

WESTMINSTER CITY COUNCIL

STATEMENT OF DECISION

SUBJECT: BALMORAL CASTLE AND DARWIN HOUSE: PHASE 2 - APPROPRIATION OF LAND AT BALMORAL CASTLE PUBLIC HOUSE AND VACANT GARAGES

Notice is hereby given that Councillor David Boothroyd, Cabinet Member for Finance and Council Reform, has made the following executive decision on the above mentioned subject for the reasons set out below.

Summary of Decision

The Cabinet Member for Finance and Council Reform following consultation with the Cabinet Member for Climate Action, Regeneration and Renters and the Cabinet Member for Housing Services approved:

- That Appendix C of this report be exempt from disclosure by virtue of the Local Government Act 1972, Schedule 12A Part 1, paragraph 2 and 3 (as amended), in that it contains information which is likely to reveal the identity of an individual and information relating to the financial or business affairs of any particular person (including the authority holding that information).
- To appropriate the Council's land required for Phase 2 of the development comprising the former Balmoral Public House and 23 vacant garages including an area of land measuring 378 sq. metres forming part of an open space (edged red on the plan attached at Appendix A) for planning purposes pursuant to section 122 of the Local Government Act 1972 and subsequent use of the Council's powers under section 203 of the Housing and Planning Act 2016.
- To the further appropriation of the Phase 2 land from planning purposes to those purposes permitted under section 17 Housing Act 1985 by way of the delegated authority set out below.

To delegate authority to the Executive Director for Growth Planning and Housing:

- to deal with any necessary arrangements to record the appropriation of the land required for Phase 2 of the development for planning purposes including the transfer of the land from the Housing Revenue Account (HRA) to the General Fund account (GF) at the current red book value; and
- to negotiate and enter into agreements by deed and payment of compensation for the release of third-party rights affected by the development of the Site (including Phases 1, 2, 3 and 4) where this can be achieved on reasonable terms within a reasonable timescale; or
- to take all necessary steps to settle claims for compensation under section 204 of the Housing and Planning Act 2016.

To delegate authority to the Executive Director of Growth Planning and Housing;

- To appropriate the Council's land required for Phase 2 of the development comprising the land described above from planning purposes pursuant to section 232 Town and Country Planning Act 1990 to those purposes permitted under section 17 Housing Act 1985 including the construction of homes; and
- To deal with any necessary arrangements to record the appropriation of the land required for Phase 2 of the development for purposes permitted under section 17 Housing Act 1985 including the transfer of the land from the General Fund account to the HRA at the current red book value.

Reasons for the Decision

The Council is satisfied that the scheme will contribute towards meeting the Fairer Westminster objectives, specifically Fairer Housing, Environment, communities, and Fairer Council.

The development offers an opportunity to deliver housing that will meet the needs of residents and social care users in Westminster through the provision of housing that is both greener and more genuinely affordable.

The derelict former Balmoral Public House and 23 disused garages within Phase 1 of the Site are considered not fit for purpose and no longer required for the purpose for which they are held by the Council. The appropriation for planning purposes will subsequently allow the Council to use its powers under section 203 of the Housing and Planning Act 2016 to override any easements (including rights of light) and other rights of the affected neighbouring properties that are infringed upon.

The proposals for development are in line with both the existing and emerging London Plans and Westminster City Plans. The proposed development will contribute to achieving the promotion or improvement of the Economic, Social, and Environmental well-being of the area.

**Stuart Love, Chief Executive,
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Publication Date: 11 May 2023

Implementation Date: 11 May 2023

Reference: JCM23-01