

## RECORD OF OFFICER EXECUTIVE DECISION

**State if decision exempt from publication (Not Exempt)**

Certain information may be exempt from publication if it falls under Schedule 12A of the Local Government Act 1972. However, these exemptions only apply so long as, in the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing it.

Date of Decision	06/11/2023
Name of Decision Maker and Job Title	Debbie Jackson, Executive Director of Regeneration, Economy and Planning
Status of the decision (e.g. by Executive Director in consultation with Portfolio Holder under the Constitution)	Formal Cabinet Decision (Balmoral Castle and Darwin House: Phase 2 – Appropriation of land at Balmoral Castle Public House and Vacant Garages) was approved on 11 May 2023  <a href="https://committees.westminster.gov.uk/ieDecisionDetails.aspx?!D=1855">https://committees.westminster.gov.uk/ieDecisionDetails.aspx?!D=1855</a>
Specific Delegation from Executive (Leader, Cabinet or Cabinet Member) / Committee	That 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 approves: To delegate authority to the Executive Director for Growth Planning and Housing: 2.1.4.1. 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 2.1.4.2. 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 2.1.4.3. to take all necessary steps to settle claims for compensation under section 204 of the Housing and Planning Act 2016. 2.1.5.  To delegate authority to the Executive Director of Growth Planning and Housing; 2.1.5.1. To appropriate the Council’s land required for Phase 2 of the development comprising the land described in paragraph 2.1.2 of this report 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 2.1.5.2. 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.
Other Consultees involved. (i.e. Director of Law & Finance)	Decision review and advice by Legal Business Partner: James Holliman, Senior Solicitor, Legal Development and Property Team

	Finance Business Partner: Georgina Nash, SFM Strategic Projects and Commercial Lead
Material considered as part of the decision-making process. Include how best value achieved and equality objectives met (as appropriate)	EQIA: <a href="https://www.westminster.gov.uk">Report Balmoral Castle Pub/Darwin House Proposals 2023-02-02 (westminster.gov.uk)</a>
Decision taken:	<p>The purpose of this appropriation is to move the land at the former Balmoral Public House and 23 vacant garages including an area of land measuring 378 sq. metres forming part of an open space (Balmoral Phase 2) from planning purposes for development (General Fund (“GF”)) to housing use (Housing Revenue Account (“HRA”)). This will enable the delivery of a housing development scheme, including 34 new community supported housing units, by the Council.</p> <p>The Council gave authority to appropriate by way of a Cabinet Member decision on 11 May 2023 and a copy the decision is included at Appendix 1. In accordance with that decision the Executive Director of Growth, Planning and Housing now directs that the Balmoral Phase 2 land be transferred from the General Fund Account (GF) to the Housing Revenue Account (HRA) at the current red book value.</p>
Reasons for the Decision:	<p>The Council is satisfied that the scheme will contribute towards meeting the Fairer Westminster objectives, specifically Fairer Housing, Environment, communities, and Fairer Council.</p> <p>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.</p> <p>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.</p>
Risk Analysis:	
Details of alternative options considered and rejected:	N/A
Conflicts of interest declared by any Executive Member/ other Member or officer consulted by the decision maker which relates to the decision:	

Dispensations Granted: (If any)	

**I certify that this is a true record of the executive decision in relation to [ ]**

Signed by the Decision Maker

Dated 07/11/2023

Name Debbie Jackson



Job Title Executive Director for Regeneration, Economy & Planning (REP)

Signed by (Consultee if required)

Dated

Name