

WESTMINSTER CITY COUNCIL

STATEMENT OF DECISION

**SUBJECT: THE APPROPRIATION OF LAND FOR PLANNING PURPOSES AT
45 KILBURN PARK ROAD**

Notice is hereby given that the 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, has approved:

1. The appropriation of the Council's land at 45 Kilburn Park Rd, London NW6 5XD shown 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.
2. To delegate authority to the Executive Director for Regeneration, Economy and Planning:
 - 2.1. To appropriate the Council's land at the Site from planning purposes pursuant to section 232 of the Town and Country Planning Act 1990 to those purposes permitted under Section 17 of the Housing Act 1985 including the construction of homes;
 - 2.2. To deal with any necessary arrangements to record the appropriation of the land at the Site for purposes permitted under Section 17 of the Housing Act 1985 including the transfer of the land from the General Fund account to the Housing Revenue Account at the current red book value;
 - 2.3. To deal with any necessary arrangements to record the appropriation of the Site for planning purposes;
 - 2.4. To negotiate and enter into agreements by deed and payment of compensation for the release of third-party rights where this can be achieved on reasonable terms within a reasonable timescale; and
 - 2.5. To take all necessary steps to settle claims for compensation under section 204 of the Housing and Planning Act 2016.

Reasons for Decision

The former Carlton Dene care home and Peebles House buildings were no longer fit for purpose and no longer met the modern standards for a care facility. The care home was closed in 2020 and both the Carlton Dene and Peebles House dwellings have been demolished. Therefore, the site is no longer required for the purpose for which it is held by the Council.

To progress the scheme and avoid delays to the programme, officers are seeking Cabinet Member authority to be able to appropriate the Site and authorise the use of any necessary powers under section 203 Housing and Planning Act 2016 if required. By exercising its powers, the Council will ensure that its development of the land proceeds in accordance with the planning permission already granted.

Appropriating the land for planning purposes would enable certain private third-party rights to be overridden, subject to payment of statutory compensation to those affected. This will help to ensure that development of the Site can proceed in accordance with the planning permission granted and meet the scheduled completion date.

After appropriating for planning purposes the Council will need to further appropriate the land at the Site for its intended permanent purpose to provide 100% affordable housing at social rents. This report is therefore seeking delegated authority to further appropriate for the intended permanent use of the land.

**Stuart Love, Chief Executive,
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