



Decision Maker:	Councillor Melvyn Caplan, Cabinet Member for Finance, Property and Regeneration
Date:	26 June 2020
Classification:	General Release.
Title:	Section 106 Agreement, 9 Woodfield Road London W9 2BA
Wards Affected:	Westbourne
City for All Summary	<p>The decision to proceed with the recommendation will allow Westminster City Council (WCC) to benefit from the construction of new modern Street Cleansing depot together with the provision of a hotel, office and leisure facilities. The proposed development will provide employment and regenerate the site as a whole.</p>
Key Decision:	No
Financial Summary:	<p>Under the terms of the Section (S.) 106 Agreement the Developer will be required to enter into a separate property contract with the Council for the provision of a new Street Cleansing Depot.</p> <p>Provision and management of the public realm areas within the application site will be carried out by the Developer, as well as new trees on the adjoining street</p>
Report of:	Executive Director – Finance and Resources

1.0 Executive Summary

Final Cabinet Member approval is sought for agreed terms of the S.106 Agreement negotiated in relation to the planning permission to be granted for the development site comprising Taxi House, 7 Woodfield Road and 9 Woodfield Road, W9 to apply to the land known as 9 Woodfield Road, W9 which is owned and occupied by WCC.

2.0 Recommendation

Officers recommend that the Cabinet Member for Finance, Property & Regeneration consent to 9 Woodfield Road, W9 be included in the development site to which the terms of the S.106 Agreement apply.

3.0 Reasons for Decision

3.1 The S.106 Agreement is being entered into by both WCC as landowner and WCC as the Local Planning Authority.

3.2 The S.106 is entered into purely to secure the relevant planning obligations should the development proceed. The Council as landowner is entering into it purely as a “consenting freeholder”.

The Council will not be liable for any of the obligations unless they initiate the development themselves, and even then, only to the extent that they affect the Council’s land.

3.3 The S.106 Agreement contains an obligation requiring the Developer to enter into a further contract with WCC, (as landowner), prior to the commencement of any works to secure the provision of a new street sweeper depot at the developer’s cost. The relevant property contract in this regard will be the subject of a further Cabinet Member report in due course.

4.0 Context

4.1 WCC currently own the freehold of 9, Woodfield Road London W9 2BA, which accommodates an operational depot.

A development company, The Collective (Taxi House) Ltd wish to incorporate this site into a wider re-development to create a 289-bed hotel, 12,600 sq ft of offices and 3,700 sq ft of restaurant/bar facilities.

The proposed re-development includes a new depot for the Council arranged in the basement and the ground floor beneath the proposed hotel.

- 4.2 The planning application for the scheme has been approved subject to the completion of the S.106 Agreement.
- 4.3 The S.106 Agreement proposes to secure the following obligations:
- (i). Provision and management of the public realm areas within the application site,
 - (ii). Allow public access to the public realm areas
 - (iii). Prior to commencement, the developer is to enter into a property arrangement/agreement with the Council to provide a new Depot on terms acceptable to the Council whilst retaining the existing facility until the new one is ready for use
 - (iv). Submission of a finalised Community Investment Programme
 - (v). Provision of not less than 20% of B1 office space as affordable workspace managed by a workspace provider
 - (vi). Provision of highway works surrounding the site
 - (vii). Provision of street trees outside of the site on Woodfield Road
 - (viii). A financial contribution of £362,247 towards the Westminster Employment Service, (index linked and payable on commencement of development)
 - (ix). Provision of an Employment and Skills Plan for approval.
- 4.4 The property is located on the south side of Woodfield Road to the south of the Harrow Road with the Great Western Road to the West. The immediate area has traditionally been dominated by light industrial uses. Westbourne Park Underground Station is located nearby.
- 4.5 The existing street cleaning depot comprises a single storey Victorian era warehouse on a site of approximately 0.02 hectares (0.05 acres).

5 **Financial Implications**

- 5.1 The Council will be receiving a new modern Street Cleaners depot with a build cost of approximately £1,100,000 as part of this S.106 Agreement.
- 5.2 A financial contribution of £362,247 towards the Westminster Employment Service will be paid by the Developer.

- 5.3 Provision and management of the public realm areas within the application site will be carried out by the Developer, saving WCC future expenditure in this regard.
- 5.4 The provision of street trees outside of the site and on the adjacent side of Woodfield Road to be paid for by the Developer.

6. Legal Implications

The obligations of a S.106 Agreement bind both to the planning permission and to the land to be developed. The obligations will “run with the land” meaning that future owners or persons taking a lease will take the obligations subject to the relevant obligations. As WCC own part of the development site it is required by the Council (as Local Planning Authority) that it (as landowner) enter into the S.106 Agreement to bind the obligations to the freehold title.

Legal Services have negotiated the terms of the Agreement on behalf of the Council as corporate landowner.

Entry into the agreement by WCC will be purely in its capacity as “consenting landowner” and the burden of the relevant obligations will sit with the Developer unless the Council carries out part of the development itself.

There are substantial benefits secured in the S.106 Agreement including the delivery of a new Street Sweeper/Cleansing Depot. Being a party to the S.106 enables the Council (as landowner) to negotiate favourable terms for securing the relevant benefits.

7. Staffing Implications

The New Depot will provide better welfare facilities for the Cleansing Service operatives.

8. Consultation

N/A

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

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07817054809

NB: For individual Cabinet Member reports only

For completion by the **Cabinet Member for Finance, Property and Regeneration**

Declaration of Interest

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

Signed: _____ Date: _____

NAME: _____

State nature of interest if any
.....

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

For the reasons set out above, I agree the recommendation(s) in the report entitled **Section 106 Agreement, 9 Woodfield Road London W9 2BA.**

Signed

Councillor Melvyn Caplan, Cabinet Member for Finance, Property and Regeneration

Date

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

Additional comment:
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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, the Executive Director of Finance

and Resources, and, if there are staffing implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.