributing to the wider character and identity of the Church Street area.

Design

- 7.33 The CPO Scheme presents an opportunity to provide a high-quality design in keeping with that of the existing and emerging developments in the Paddington Basin to the historic context of Marylebone in accordance with London Plan policies D5 and D6, City Plan policies 39 – 46 and Chapter 12 of the NPPF. Although the development is taller than the surrounding context, the elevations respect those on the Edgware Road frontage which vary between 7 – 11 storeys incorporating set-backs and a rhythm of projecting and recessed bays. Although the development is of a significant scale, the quality of design and upscaling of typical characteristics seen across Westminster ensure it is effectively integrated with officers noting its exceptional quality during the determination of the Planning Permission. In accordance with London Plan policies D3 and D4, the design responds to, respects and enhances those architectural features that contribute towards the local character of the area.
- 7.34 The two urban blocks to be delivered as part of the detailed component of the scheme now subject to a resolution to grant the Planning Permission are sympathetic to the local context and the introduction of New Street Gardens helps to extend connections to the wider area. It provides a greater sense of openness, allowing light to be drawn into Church Street. A secure pedestrian route will also be provided within the Order Land as part of the market infrastructure, which will create a positive reciprocal relationship between buildings and the surrounding environment and will increase

footfall, thus generating liveliness and interest among visitors and residents. Access for all will be facilitated to create a development that is inclusive. The design of the ground floor of both blocks seeks to distribute uses in a legible, rational and efficient layout that compliments and reinforces adjacent uses whilst maximising the extent of active frontages. Further, in consultation with the Metropolitan Police Crime Prevention Officer, the layout of the CPO Scheme serves to enhance perceptions of safety and reduce crime and anti-social behaviour.

- 7.35 In terms of amenity, the CPO Scheme will result in significant losses of daylight and sunlight to neighbouring properties in excess of what the BRE recommends. It will also result in an increased sense of enclosure to surrounding properties. These arise both as a result of the increase in bulk of the CPO Scheme and its location adjacent to properties that currently experience a relatively open aspect and are of modest scale with windows at low levels. Overshadowing to surrounding areas of open space and the market will also be experienced. However, the BRE Guide is to be applied flexibly and with an awareness of the Order Land's Central London location. Whilst a conflict with policies 7, 33 and 38 of the City Plan is acknowledged in respect of the development now subject to a resolution to grant the Planning Permission, the LPA considered that such impacts are, on balance, considered acceptable given the Order Land's location and weighed against the benefits of redevelopment.

Conservation

- 7.36 The proposed height and layout of the CPO Scheme would have a wide visual and townscape impact, which would affect heritage assets in the vicinity. The visual impact of the development now subject to a resolution to grant the Planning Permission was assessed pursuant to a Townscape and Visual Impact Assessment from 19 viewpoints. Although the introduction of taller and denser development would be noticeable in certain views, overall, it was considered that, given the existing townscape is varied in terms of height and character, the impact is not a harmful one (as endorsed by the LPA). There would be no harm to designated heritage assets or their settings.
- 7.37 A small degree of harm would result to the setting of the row of non-designated traditionally scaled buildings which front Edgware Road and which run parallel with the western extent of the Order Land. However, even in such views, the high quality architectural quality of the development, including that of the rear facades, would be appreciable so as to mitigate (or compensate) any harm. Further, any such harm is outweighed by the regeneration of the Order Land, which secures its optimum viable use.

Public Realm and Open Space

- 7.38 The existing public realm is sparse and is dominated by vehicles and on-street parking. As such, it comprises primarily hard landscaping and pedestrians are generally restricted to narrow footpaths with limited opportunities to sit or gather. The public realm proposals are based on the creation of a new publicly accessible, pedestrianised space to be known as 'New Street Gardens', with natural surveillance to the same provided by way of the reconfigured Class E use space.
- 7.39 Children's play spaces and landscapes will be distributed both within the private

communal gardens and the publicly accessible New Street Gardens. Although the development comprised within the detailed component of the scheme now subject to a resolution to grant the Planning Permission falls short of the 2,112sqm required by policy (providing 1,774 sqm), the overall quantum proposed as part of the masterplan for the wider Estate exceeds the London Plan requirement and it is considered that the play space that will be delivered in the Order Land is qualitatively better and better suits the needs of residents and the local community than the existing offer. In addition, there is a growing green network throughout the Ward that provides ample space for residents of the CPO Scheme to enjoy.

- 7.40 A further source of open space is provided for residents within the ground level courtyard and library encased within Block A1. This will provide secure communal play and seating, private rear gardens and a public garden attaching to the Church Street Library. A podium level secure communal courtyard is also proposed within Block A2. These secure spaces provide a greater sense of security and privacy whilst providing opportunities for growing, playing and socialising. It is considered that the new open spaces are superior in terms of amenity, usability and ecological value to the existing spaces. In particular, they will maximise existing habitats and create new ones for priority species. Further, the significant amount of urban greening will increase the biodiversity of the Order Land.

Transport and Parking

- 7.41 The Order Land is in a highly sustainable location with a PTAL rating of 6b and future occupants will be able to access key transport facilities, which will result in the reduced need for car-use. In accordance with London Plan policy T1 and Section 9 of the NPPF, the location of the Order Land facilitates access on foot, via safe and convenient routes to the local area and transport nodes.
- 7.42 The introduction of New Street Gardens as a pedestrianised street together with long stay cycle parking (in excess of that required by London Plan policy T5 and consistent with paragraph 104 of the NPPF) will support sustainable travel options by residents, staff and visitors. Cycle provision is also provided for non-residential uses. Vehicular trips are also minimised by including a parcel consolidation centre in proximity to the concierge facility and cores to enable deliveries to a central location, rather than traversing the Order Land.
- 7.43 On-site car parking is removed as part of the CPO Scheme. The detailed component of the scheme now subject to a resolution to grant the Planning Permission proposes car parking for use by disabled residents (22 spaces) in accordance with Policy 27 of the City Plan and London Plan policy T6. The accessible car parking spaces are to be provided within the basement of the Order Land and accessible via 2 car lifts situated on Penfold Street. Such spaces will also provide active provision of electric vehicle charging points. A car club is also proposed to reduce car ownership amongst future occupiers and limit on-street parking stress.

Energy and Sustainability

- 7.44 Sustainability and energy efficiency measures have been incorporated as part of the scheme now subject to a resolution to grant the Planning Permission. A series of

measures have been adopted in accordance with the energy hierarchy – be lean, be clean and be green to maximise sustainability and opportunities for renewable energy. Even though upfront carbon will be relatively high, the design demonstrates a series of reductions in whole life carbon in accordance with London Plan policy S12 to deliver buildings that address fuel poverty and resilience. Across the Order Land, heat pumps and PV panels will result in the lowest carbon option. Efforts will also be made to ensure that a significant proportion of demolition and construction waste is re-used and recycled during construction.

- 7.45 The CPO Scheme has been designed so as to extend the lifetime of buildings and spaces and to respond to the likely risks of climate change. It incorporates measures to mitigate overheating in accordance with City Plan policy 36 and London Plan policy SI3, with self-shading and overhanging balconies and predominantly dual-aspect units maximising passive ventilation.
- 7.46 The public realm has also been designed to promote sustainable drainage and, per policy G5 of the London Plan, include urban greening as a fundamental element of site and building design. This is achieved by including measures such as a large-scale rainwater recycling system, biodiverse green and blue roofs and permeable/porous pavements. Such measures will optimise resource and water efficiency and mitigate the risk of surface water flooding. In addition, the development of the Order Land will prioritise walking and cycling and minimise and manage trips by motorised vehicles. Measures have also been incorporated to enhance biodiversity within the Order Land, with the inclusion of bird and bat boxes and the planting of a significant quantum of trees.
- 7.47 Orientation and site layout, natural ventilation and lighting, thermal mass and solar shading have been optimised having regard to site constraints. Accordingly, the Council is satisfied that the CPO Scheme (to be delivered pursuant to the detailed component of the Planning Permission) will make the fullest contribution to the mitigation of, and adaption to, climate change, energy usage and resource wastage, whilst minimising carbon dioxide emissions in accordance with London Plan policy S12, policies 37 and 38 of the City Plan and the NPPF.
- 7.48 In light of the above, the Council is satisfied that the CPO Scheme accords with the strategic objectives of the development plan and the NPPF. The purposes for which the Order Land is being acquired accords with the adopted planning policy for the area as recognised by the recent resolution to grant the Planning Permission.
- 7.49 Having considered how the redevelopment is to be carried out, in order to ensure delivery, the Council is seeking to exercise powers under section 13 of the 1976 Act for the compulsory purchase of new rights over the Order Land (shown coloured blue on the draft Order Plan at Appendix 2). In particular, crane oversailing rights are sought for the purposes of erecting scaffolding and rights of access to undertake and maintain works. Without these rights, it would not be possible to deliver the CPO Scheme, and therefore the rights have been included in the Order. The Order will therefore enable the regeneration of the Order Land to take place in accordance with a managed programme, providing certainty for land assembly and implementation of the CPO Scheme. Such certainty will contribute towards the achievement of the Council's regeneration objectives for the Order Land, the wider Estate and the Church Street

area as set out in adopted policy.

(ii) The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area:

Social

- 7.50 A key benefit of the proposed CPO Scheme is that it intensifies the use of land and provides a high density form of development to support additional homes. The CPO Scheme will make best use of an under-utilised site to deliver a vibrant mixed-use and mixed tenure community comprising high-quality housing, an improved community and commercial offer and enhancements to the public realm. The population of Westminster is projected to increase to 298,302 by 2040, representing a growth of 13% on 2020 levels.³ This projected increase is an important consideration for the requirement for the delivery of new housing. In addition, the CPO Scheme will help to meet Westminster's acute need for additional affordable homes, providing 50% (per the scheme now subject to a resolution to grant the Planning Permission) within the Order Land as affordable tenure. This re-balancing of tenures will create a more inclusive and balanced community.
- 7.51 The Order Land is currently characterised by high levels of social and economic exclusion and suffers from overcrowding. The proposed housing is designed to meet current housing standards and incorporate measures to improve quality of living, in addition to providing a greater proportion of larger units to better meet the needs of existing residents. In addition, homes will meet policy requirements for wheelchair user dwellings and (per the scheme now subject to a resolution to grant the Planning Permission) two lifts are proposed in each block within the Order Land to enhance accessibility.
- 7.52 The carefully considered design features of the CPO Scheme will contribute to an overall improvement in the built environment of the area with benefits not only in terms of the buildings themselves but streetscapes and the way in which the CPO Scheme will fit, and connect with, the surrounding areas. The public realm and open spaces will create an attractive, well located and secure area for residents to interact, whilst the large proportion of play space provided at ground level ensure that opportunities for play and social interaction will benefit the wider community. Further, the provision of enhanced library and market facilities will benefit all sections of the community and reconfiguration of commercial uses, in addition to providing natural surveillance over public areas, will bring vitality to the area.
- 7.53 The opportunities presented by the CPO Scheme will create social gains for local people and contribute towards the promotion and improvement of social well-being in the Council's area. The economic and environmental benefits listed below will improve the social well-being of the Council's area, for example creating jobs and creating an attractive environment will also indirectly enhance the social well-being of people in the area.

³ Office for National Statistics, 2020: Sub-National Population Projections (2018)

Economic

- 7.54 Although there is an overall reduction in commercial floorspace and a likely net loss of jobs associated with the CPO Scheme, in line with the Estate Regeneration Statement and BRS, where relevant, existing commercial operators are being supported to find and relocate to new premises in the local area in order to minimise the likelihood that their businesses will be affected by the CPO Scheme.
- 7.55 The CPO Scheme will create a modern, well planned and attractive location that with improved connections and access that will increase footfall for those commercial uses comprised within the Order Land and wider area. This is in addition to the uplift in spend in the local economy that would result from the additional housing comprised within the Order Land, which would be a net benefit of the CPO Scheme.
- 7.56 A number of economic benefits can be directly attributed to the development subject to a resolution to grant the Planning Permission through construction work. As such, the demolition and construction of the CPO Scheme presents opportunities for local employment and upskilling. The capital and revenue expenditure involved in the construction period will also lead to increased output in the local economy.
- 7.57 The heads of terms for the section 106 Planning Agreement associated with the Planning Permission indicate that it will secure an Employment and Skills Plan to promote and facilitate the provision of employment, training and apprenticeship opportunities for local residents during the construction and the end-use periods of the CPO Scheme. The creation of new employment opportunities for residents within the local community, whilst perhaps only temporary, will be beneficial in the context of existing significant income and employment deprivation within the vicinity of the Order Land.
- 7.58 The Council is satisfied that the CPO Scheme would contribute towards the improvement and promotion of the economic well-being of its area.

Environmental

- 7.59 The CPO Scheme will replace aged and poorly designed existing housing with high quality homes that meet London housing standards. Opportunities for renewable energy on-site are maximised by using a central Air Sourced Heat Pump (ASHP), in conjunction with ambient loop and Water Sourced Heat Pumps in each dwelling and PV panels that will result in the lowest carbon option. Each residential unit will have an individual mechanical ventilation with heat recovery system installed, which is a highly efficient approach and architectural measures have been optimised, including orientation and site layout, natural ventilation, lighting, thermal mass and solar shading to elevate living conditions.
- 7.60 The CPO Scheme will be car free with the exception of accessible parking spaces and the introduction of New Street Gardens will emphasise pedestrian and cyclist priority through the Order Land and enhance the connectivity and permeability of the area. The new areas of public and private, communal open/play space will contribute to health and well-being as well as maximising opportunities for amenity, biodiversity, urban greening and providing a number of Sustainable Urban Drainage Systems

(SuDs). Further, the location of active ground floor commercial uses will allow for surveillance of public spaces and pedestrian connections, helping to reduce the perceived risk of crime in the area.

- 7.61 In summary, the CPO Scheme will maximise the Order Land's potential, enhance public space, provide a mix of uses and will be accessible, legible and sustainable. The social, economic and environmental benefits of the CPO Scheme are substantial.

(iii) Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

- 7.62 The Council does not consider that there are any suitable alternatives to the Order which would deliver the objectives of the CPO Scheme. The purpose for which the Order Land is proposed to be acquired is in accordance with the adopted planning policy framework and, in addition to its own obvious benefits, will unlock the wider regeneration of the Estate.

- 7.63 As described in Section 4, the Council has undertaken extensive consultation with the local community in order to develop a sustainable, deliverable regeneration proposal for the Order Land. The CPO Scheme proposed will secure the comprehensive development of the Order Land in accordance with regional and national planning policy, in a manner sympathetic to its location and constraints.

- 7.64 No alternatives to the Order have been advanced by any other party. Notwithstanding this, the Council considered a number of potential scenarios as part of the 2019 Options Consultation. These were considered either to fail to meet the needs of the community (Options 1 and 2) or, in the case of Option 4, was subject to impediments that would put at risk the timely delivery of much-needed regeneration.

- 7.65 Whilst the Order Land may be capable of piecemeal development with individual areas of land being brought forward in isolation, the combined approach of using the whole site to secure comprehensive development is considered to yield a significantly better redevelopment outcome for the area. It is considered that the social, economic and environmental benefits of the CPO Scheme detailed above are specific to the Order Land and will only be fully realised if the Order Land is comprehensively developed.

- 7.66 Given the nature of the Order Land, its history and current status, the Council consider it unlikely that its comprehensive regeneration can be achieved without the Order being made (and confirmed). Confirmation of the Order will enable the regeneration of the Order Land to take place in accordance with a managed programme, providing certainty for land assembly and implementation of the CPO Scheme. Such certainty will contribute towards the achievement of the Council's regeneration objectives for the Order Land, the wider Estate and Church Street area as set out in adopted policy.

- 7.67 The Council has given careful consideration to the need to include each parcel of land within the Order Land and is satisfied that the Order is necessary and in the public interest and that all of the Order Land is required to facilitate the development.

- 7.68 The Council considers that the use of compulsory purchase powers is fully justified. The CPO Scheme offers social, economic and environmental benefits as summarised

above which provide a compelling case in the public interest. There is no credible alternative which could deliver a comprehensive scheme on the Order Land to meet the planning policy objectives within a reasonable timeframe.

(iv) The potential financial viability of the CPO Scheme for which the land is being acquired

- 7.69 Paragraph 106 of the Guidance states that an acquiring authority should provide details of sources and timing of funding for both acquiring the Order Land and implementing the CPO Scheme.
- 7.70 Under a CPO, property or rights are acquired at open market value but disregarding any increase (or decrease) in value attributable to the scheme for which the land is acquired. Affected parties may also be entitled to other compensation for loss payments and disturbance depending on circumstances. The Council will be responsible for paying all compensation to landowners, whether as a result of voluntary acquisition or through the CPO process. The cost of securing vacant possession of the Order Land will be met from an approved acquisition budget of £40 million. As of April 2023, £27.6 million has been spent on the vacant possession strategy.
- 7.71 Whilst the Council will meet the costs of acquiring all outstanding interests in the Order Land, it proposes to enter into a partnership with a development partner to deliver the CPO Scheme by way of joint venture and has a shortlist of bidders who are prepared to proceed to the next stage of negotiations. This process is ongoing with negotiations to last throughout 2023. The Council and the joint venture delivery partner will enter into a development agreement to secure the delivery of the CPO Scheme.
- 7.72 A viability appraisal was submitted with the underlying planning application which concludes that, by applying the GLA's sensitivity analysis, the CPO Scheme can be considered viable and therefore deliverable.
- 7.73 In light of the above, funds have been allocated to complete the land acquisition process and the Council is confident, having regard to the interest expressed by potential bidders, that a suitable developer partner with sufficient funding in place will be secured to deliver the CPO Scheme.

(v) That the purposes for which the Order is made sufficiently justify interfering with the human rights of those with an interest in the land affected;

- 7.74 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (the "Convention"). The Convention includes provisions in the form of Articles, which aim to protect the rights of the individual.
- 7.75 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way that is incompatible with the Convention. The Guidance provides that a compulsory purchase order should only be made where there is a 'compelling case in the public interest,' and that a public authority pursuing a compulsory purchase order should be sure that the purpose for which it is making that order sufficiently justifies interfering with the human rights of those with an interest in the land affected. In making this assessment, the authority should have regard, in particular, to the provisions of

Article 1 of the First Protocol ('A1P1') and Articles 6 and 8 to the Convention.

- 7.76 Under A1P1, every natural or legal person is entitled to the peaceful enjoyment of his possessions. A1P1 states 'no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.'
- 7.77 Article 6 of the Convention provides that 'in determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.'
- 7.78 Article 8 of the Convention protects private and family life, home and correspondence.
- 7.79 It is acknowledged that the above Convention rights may be at issue in the course of making and leading up to the confirmation or non-confirmation of the Order. As regards A1P1, it is acknowledged that the owners of the land comprised within the Order Land may be deprived of their property if the Order is confirmed and thereafter implemented. However, such interference will be in accordance with the law. The public benefits associated with the Order are set out in this Statement, and the Council is satisfied that the Order will strike a fair balance between the private loss of property rights and the public interest in securing the implementation of the CPO Scheme (which is unlikely to happen in the absence of the Order).
- 7.80 In respect of the right to a proper hearing under Article 6 of the Convention, there has been considerable public consultation and engagement on the proposals to regenerate the Order Land, and numerous opportunities throughout the planning process for interested third parties and those with a proprietary interest in the Order Land to make representations. Leaseholders have also had the opportunity to engage in negotiations for voluntary acquisitions prior to the compulsory purchase process being initiated. In any case, the Council is satisfied that the statutory compulsory purchase process provides for the consideration of objections and, if such objections are duly made, for a public inquiry to be convened into the Order, all of which complies with Article 6. With regard to the Secretary of State's decision, a right of challenge before the High Court exists. In relation to compensation disputes, affected persons have the right to refer any claim for compensation to the Upper Tribunal (Lands Chamber), being an independent body.
- 7.81 As to Article 8, this right is qualified in the case of interference in accordance with the law, where there is a legitimate aim and where it is fair and proportionate in the public interest. The Council is satisfied that their proposed use of compulsory purchase powers for site assembly of the Order Land and the interference caused is justified and falls within these exceptions having regard to the compelling public benefit which would arise from the CPO Scheme.

Equality

- 7.82 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender re-assignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. Pursuant to section 149 of the Equality Act 2010, the Council is subject to the Public Sector Equality

Duty, which requires the Council, when exercising their powers, to have due regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Equality Act 2010;
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- (c) Foster good relations between people who share a protected characteristic and those who do not.

7.83 The Council has been mindful of its duty and has had regard to the impact of regeneration of the Order Land and provision of the CPO Scheme on such protected characteristics. A full Equalities Impact Assessment ("EQIA") was commissioned by the Council in support of the planning application that gave rise to the Planning Permission. An update has been commissioned which considers the equality impacts of the redevelopment process including the use of compulsory purchase powers.

7.84 The EQIA considers the potential impacts of the Order on the commercial and residential leaseholders and occupiers who share protected characteristics within the footprint of the Order Land. It also considers the potential equality impacts of the Order for those employees and customers of affected businesses as well as for local residents sharing protected characteristics, together with those impacts realised as a result of the delivery of the CPO Scheme (i.e. construction and operational impacts). The Council has sought to mitigate the impact on those sharing protected characteristics through a range of reasonable and proportionate measures focused on engagement, compensation options and opportunities for relocation (temporary and permanent). The benefits of the redevelopment seek to improve outcomes for the current and future Estate community.

7.85 The EQIA acknowledged that the effects on protected characteristics are being managed through engagement and consultation and the mitigation measures set out in the Policy for Tenants in Housing Renewal Areas, the Policy for Leaseholders in Housing Renewal Areas and the support developed by the Council for businesses included in the Order Land.

7.86 The EQIA concluded that the CPO Scheme will contribute to improvements in the area through a net increase in new housing, new employment opportunities, a new library and improvements to the public realm as well as the benefits of the overall regeneration of the wider Estate. Whilst it acknowledges potential direct negative effects associated with the Order and indirect negative impacts that could occur as a result of bringing forward the CPO Scheme the measures taken by the Council to-date (e.g. the respective policies for tenants and leaseholders in Housing Renewal Areas, approach to engagement, appointment of, and work undertaken by, PPCR and the developing commercial relocation strategy) together with further planned mitigation measures serve to strengthen, secure or enhance the positive beneficial impacts and mitigate for the potential adverse equality impacts associated with the Order. Accordingly, it is considered that, should the Order be made, the equality risks have been addressed and the potential for negative effects minimised such that there is a case for the Order,

if it is required to facilitate the CPO Scheme.

(vi) Whether it is likely that the CPO Scheme will be blocked by any physical or legal impediments to implementation.

- 7.87 The Guidance requires an acquiring authority to show that the scheme underlying the Order is unlikely to be blocked by any physical or legal impediments to implementation. These include the programming of any infrastructure accommodation works or remedial work as may be required and any need for planning permission or other consent or licence.
- 7.88 As noted above, the LPA has resolved to grant the Planning Permission. The Council is also satisfied that adequate funding is or will be available not only to complete the assembly of the Order Land but to implement (and complete) the CPO Scheme. It is content that there are no physical or legal impediments to the implementation of the CPO Scheme and that the CPO Scheme will proceed if the Order is confirmed.

8 SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND

- 8.1 The Council does not consider that there is any open space comprised within the Order Land for the purposes of section 19 of the Acquisition of Land Act 1981.
- 8.2 The Order Land is located in the Watling Street Archaeological Priority Area (APA) Tier 2. The Estate has been subject to a programme of archaeological desk-based assessment. This is due to the presence and potential survival of Roman and post-Roman remains. Whilst the proposals could cause harm to archaeological remains Historic England advised ahead of the grant of the resolution to grant the Planning Permission that the effect can be managed using a two-stage planning condition to secure, firstly, an evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.
- 8.3 The Order Land includes land used by statutory undertakers for the purposes of its undertaking. This gives such undertakers a separate and additional power to object to the Minister responsible for their undertaking in accordance with section 16 of the 1981 Act. The following statutory undertakers have been identified as having services within the Order Land and which will be affected by the CPO Scheme:
- (a) Cadent Gas Ltd;
 - (b) Environment Agency;
 - (c) Fulcrum Pipelines;
 - (d) GTC;
 - (e) LinesearchbeforeUdig;
 - (f) Openreach;
 - (g) Sky Telecommunications Services;

- (h) Thames Water;
- (i) TfL;
- (j) UPKN;
- (k) Utility Assets;
- (l) Virgin Media;
- (m) Vodafone; and
- (n) Zayo Group UK Ltd

8.4 Detailed diversion and relocation schemes will be agreed with the relevant statutory undertakers and the Council will negotiate with statutory undertakers to resolve any objections.

8.5 Only London Power Networks Plc has an occupational interest within the Order Land, namely the sub-station within Lambourne House. The sub-station will be re-provided and the Council will engage with London Power Networks Plc in this respect.

9 DETAILS OF ANY VIEWS WHICH MAY HAVE BEEN EXPRESSED BY A GOVERNMENT DEPARTMENT ABOUT THE PROPOSED DEVELOPMENT OF THE ORDER LAND

9.1 No views have been expressed by a Government Department about the proposed development of the Order Land.

9.2 The Greater London Authority ("GLA") responded in relation to the application for Planning Permission. The GLA concluded in their Stage 2 Report that:

"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."

10 STEPS THE AUTHORITY HAS TAKEN TO NEGOTIATE FOR THE ACQUISITION OF THE LAND BY AGREEMENT

10.1 The Council has been seeking to acquire the Order Land through private treaty negotiation to enable delivery of the regeneration proposals. The following details the

Council's efforts to acquire:

Lessees & Tenants on the Order Land

- 10.2 There has been a regeneration office onsite since 2016. This has allowed the Council to help and to support residents affected by the CPO Scheme by keeping them up to date with relevant information and to help their move away from the Order Land either temporarily or permanently; this has either been done via the choice based lettings list, with priority given to a Council tenant affected by any renewal scheme, or by supporting with the negotiation process for leaseholders.

Lessees

- 10.3 As noted earlier, since negotiations with lessees to acquire those leasehold interests began in 2018, the Council have purchased 35 properties with a further 5 owned by WCH. WCH has agreed to transfer the properties back to the Council in line with the vacant possession timeline.
- 10.4 Of the remaining 7 leasehold interests to be acquired 3 are currently under offer to the Council and a further 2 in active negotiations. Efforts continue to be made with the final leaseholder yet to enter into negotiations to sell by agreement.
- 10.5 In accordance with the Guide, residents who have to move off the Order Land are given a full right to a new home on the regenerated Order Land of adequate size for their needs and the same security of tenure.

Tenants

- 10.6 With regard to the 98 council tenants, all tenants have been rehoused. Of these, 48 households expressed a desire to move back into the new development. The remaining 50 households wish to remain in their new homes.
- 10.7 The CPO Scheme will provide the opportunity for returning Council tenants to move back into properties within the Order Land, should they wish. In accordance with the Policy for Tenants in Housing Renewal Areas 2019, all residents have a new home that suits their needs and security of tenure will be as existing.

Commercial Tenants

- 10.8 As noted earlier, disregarding the unit that is to be vacated in August 2023 and that which is occupied by the Regeneration Team, there are currently 11 occupied commercial interests within the Order Land. The Council is actively working with them, to find an alternative location or agree on ending their lease with a payment of compensation.

Summary

- 10.9 The Council has contacted all leaseholders within the Order Land inviting them to enter into negotiations with a view to securing acquisition of their interests by agreement. These negotiations will continue in parallel with the compulsory purchase process.

However, it is unlikely the Council will be able to acquire all the necessary interests by private agreement within a reasonable timescale. Compulsory powers are being sought so that, in the event that the Council is unable to acquire all the necessary interests by private agreement within a reasonable timescale, the CPO Scheme can still proceed.

11 THIRD PARTY RIGHTS AND SECTION 203 OF THE HOUSING AND PLANNING ACT 2016 ("HPA 2016")

- 11.1 The construction of the CPO Scheme will potentially interfere with rights benefitting owners of nearby properties, such as rights of light. The Council has not secured releases from each of the affected third parties.
- 11.2 Section 203 of the HPA Act 2016 provides the powers that will enable the Council to override any claim for an injunction in respect of the rights and covenants adversely interfered with as a result of the development of the CPO Scheme. Under section 203 of HPA 2016 the Council can override easements and other rights in land that has been appropriated for planning purposes.
- 11.3 Once section 203 of the HPA 2016 is exercised, a landowner whose rights or covenants are adversely interfered with as a result of the appropriation of the land will have those rights or covenants converted into a right of compensation and lose the opportunity to stop the infringement of its rights by way of an injunction or seek damages in lieu. Section 204 of the HPA 2016 confirms that compensation is to be calculated on the same basis as compensation payable under sections 7 and 10 of the Compulsory Purchase Act 1965.
- 11.4 The Council will consider in due course the use of its appropriation powers in respect of the CPO Scheme so as to engage the provisions of S203 of the HPA 2016.

12 EXTENT OF SCHEME

- 12.1 Section 6A(1) of the Land Compensation Act 1961 provides that "The no-scheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for the compulsory acquisition of the land (see rule 2A in section 5)".
- 12.2 For the purposes of section 6A, the "scheme" means the scheme of development underlying the acquisition.
- 12.3 The 'scheme' is that provided for by the Order unless it is shown that the underlying scheme is larger than, but incorporating, the scheme provided for by that instrument.
- 12.4 The Order authorises the compulsory acquisition of land for the purposes of facilitating the regeneration of the Order Land, which forms part of the proposed regeneration of the Estate. The Council confirms that the extent of the scheme to be disregarded for the purposes of assessing compensation is larger, therefore, than development within the red line area of the Order Land and the scheme to be disregarded is the Regeneration Scheme.

13 OTHER INFORMATION WHICH WOULD BE OF INTEREST TO PERSONS AFFECTED BY THE ORDER

13.1 The background documents relating to the Order are listed in Appendix 1 to this Statement. This Statement can be inspected during normal office hours at:

Westminster Council, City Hall, 64 Victoria Street, London SW1E 6QP

or

Church Street Regeneration Base, Church Street, London NW8 8EP.

13.2 All of the documents can also be viewed online from a link on the Westminster City Council home page at <https://www.westminster.gov.uk/>.

13.3 Persons requiring further information regarding the Order should contact Adnan Rahim by post to Westminster City Council, City Hall, 64 Victoria Street, London SW1E 6QP, by phone: 07966 202902 or by email: arahim@westminster.gov.uk

13.4 Owners and occupiers of the Order Land who wish to negotiate a sale or discuss matters of compensation should contact Ian Sellens (in the case of residential interests) or Devrim Zarif (in the case of commercial interests) by post to Church Street Regeneration Base, Church Street, London, NW8 8EP or by email to isellens@westminster.gov.uk or dzarif@westminster.gov.uk, respectively.

14 DETAILS OF ANY RELATED ORDER, APPLICATION OR APPEAL WHICH MAY REQUIRE A COORDINATED DECISION BY THE CONFIRMING MINISTER

14.1 There are no related orders.

15 CONCLUSION

15.1 In summary, the Council considers that the public interest in proceeding with the redevelopment proposals justifies the compulsory acquisition of the interests in the Order Land, which are required if the redevelopment is to proceed.

15.2 The Council is satisfied that there is no planning or financial impediments to the implementation of the proposal and that the CPO Scheme is therefore likely to proceed if the Order is made and confirmed.

15.3 The Council has applied the advice in the Guidance and has set out above its view that the Order meets its requirements. For the reasons set out above, there is considered to be a compelling case in the public interest to proceed with the Order to facilitate the delivery of a significant regeneration project.

15.4 Appropriate steps have been taken to seek to acquire the land and interests needed by agreement, and it is clear that compulsory acquisition is necessary to acquire the Order Land. The Order is being made as a last resort, in accordance with the Council's own policy and the guidelines identified in the Guidance.

15.5 Negotiations are continuing and attempts to acquire as many of the outstanding interests as possible by agreement will continue throughout the CPO process.

Dated:

Debbie Jackson

Executive Director of Growth Planning and Housing

APPENDIX 1

LIST OF EVIDENCE DOCUMENTS

In the event that it becomes necessary to hold a public inquiry into the Order, the Council may refer to the documents listed below. This is not an exhaustive list and the Council may also refer to additional documents in order to address any objections made to the Order. An updated list would be provided to inform any public inquiry.

No	Document Name
1	Guidance on Compulsory purchase process and The Crichel Down Rules" issued by MHCLG.
2	London Plan (2021)
3	Westminster City Council, City Plan Adopted April 2021
4	Westminster Housing Renewal Strategy March 2010
5	Cabinet Member Reports; - 1. 13 December 2021 – Church Street Regeneration (Site A) – "In Principle" Compulsory Purchase Order Resolution 2. TBC – Site A – Church Street Regeneration – Compulsory Purchase Order Resolution
6	Planning Committee Report
7	Equalities Impact Assessment and Equalities Impact Assessment
8	GLA Stage 1 Report
9	GLA Stage 2 Report
10	MHCLG Estate Regeneration Good Practice Guide Parts 1 to 3
11	Mayor of London, Better Homes for Local People, The Mayor's Good Practice Guide to Estate Regeneration

12	Policy for Leaseholders in Housing Renewal Areas August 2018
13	Policy for Tenants in Housing Renewal Areas August 2019

The Council reserve the right to add to and amend this list. In particular other planning application documents may be referenced.

All planning application documents can be found at: <https://idoxpa.westminster.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPENDIX 3

ESTATE PLAN

