

# WESTMINSTER CITY COUNCIL

## STATEMENT OF DECISION

**SUBJECT: 300 HARROW ROAD APPROPRIATION OF LAND FOR PLANNING PURPOSES**

Notice is hereby given that , Cabinet Member for Finance and Smart City, has made the following executive decision on the above mentioned subject for the reasons set out below.

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To appropriate the land at 300 Harrow Road for planning purposes to enable the development of new homes and community facilities.  
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### Summary of Decision

#### 1. Recommendations

1.1 That the Cabinet Member for Finance and Smart City agrees:

1.1.1 That Part B of this report be exempt from disclosure by virtue of the Local Government Act 1972, Schedule 12A Part 1, paragraph 3 (as amended), in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

1.1.2 To appropriate for planning purposes the Council's land at 298 to 300 Harrow Road, London W2 shown edged blue on the plan attached at Appendix 1 (the Site) 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.

1.1.3 To delegate authority to the Executive Director for Growth, Planning and Housing in consultation with the Director of Law:

1.1.1.1 to deal with any necessary arrangements to record the appropriation of the Site for planning purposes; and

1.1.1.2 to negotiate and enter into agreements by deed for the release of third party rights where this can be achieved on reasonable terms within a reasonable timescale; or

1.1.1.3 to take all necessary steps to settle claims for compensation under section 204 of the Housing and Planning Act 2016.

#### 2. Reasons for Decision

1.1. The Site at 298 - 300 Harrow Road provides a valuable opportunity to deliver new homes, jobs and community facilities for local people. The Site is no longer required for the purpose for which it is held by the Council and comprised a community hall and the former Harrow Road Nursery, both of which were vacant

and have been demolished. These two low rise buildings, the surrounding land and car park are owned by Westminster City Council, therefore this Site offers a cost effective opportunity to upgrade the community amenities and deliver new mixed tenure homes to meet the needs of local people. The proposed scheme will provide:

- a new community hall;
- a purpose built nursery;
- family sized affordable rent homes;
- intermediate rent (below market rent) homes;
- private homes;
- affordable workspace;
- a canal side café;
- and significant green landscaping, opening up the canal.

- 1.2. Appropriating the land for planning purposes is recommended in order to facilitate the delivery of much needed new homes in the community, and to replace the existing facilities with new fit for purpose buildings. In the past, the nursery and community centre were well-used by the community, however the buildings were in poor condition and required updating. The proposal will replace both of these facilities with high quality new premises and in addition it will deliver new homes. Alternative accommodation has been identified for all of the users of these facilities including a temporary nursery portacabin.
- 1.3. As explained in section 6 below, one of the effects of appropriating the Site for planning purposes would be to 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 in December 2020, and meet the scheduled completion date.
- 1.4. There is a pressing need for new homes within Westminster, particularly those of an affordable tenure. The development will deliver much-needed affordable housing together with other types of housing tenure and greatly contribute to improving the economic, social and environmental well-being of the local area as described in section 4 below.
- 1.5. In balancing the benefits of the development and the concerns of those whose rights it is proposed to override, there is clear evidence that the public benefit, in the form of the provision of new homes to meet local needs, community facilities and a new nursery outweigh the potential impacts on third party rights. Compensation will be payable to those who suffer a relevant loss. Overall, it is considered that there is a compelling case in the public interest to facilitate this development and that appropriation of the Site is necessary.
- 1.6. Whilst investigations and negotiations with injured parties are continuing, if the Site is not appropriated and any infringement of a third party right occurs, the primary remedy for the affected party would be to seek an injunction preventing the development. The court can award damages where it considers this an adequate remedy. The consequences of such proceedings for the Council, if successful, could be to prevent delivery of the development or even if unsuccessful, would risk causing delay.

## **Reasons for Decision**

**Stuart Love, Chief Executive,  
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LONDON SW1E 6QP**

**Publication Date:** 14 December 2021

**Implementation Date:**

**Reference:**