

Cabinet Member Report

Decision Makers:	Councillor David Boothroyd, Cabinet Member for Finance and Council Reform
Date:	26 July 2024
Classification:	Part Exempt
Title:	Ebury Bridge Estate Phase 2: Appropriation of land for planning purposes
Wards Affected:	Knightsbridge & Belgravia
Policy Context:	The proposals will provide an important opportunity to deliver on a number of key pillars of the Council's Fairer Westminster vision, including Fairer Housing, Fairer Communities and Fairer Economy. A transparent process will be undertaken and demonstrated as part of a continuous engagement strategy with the community, residents and key stakeholders.
Key Decision:	Yes
Financial Summary:	Land will be appropriated from the HRA to the General Fund for planning purposes. This will lead to transfer of assets between funds. The land will subsequently be appropriated back to the HRA for housing purposes at a later date.
Report of:	Debbie Jackson, Executive Director of Regeneration, Economy, and Planning

1. Executive Summary

- 1.1. This Report seeks the approval of the Cabinet Member for Finance and Council Reform to the appropriation for planning purposes in relation to the Council's property known as part of the Phase 2 Site at the Ebury Bridge Estate under Section 122 of the Local Government Act 1972. Such appropriation will facilitate the delivery of new homes and associated amenities for which planning permission has been granted by the local planning authority.
- 1.2. The Phase 2 Site is divided into two phases:
 - **'Phase 2 Site – excluding Bucknill House'** (shown edged green on the plan at Appendix A) is at the date of this Report vacant open land which was previously comprised of buildings known as Victoria House, Rye House, Westbourne House and Bridge House which were demolished by the end of April 2024.
 - **'Phase 2 Site – Bucknill House'** (shown edged green on the plan at Appendix B) is at the date of this Report built on land and occupied by a building known as Bucknill House which is due to be demolished in January 2025.
- 1.3. This Report seeks approval for the appropriation of the 'Phase 2 Site- excluding Bucknill House' as it is vacant, clear land, with no-one living there and undertaking this appropriation will progress the development of the Phase 2 Site.
- 1.4. The development of the Phase 2 Site will help meet the pressing need for new homes in Westminster, including affordable homes for local people.
- 1.5. An appropriation of the Phase 2 Site for planning purposes will engage the provisions of Section 203 of the Housing and Planning Act 2016 ("**HPA 2016**") which enables certain private third-party rights to be overridden when development is carried out. This overriding of rights reduces risk to the delivery of the development by allowing the Council to carry out the development even if it interferes with existing rights. It means an affected third party who suffers a relevant loss shall be entitled to claim statutory compensation under Section 204 of the HPA 2016, although they will not be entitled to further damages and/or an injunction, which might delay or prevent development.
- 1.6. The Council is the freehold owner of the Phase 2 Site. The Phase 2 Site-excluding Bucknill House is currently vacant land with no dwellings and previously consisted of housing. The following buildings - Victoria House, Rye House, Westbourne House, Bridge House were demolished by the end of April 2024. The 'Phase 2 Site- Bucknill House' contains the only remaining building on the Phase 2 Site known as Bucknill House. Bucknill House is due to be demolished in January 2025.
- 1.7. The Council obtained prior approval for demolition under planning reference 20/04366/COOUT pursuant to Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)). On 11 March 2024, the Council submitted an application for approval of reserved matters (reference: 24/01665/RESMAT) for all of the Phase 2 development and is proposing to facilitate the building of 334 further homes in

the following tenures at the Phase 2 Site:

Tenure type	Number of homes
Social rent replacement	110 homes
Social rent affordable	121 homes
Intermediate rent	5 homes
Market sale	98 homes

- 1.8. Investigations indicate that there are a limited number of parties who may have the benefit of rights over the Phase 2 Site which may be affected by this development. The Council has been in negotiations with these affected parties since demolition (following Cabinet Member's approval in August 2021) and this Report seeks delegated authority to enter into formal documentation as appropriate.
- 1.9. If the recommendations in this Report are approved, the 'Phase 2 Site- excluding Bucknill House' will (by the nature of the Section 122 appropriation) be held in the general fund, rather than held for housing purposes.

2. Recommendations

That the Cabinet Member for Finance and Council Reform:

- 2.1. Approves the appropriation for planning purposes of the Council's land at the Ebury Bridge Estate known as the 'Phase 2 Site - excluding Bucknill House' (shown edged green on the plan at Appendix A) pursuant to Section 122 of the Local Government Act 1972 and the subsequent use of the powers under Section 203 of the Housing and Planning Act 2016.
- 2.2. Delegates authority to Executive Director of Regeneration, Economy and Planning:
- To deal with any necessary arrangements to record the appropriation of the 'Phase 2 Site- excluding Bucknill House' for planning purposes:
 - To subsequently exercise the Council's powers under Section 203 Housing and Planning Act 2016.
 - To negotiate and/or approve payment of compensation claims under Section 204 of the Housing and Planning Act 2016 and approve and authorise all legal documentation that may be required to compromise and release third party rights where this can be achieved on reasonable terms within a reasonable timescale.
 - To take all necessary steps to settle claims for compensation under Section 204 of the Housing and Planning Act 2016.

3. Reasons for Decision

- 3.1. The Council is satisfied that the scheme will contribute towards meeting the Fairer Westminster objectives, specifically Fairer Housing, Environment, Communities, and Fairer Council.
- 3.2. Appropriating the 'Phase 2 Site- excluding Bucknill House' for planning purposes from housing purposes, and the use of subsequent powers, is recommended to facilitate the delivery of much needed new homes in the community, and to replace the existing facilities with new fit for purpose buildings. This will help to ensure that development

can meet the scheduled completion date for the Phase 2 Site.

- 3.3. The Council can only subsequently exercise its powers under Section 203 Housing and Planning Act 2016 (“**HPA 2016**”) to override third party interests where the land burdened by the right has first been acquired or appropriated by the Council for planning purposes. The power to appropriate land for any purposes, is conferred by Section 122 of the Local Government Act 1972 (“**LGA 1972**”). Section 246 of the Town and Country Planning Act 1990 (“**TCPA 1990**”) specifies that appropriation of land for planning purposes is an appropriation for purposes which would also entitle the Council to acquire land under Section 226 or Section 227 of the TCPA. Section 226 could be exercised by the Council if the Council thinks that the acquisition will facilitate the carrying out of development, and that the development is also likely to promote the social, economic, or environmental well-being of its area. Paragraph 4.11 of this Report details the justification for how this test is met. Therefore Cabinet Member approval may be sought to appropriate the ‘Phase 2 Site- excluding Bucknill House’ for planning purposes.
- 3.4. Where land is acquired and appropriated for planning purposes, Section 203 of the HPA 2016 enables the development to proceed, even though it would interfere with the rights of adjacent landowners.
- 3.5. Following the appropriation, the Council will have met all the requirements to exercise the power under Section 203 of the HPA 2016:
 - Planning permission has been obtained for the building or maintenance work or use of the land;
 - The works will be carried out on land that has either become vested in the Council or appropriated for planning purposes;
 - The Council has acquired the land compulsorily. On 5 October 2022 an order entitled the City of Westminster (Ebury Bridge Estate) Compulsory Purchase Order 2002 was confirmed by the Secretary of State for Levelling Up, Housing and Communities under the powers conferred on him by the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981; and
 - The building works will be for the purpose for which the land has been appropriated.
- 3.6. The conditions above are required to be met to exercise the power under Section 203 of the HPA 2016. Using Section 203 of the HPA 2016 will have the effect of overriding rights and third-party interests, such as rights of light, and enabling compensation to be paid by the Council.
- 3.7. This Report also seeks delegated authority to formally enter into settlements as may be required to record payment of compensation to third parties. The Council has engaged with the parties who have been identified as potentially affected by the development of all of the Phase 2 Site and discussions are on-going as appropriate. Please refer to Appendix C for a summary of the current position.
- 3.8. Public site notices have been placed at the ‘Phase 2 Site- excluding Bucknill House’, alerting the public to the potential appropriation. As at the date of this Report the Council has not received any responses to the site notices.

4. Background (and Policy Context)

- 4.1. Planning consent for the development was granted in October 2021 as part of a hybrid application (hybrid means part detailed, part outline) for 781 new homes at the Ebury Bridge Estate comprising 198 social replacement, 41 new social, 86 intermediate rent, 21 intermediate ownership, 18 discounted market rent, 178 market rent and 239 market sale. Upon completion of the whole, the scheme will deliver an increase of 166 new affordable homes (a 50% increase on the current estate), 90 new family sized homes and also provides over 1,000m² more play space and an increase of 3,018m² retail and amenity space.
- 4.2. Phase 2 of the Ebury Bridge Estate masterplan will build on the established Phase 1 Site which is scheduled to deliver 226 residential units across two new buildings (Buildings 7 and 8) on the Phase 1 Site by the end of 2024. In March 2024, a planning application was submitted for the development of Phase 2 Site as part of the reserved matters application. Phase 2 will deliver a further 334 residential units across 5 new buildings.
- 4.3. These 5 new buildings are comprised of three lower buildings (Buildings 1, 2 & 3) which are up to 8 floors in height and two taller buildings (Buildings 5 and 6) which are similar in typology to Buildings 7 and 8 on the Phase 1 Site and are up to 19 floors in height with a basement.
- 4.4. The Council is satisfied that the proposals will contribute towards meeting the ‘Fairer Westminster’ strategy, in particular the Fairer Housing and Fairer Communities Pillars. The development contributes to Fairer Westminster ambitions by supporting the development of a more inclusive community, with improved opportunities through the range of housing provided through the provision of affordable housing.
- 4.5. The Council is committed to the achievement of the new Ebury Bridge Estate. The Report author notes the following particular commitments to delivering Phase 2 as follows:
 - a. In October 2021 the Council received approval from the Local Planning Authority to their hybrid planning application for a mixed-use development of the Ebury Bridge Estate. This included a detailed planning consent for the construction of Buildings 7 & 8 (to be built in Phase 1) and outline consent for the remaining elements of the scheme including the remaining seven buildings (reference: 20/04366/COOUT) (**Original Planning Permission**). Construction of Phase 1 of the scheme is currently underway with residents set to return to new homes in 2024.
 - b. The Council subsequently submitted an application for a Non-Material Amendment (**NMA**) to the Original Planning Permission in respect of the Phase 2 Site which was approved in May 2024. As part of the application, the Council was required to enter into an updated Unilateral Undertaking made under Section 106 of the Town and Country Planning Act 1990. The NMA application covered the following changes to the Phase 2 Site:
 - Incorporation of buildings 2 and 3 into the Phase 2 Site boundary.
 - Incorporation of second means of escape to buildings 1, 2, 3, 4, 5, and 6 resulting in adjustments to all building footprints.
 - Minor adjustments to the balconies on buildings 1, 2, 3, 4, 5, and 6 including:
 - Introduction of recessed balconies to buildings 1, 2, and 3 rather than

- protruding balconies on the rear facades
 - Minor changes to balcony dimensions of buildings 5 and 6.
 - Removal of the basement on buildings 2 and 3.
 - Increased maximum building heights of buildings 5 and 6 (building 5 circa 3.5m increase, building 6 Circa 1m), to accommodate improved building maintenance unit, safer means of rooftop access, and adjustment to plant strategy.
 - Change to location of community centre (moved from building 5 to building 1). This still achieves a quantum of 158sqm of D1 use.
 - Associated changes including ground floor uses, buildings 1, 2, 3, 4 entrance positions, landscaping, and amenity.
 - c. Following the Council obtaining the Original Planning Permission, the Council submitted a Reserved Matters planning Application (**RMA**) for the Phase 2 Site in March 2024. The Council anticipate that they will receive the decision as to whether the RMA has been approved in Autumn 2024. The Council also plans to submit an Outline Business Case for the Phase 2 Site in November 2024.
 - d. The Council has already demolished and cleared the 'Phase 2 Site- excluding Bucknill House', emphasising the clear intention to develop the Phase 2 Site.
 - e. The Capital Strategy and HRA Business Plan includes a budget provision for this financial year for the Phase 2 Site re-enforcing the commitment to delivery of the Phase 2 Site. Approval to spend for Phase 2 to deliver the works will be sought as part of the Full Business Case, currently earmarked for Quarter 3 of the financial year 2025/26.
- 4.6. The development of the Ebury Bridge Estate Phase 2 Site is a council-led development, 100% funded by the Council either directly, or through its Development Company Westminster Housing Developments Ltd. As the Council is yet to choose its delivery route it is therefore possible that a disposal of the land may need to be made to whoever is assisting the Council to deliver the development. If that is the case, such disposal may need to be made under Section 233 of the Town and Country Planning Act 1990.
- 4.7. A final decision on delivery route is expected to be made by the end of 2024 at the very latest.
- 4.8. The Council's power to appropriate land under Section 122 of the LGA 1972 is exercisable on the determination that the Council's land "is no longer required for the purpose for which it is held immediately prior to appropriation".
- 4.9. The 'Phase 2 Site- excluding Bucknill House' was previously used for the Council housing provision and is currently a demolished and therefore cleared site without buildings/dwellings. It is therefore the case that the development site is no longer required by the Council for the purpose for which it is currently held. It is now required for planning purposes namely the construction of the Phase 2 Ebury Bridge Estate redevelopment. Officers therefore consider that the requirements of Section 122 of the LGA 1972 are met. There is therefore no requirement for consent from the Secretary of State under Section 19 of the Housing Act 1985.
- 4.10. The 'Phase 2 Site - excluding Bucknill House' being a cleared site with no dwellings and the Council having previously advertised the appropriation of the land in accordance with the prescribed requirements means the appropriation can take place,

subject to Cabinet Member approval, without the prior consent of the Secretary of State.

- 4.11. Any reference to acquisition for planning purposes and, by virtue of the provisions in Section 246 of the Town and Country Planning Act 1990 (“**TCPA 1990**”), appropriation for planning purposes is regarded as a reference to acquisition or appropriation for purposes for which the land can be compulsorily acquired under Section 226 of the TCPA 1990. By virtue of the provisions in Section 226(1A) of the TCPA 1990 a local authority must not exercise the power granted under Section 226(1)(a) unless it thinks the development, redevelopment or improvement on or in relation to the land is likely to contribute to the achievement, the promotion or improvement of any one or more of the following objectives – the economic, social and/or the environmental well-being of the area.
- 4.12. It is the view of the Report author that the land could be acquired compulsorily under Section 226(1)(a) in order to facilitate the carrying out of redevelopment and that such redevelopment would advance all three objectives identified at Section 226(1A) (namely, the promotion or improvement of the economic, social and environmental well-being of the area) as the overarching objective of regenerating Ebury Bridge Estate is to deliver on Westminster City Council’s ambitions for a Fairer Westminster via:
- A comprehensive renewal that brings about physical, economic, and sustainable change that creates additional homes and improves the lives of residents, businesses and visitors alike;
 - Re-provision of existing homes and the exploration of opportunities to deliver high quality new homes of all tenures;
 - Construction of high quality and energy efficient sustainable new buildings which utilise cutting edge design and technological innovation;
 - Improvement to place shaping including play space, bio-diverse green space and enhancement of the public realm including increasing permeability and connectivity with the canal and surrounding areas;
 - Promotion of a safer and vibrant neighbourhood, which encourages positive community interaction.
 - Enhancement of community assets and maximising impact through linking to wider provision in the surrounding area.
 - Encouraging and facilitating strong public participation from the community in the design and development of the scheme.
 - Increasing opportunities for employment and business growth and initiatives.
 - Responsible procurement ensuring ethical treatment and consideration and mitigation of environmental impacts.
- 4.13. Accordingly, it is considered by the Report author that the requirements of Section 226 of the TCPA 1990 are satisfied so as to engage Section 203 of the HPA 2016. However, a local authority cannot properly exercise these powers unless it considers that it has good reason to interfere with third party rights or breach restrictions that would be overridden by Section 203.
- 4.14. Given there are development benefits, the Report author is satisfied that there is good reason and that the use of Section 203 is in the public interest.
- 4.15. Accordingly, it is recommended that the Cabinet Member takes the decision that the land at ‘Phase 2 Site- excluding Bucknill House’ is appropriated from its existing housing purposes to planning purposes under Section 122 of the LGA 1972, and subsequently

enables the use of powers under Section 203 of the HPA 2016. This appropriation will enable the development of the 'Phase 2 Site- excluding Bucknill House' to proceed without the risk of injunction, notwithstanding the fact that it involves an infringement of third-party rights. Failure to extinguish such third-party rights would enable the beneficiaries of those rights to seek an injunction to prevent new buildings on the 'Phase 2 Site- excluding Bucknill House'.

5. Negotiations with Third Parties

- 5.1. Negotiations with those third parties identified by the Council as potentially being impacted by the development of the Phase 2 Site have been in progress since 2021 and remain ongoing as appropriate.
- 5.2. A summary of the current position is set out in Appendix C of this Report.

6. Financial Implications

- 6.1. The land currently sits within the HRA. This land will be appropriated to General Fund (GF) for planning purposes and compensation for the loss of asset will take place as a debt transfer from HRA to GF.
- 6.2. Appropriation of the land out of the HRA and for planning purposes will convert existing rights of light into rights to compensation.
- 6.3. Following appropriation for planning, the Council will hold the land in the General Fund. At a later date, not yet determined, the land will transfer back to the HRA. That transfer will take place as a debt transfer from the GF to the HRA.
- 6.4. The Council instructed surveyors Jones Lang LaSalle (JLL) to review the scheme and provide new certified independent red book valuation on the current market value of this scheme. JLL have confirmed that the market value of the existing scheme would result in a freehold negative value of £46.2m.
- 6.5. As the valuation results in a negative land value, a nil value will be used for both appropriation to GF and reappropriation back to HRA and there will be no net impact on either the GF or the HRA.

7. Legal Implications

- 7.1. The Council has power under Section 122 of the Local Government Act 1972 ("**LGA 1972**") to appropriate land belonging to the Council which is no longer required for the purpose for which it was held immediately before the appropriation, provided that the new purpose is one for which the Council would be empowered to acquire land by agreement.
- 7.2. Appropriation of land for planning purposes made under Section 122 of the LGA 1972 will result in the Council accounting for that land in the general fund and not the HRA. This will be the case until the Council further appropriates the land from planning to housing purposes at a later date.
- 7.3. Section 19 of the Housing Act 1985 ("**HA 1985**") deals with appropriation of land held

for the purposes of Part II of that Act (i.e. housing accommodation). It does not exclude the application of the appropriation power under Section 122 of the LGA 1972. Under Section 19(2) of the HA 85, a local housing authority holding land for the purposes of Part II of the HA 85, shall not, without the consent of the Secretary of State, appropriate any part of the land consisting of a house or part of a house for any other purpose. Paragraph 1.2 of this Report confirms there are no dwellings on the 'Phase 2 Site-excluding Bucknill House'. There is therefore no requirement to obtain Secretary of State consent.

- 7.4. The new purpose for which the Phase 2 Site is required is for the redevelopment and improvement of the land in accordance with the planning permission granted. Section 246 of the Town and Country Planning Act 1990 ("**TCPA 1990**") specifies that appropriation of land for planning purposes is an appropriation for purposes which would also entitle the Council to acquire land under Section 226 or Section 227 of the TCPA. Section 226 could be exercised by the Council if the Council thinks that the acquisition will facilitate the carrying out of development, and that the development is also likely to promote the social, economic, or environmental well-being of its area. Paragraph 4.11 of this Report details the justification for how this test is met. Therefore, the Cabinet Member may choose to decide, taking all matters into account, to appropriate the 'Phase 2 Site- excluding Bucknill House' for planning purposes.
- 7.5. Section 203 of the Housing and Planning Act 2016 ("**HPA 2016**") permits development to be undertaken on the relevant land even if this interferes with third party rights (or breaches a restriction), removing from the beneficiaries the remedy of obtaining an injunction to prevent the development. Instead, such beneficiaries would be entitled to compensation under Section 204 of the HPA 2016. Section 203(5) of the HPA 2016 expressly permits the Council to rely on Section 203 where it has appropriated the land for planning purposes.
- 7.6. Section 203 of the HPA 2016 may be exercised by the Council as there is a planning permission for the Phase 2 Site; the Council will have appropriated the land for 'planning purposes'; if the Council did not already own the land it could seek the compulsory purchase of that land and the proposed buildings for the renewal of the Ebury Bridge Estate and the construction of replacement homes. Therefore, following an appropriation under Section 122 of the LGA 1972, the Council may subsequently exercise the power to override easements and other rights and it is proposed that this is delegated to the Executive Director of Regeneration Economy and Planning in relation to the 'Phase 2 Site- excluding Bucknill House'.
- 7.7. Certain third-party rights cannot be overridden under Section 203 of the HPA 2016, in particular "protected rights" of statutory undertakers and electronic communication code network operators. Where it is known that appropriation for planning purposes would affect third party rights the Council must consider that it has sufficient reason in the public interest to interfere with third party rights and that the interference is no more than is necessary.
- 7.8. Section 233(1) of the TCPA 1990 provides that where any land has been acquired or appropriated by a local authority for planning purposes and is being held by them for that purpose, the local authority may dispose of that land to such person in such matter and subject to such conditions as to (1) secure the best use of that land and any buildings or works which have been or are to be erected, constructed or carried out on it or (2) to secure the erection, construction or carrying out on it of any buildings or works appearing to them to be needed for the property planning of the area of the authority. Section 233(3) of the TCPA 1990 states that the Secretary of State's consent will also be required where such a disposal is to be for a consideration less than the

best that can be reasonable be obtained and is not the grant of a lease for a term of 7 years or less or the assignment of a term of years of which 7 years or less are unexpired at the date of the agreement.

- 7.9. The Council must act in accordance with the rights under the European Convention on Human Rights including Article 1 of the First Protocol (right to peaceful enjoyment of possessions) and Article 8 (right to respect for private life, family and home). The Council must strike a fair balance between the public interest and the individual's rights and consider whether the interference is "proportionate". In view of the factors described in Section 4 of this Report it is considered that it is necessary to appropriate the land at the Phase 2 Site- excluding Bucknill House for planning purposes and that there is a compelling case in the public interest to support the decision to do so.
- 7.10. In order to enter into any necessary legal documents relating to payment of compensation to affected third parties, under Section 204 of the Housing and Planning Act 2016 or otherwise, the Council can rely on its power of general competence. The Council has a general power of competence under Section 1 of the Localism Act 2011; this is the power to do anything an individual can do provided it is not prohibited by other legislation. The Council also has the power under Section 111 of the Local Government Act 1972 to do anything which is calculated to facilitate or is conducive or incidental to the discharge of its functions.

8. Staffing Implications

- 8.1. This project has been and will continue to be managed and delivered by the Development team in Regeneration, Economy and Planning and the Development department will be delivering the scheme through the delivery team. Sufficient capacity exists within this team to deliver this project including, subject to Cabinet Member approval, the actions flowing from an appropriation and the overriding of rights.

9. Consultation

- 9.1. Ongoing, meaningful engagement with the local community underpins the delivery of the Ebury Bridge Estate regeneration scheme. Since the project was initiated in 2017, a dedicated onsite engagement team has been based on the Ebury Bridge Estate to provide support to residents. This team also provides a direct interface between our contractors and the Ebury Bridge Estate community and surrounding neighbours. The tender process for the Phase 2 building contractor demonstrates that work undertaken by the selected contractor will have consultation with Council officers and community representatives at its heart.
- 9.2. The Ebury Bridge Community Partnership Group ("**CPG**") has met monthly since October 2017. This is the strategic resident steering group that provides a strong community voice on key decisions throughout the project. The group has been consulted on the appointment of contractors, delivery routes, best value, changes in tenancy (under Section 105 of the Housing Act 2004) and will continue to play an important role as the project progresses. Should the appointment be approved, the chosen contractor will be instrumental in ensuring that there are opportunities for regular resident participation in design development, material choices for the CPG.
- 9.3. The Cabinet Member for Regeneration and Renters and the Cabinet Member for Housing Services have been consulted on this Report and support the

recommendations to deliver the scheme.

- 9.4. The Ward Councilors have been briefed on the contents of this Report and support the recommendations to deliver the scheme.

10. Equalities Act 2010

- 10.1. In deciding to proceed with the exercise of appropriation and the related recommendations in this Report, the Council must pay due regard to its Public Sector Equality Duty (**PSED**), as set out in Section 149 of the Equalities Act 2010 (the **2010 Act**). The PSED provides that a public authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.2. Consideration must also be given to whether, if the recommendations go ahead, it will be possible to mitigate any adverse impact on a protected group, or to take steps to promote equality of opportunity by, for example, treating an affected group more favourably.

- 10.3. Officers are mindful of this duty in making the recommendations in this Report. It is considered that the impacts of the development at the Phase 2 Site are positive. The proposals would comprise measures to ensure that 10% of the residential units are wheelchair accessible homes. The proposed residential and commercial elements for the newly constructed Phase 1 Site will also have level pedestrian access from Ebury Bridge Road with 18 car parking spaces exclusively for use by blue badge holders. Within the process of engaging and negotiating with affected third parties, allowances will be made to account for vulnerable parties in accordance with the PSED.

- 10.4. A copy of the Equalities Impact Assessment is included as a background document to this Report.

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

Brian Arscott - barscott@westminster.gov.uk

APPENDICES

Appendix A: 'Phase 2 – Excl. Bucknill House' Site Plan

Appendix B: Phase 2 – Bucknill House' Site Plan

Appendix C: Negotiation Summary (Exempt from Publication)

BACKGROUND PAPERS

- Equalities Impact Assessment dated July 2020 (and March 2024 Addendum)

For completion by the **Cabinet Member for Finance and Council Reform**

Declaration of Interest

I have no interest to declare in respect of this Report

Signed: **David Boothroyd**

Date: 31/07/24

NAME: COUNCILLOR DAVID BOOTHROYD

For the reasons set out above, I agree the recommendation(s) in the Report entitled: **“Ebury Bridge Estate Phase 2: Appropriation of land for planning purposes”** and reject any alternative options which are referred to but not recommended.

Signed: DAVID BOOTHROYD

Cabinet Member for Finance and Council Reform

Date: 8 AUGUST 2024

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.

Appendix A

Land etched in green identifies 'Phase 2 Site – excl. Bucknill House' within the Ebury Bridge Estate.



Appendix B

Land etched in green identifies 'Phase 2 Site – Bucknill House' within the Ebury Bridge Estate.

