



City of Westminster

Cabinet Report

Decision Maker:	Cabinet
Date:	20 May 2024
Classification	General Release
Title:	Westminster Neighbourhood CIL –High-Value Allocation: Seymour Centre
Wards Affected:	Marylebone
Policy Context:	<p>The Neighbourhood CIL funding programme to invest in local infrastructure projects across the City.</p> <p>The works to transform the Seymour Leisure Centre into a multi-service council space assists with delivery of Fairer Westminster priorities and in particular the Fairer Communities priority.</p>
Key Decision:	Yes
Financial Summary:	This report seeks to allocate a total of £1,250,000 of funding from the Marylebone Neighbourhood CIL pot to support the transformation of the Seymour Leisure Centre.
Report of:	Deirdra Armsby, Director of Town Planning and Building Control

1.0. Executive Summary

- 1.1. Under the governance arrangements agreed by Cabinet in October 2022, most decisions on Neighbourhood Community Infrastructure Levy (CIL) are made by the Cabinet Member for Planning and Economic Development, but where the value of a proposed allocation exceeds £250,000, that decision will must be approved by Cabinet.
- 1.2. The application set out in this report is a Neighbourhood CIL funding request of £1.25m to support the transformation of Seymour Leisure Centre, thereby requiring a Cabinet decision.

2.0. Recommendation

It is recommended that Cabinet:

- 2.1. Approve the allocation of £1.25 million of Neighbourhood CIL funding from the Marylebone Neighbourhood Area pot to the Council to support the transformation of Seymour Leisure Centre.

3.0. Reasons for Decision

- 3.1. There is a need for Neighbourhood CIL funding to supplement the project's capital budget, driven by rising costs from build cost inflation and from changes to the project that reflect community responses to the extensive consultation and engagement exercise.
- 3.2. The funding will support a programme of works that will transform Seymour Leisure Centre into high-quality community infrastructure which will be a flagship project to benefit the local community.
- 3.3. Cabinet is asked to approve this decision to ensure robust and effective expenditure and reporting in line with the Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the council's strategic priorities, CIL spending policy statement and its framework for resource allocation and management.

4.0. Background: Neighbourhood CIL

- 4.1. The Community Infrastructure Levy (CIL) is a charge that local authorities can impose on new development to help raise funds to deliver infrastructure that is required to support the development and growth of their area. WCC's became effective from May 2016 and applies to liable developments that were granted planning permission on or after this date. CIL is payable when works to implement the development commence.

- 4.2. All CIL funding decisions are taken with regard to national legislation and regulations. Local policy and priorities, as set out in the Westminster CIL Spending Policy Statement (October 2022), also inform decisions.
- 4.3. CIL Regulations require apportionment of CIL receipts between:
- **the Strategic Portion (70-80%)** – spent by the Council according to its strategic infrastructure priorities.
 - **a Neighbourhood Portion of receipts from development in each neighbourhood (15-25%)** – spent by the Council in consultation with the neighbourhood communities concerned (other than in Queen’s Park, where the portion is paid to, and spent by, the Community Council); and
 - **the CIL Administrative Portion (5%)** – spent by the Council on the administrative costs of CIL collection and administration.
- 4.4. In line with legislation, a portion of CIL called Neighbourhood CIL is apportioned to neighbourhood areas in Westminster, according to the neighbourhood in which the planning permission and implemented development is located. There are 21 designated neighbourhood areas; any Neighbourhood CIL portion collected from a development not within a designated area, is amalgamated into a pot for Outside Designated Neighbourhood Areas. The neighbourhood share constitutes 15% of CIL receipts, capped at £100 per council tax paying dwelling per year, or 25% without a cap in neighbourhood areas with an adopted neighbourhood plan. The funding can be spent on a project located anywhere within the City or even outside the City, as long as it delivers infrastructure which mitigates the impact of development or otherwise supports the growth of the City.
- 4.5. The council allocates Neighbourhood CIL funds via a public application process, open in quarterly rounds. Applications are considered with regards to national legislation and regulations, local policies, and Westminster's CIL Spending Policy Statement. Consultation with stakeholders, including Neighbourhood Forums, Business Improvement Districts, and ward members, is required. The applications undergo thorough assessment by Infrastructure Planning and Delivery officers, with input from relevant council teams and the Infrastructure Working Group and Infrastructure Delivery Board as well as any relevant external stakeholders.
- 4.6. Under the governance arrangements agreed by Cabinet in October 2022, most decisions on Neighbourhood CIL are made by the Cabinet Member for Planning and Economic Development, but where the value of a proposed allocation exceeds £250,000, that decision will be brought to a meeting of Cabinet. The application set out in this report requests £1.25 million, thereby requiring a cabinet decision.

5.0. Background: Transformation of Seymour Leisure Centre

- 5.1. The Seymour Leisure Centre is a three-storey building with an overall total proposed development area of 8,538 m². It incorporates a range of leisure facilities including a swimming pool, a climbing wall, a sports hall, two fitness studios, and a gym. Built in 1935 the building has been subject to extensive renovations in the 1990s and early 2000s but has not been significantly updated in the decades since. The existing facilities are now outdated with some urgent improvement works required. A total refurbishment of the building is now required to protect its heritage Grade II Listed status and to enhance, co locate and modernise the range of services located there for the local community. Significant improvement to access arrangements have also been specified for the project which will expand the inclusivity of the facilities.
- 5.2. The Council has committed to a transformational redevelopment of the building and site. The Cabinet Member for Finance and Council Reform agreed to the submission of a Planning Application and Listed Building Consent and Outline Business Case on 27 March 2023. Planning Permission and Listed Building Consent were approved in July 2023. The centre closed in February 2024 to allow works to begin. The contract award and variations and the revised project budget was subsequently formally approved by CMR by the Cabinet Member for Finance and Council Reform on 11 March 2024.
- 5.3. The proposal is for a transformative redevelopment scheme which will transform the existing leisure centre into a multi-purpose, mixed-use community facility, with a more inviting atmosphere and improved physical access, complete with sports hall, café, and library, and space for other ancillary uses. The proposed development will occupy the three existing levels of the building: on the ground floor will be the sports hall, swimming pool and relocated Marylebone Library, which forms a family zone with the children's soft play and bookable community spaces; located on the lower ground floor will be fitness and leisure facilities, the spa and back-of-plant rooms; and the first floor will contain the retained gallery seating overlooking the sports hall, as well as the upper library level and office space.

6.0. Proposed allocation

- 6.1. The Cabinet is recommended to approve £1,250,000 requested by the Council to support the transformation of Seymour Leisure Centre.
- 6.2. The proposed development will transform the existing leisure centre into a multi-purpose, mixed-use community facility - still with leisure as a key use - with vast improvements to accessibility and inclusivity. The design seeks to make the very most of the existing building, utilising all underused and redundant spaces, to optimise the building's potential as an asset for the local community and enable it to appeal to a broader range of users.
- 6.3. The total project budget covers design and build costs, including all preliminaries, construction, professional fees, nominal allowance for furnishings, installations, and equipment.

- 6.4. The £1.25m of Neighbourhood CIL requested represents approximately 2.5% of the total cost. The project has a budget of £41.25m within the approved Council's annual capital programme. The estimate for the completion of capital works is £42.5m inclusive of preliminaries, construction, professional fees, nominal allowance for furnishings, installations, and equipment. This estimate excludes costs for decanting and move costs or storage costs off site or relocation of existing building users and associated costs.
- 6.5. The project relates directly to development and more broadly supports the growth of the City. There is a growing need for such social infrastructure provision across Westminster. The cost of living crisis has driven an increased need for low-cost and free activities such as those provided by the library and the leisure centre, as highlighted by the Council's Cost of Living Strategy (2022) and Update (2024)¹. There is a growing need for affordable meeting spaces in this area and the new spaces at Seymour will be able to be used by multiple clubs and community groups². Community facilities are identified in the council's CIL Spending Policy Statement as a priority infrastructure type for CIL funding.
- 6.6. Marylebone Neighbourhood Forum has been consulted extensively, on the project in general and on the provision of Neighbourhood CIL funding. The Forum voted in favour of a proposal to allocate £1 million of Marylebone Neighbourhood CIL for this project. Subsequent analysis of Marylebone's NCIL income and potential future projects indicated that the Neighbourhood Area pot has a balance of £1,561,457.06. This is sufficient to cover the full cost of the £1.25 million NCIL bid. The Neighbourhood Forum was subsequently consulted on this increased amount prior to submission of this report.

7.0. Financial Implications

- 7.1. As of 24 April 2024, a total of £19,138,000 of CIL has been apportioned to Neighbourhood CIL since the Council's CIL charging schedule first came into effect on 1 May 2016; £10,276,000 remains available³. This balance has been carried over each year since the inception of Westminster CIL in May of 2016. The total NCIL apportioned to each Neighbourhood Area is set out in Appendix 1. A separate Cabinet Member Report on the Autumn 2023 applications is concurrently being considered by the Cabinet Member for Planning and Economic Development; if agreed, that report would add allocations totalling £178,600, leaving a total NCIL balance of £10,097,400.

¹ Westminster City Council. Cost of Living. [Cost of living support hub and strategy | Westminster City Council](#)

² Westminster City Council. 'Plans for Seymour Centre passed at planning committee'. 12 July 2023: <https://www.westminster.gov.uk/news/plans-seymour-centre-passed-planning-committee>

³ A Cabinet Member Report on the Autumn 2023 applications is concurrently being considered by the Cabinet Member for Planning and Economic Development. The total recommended allocations in this report is £178,600; a balance of £10,097,400 will remain available following implementation of this report.

- 7.2. As of 24 April 2024, a total of £2,606,772 of Neighbourhood CIL has been apportioned to the Marylebone Neighbourhood Area pot since the Council's CIL charging schedule first came into effect on 1 May 2016; £1,045,315 has been allocated or spent, and £1,561,457 remains available. The remaining balance of the Neighbourhood Area pot would be £311,457 following the allocation recommended in this report.
- 7.3. The capital strategy agreed by Full Council in March 2022 contains a gross capital budget of £40.252m for the refurbishment works at Seymour Leisure Centre. The latest estimate for the completion of capital works is £42.5m, which is £2.3m above current budget of £40.2m. The recommended Neighbourhood CIL allocation will halve that shortfall.

8.0. Legal and Governance Implications

- 8.1. The legislation governing the development, adoption, and administration of a Community Infrastructure Levy (CIL) is contained within the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended). The associated government National Planning Policy Guidance is also important in guiding this process. There are other areas of law which should be considered when assessing certain developments for CIL liability and determining the appropriate sum due. These include matters relating to social housing, procurement, charitable institutions, and state aid.
- 8.2. In October 2022, Cabinet agreed to new governance arrangements for the management of CIL. This requires any NCIL decision over £250,000 in value to be brought to Cabinet for decision. This report is being brought to Cabinet in line with this provision.
- 8.3. Legal Services has reviewed this report, and the proposed Project Allocations, and is satisfied that the measures proposed comply with the relevant legislation and guidance set out in paragraph 8.1 above.

9.0. Consultation

- 9.1. Local policy requires local ward councillors, neighbourhood forums, and business improvement districts, where they exist, be given the opportunity to comment on all proposals within their area. The Seymour Centre project has been subject to Ward Member and community engagement, as well as Cabinet Members where necessary. Ward Members have been informed of the Neighbourhood CIL application but no comments were received.
- 9.2. Marylebone Neighbourhood Forum has been consulted on the proposed redevelopment of Seymour Leisure Centre since the project inception. Officers also consulted with the forum on the allocation of Neighbourhood CIL to the project, including a discussion of the potential to use Neighbourhood CIL at the Marylebone Neighbourhood Forum Committee meeting on 6 February 2024, where the Forum reiterated its strong and unanimous support for the Seymour Leisure Centre project and subsequently voted to demonstrate support for the use of £1 million in Neighbourhood CIL funding.

Further engagement, including a phone call on 01 May 2024, clarified that the forum members would support £1.25 million allocation as long as the amount would not put emerging priorities for Neighbourhood CIL funding at risk. Future Neighbourhood CIL allocations will be considered on a case by case basis and there are sufficient funds currently available to fund community led initiatives.

10.0. Climate implications

- 10.1. From the outset a key aim of the Seymour Centre transformation has been to improve the energy efficiency of this Grade II Listed building in line with Westminster's ambition of becoming a carbon neutral city by 2030.
- 10.2. The major improvements in energy efficiency and carbon reduction will be achieved from the enhancements of Mechanical & Electrical system performance and renewable energy systems. The project has implemented the principles of the Lean, Be Clean, Be Green approach set out for each stage in the GLA Energy Assessment Guidance which is the basis of the project team's approach. The team have worked from project inception to optimise the engineering solutions to reduce carbon emissions.
- 10.3. The thermal modelling of both the existing and "as designed" Seymour Centre demonstrates that a significant improvement in energy and carbon can be achieved. An overall improvement of 58% in energy and 34% reduction in carbon emissions has been calculated against the GLA Baseline model in the GLA Energy Assessment Guidance. The Baseline Building Emission Rate of 86 demonstrates how poor and energy inefficient the Centre is currently. As the project Energy Strategy sets out "The calculated 34% shows a significant improvement for a refurbishment of this building type and age". The energy and carbon reductions delivered as part of the refurbishment will reduce negative environmental impact, whilst also remaining affordable to operate and improve the wellbeing of residents.
- 10.4. It is worth noting that the co-location of the Library service within the Seymour Centre will further reduce the council's overall carbon footprint by vacating its current location. This wider carbon impact is not included as part of the modelling but is relevant as part of the council's wider sustainability strategy and will assist with the corporate goal of becoming a zero carbon city by 2030.

11.0. Equalities implications

- 11.1. Under the Equalities Act 2010 the council has a "public sector equality duty". This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act; to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)

and those who do not share it; and to foster good relations between persons who share a relevant protected characteristic and those who do not share it.

- 11.2. The council is also required to have due regard to the need to take steps to take account of disabled persons' disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life.
- 11.3. The 2010 Act states that "having due regard" to the need to promote equality of opportunity involves in particular having regard to: the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic; take steps to meet the needs of persons sharing a protected characteristic that are connected with it; take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.
- 11.4. The courts have held that "due regard" in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equality's implications of the decision.
- 11.5. All decisions on spending CIL will themselves be subject to assessment to ensure the 2010 Act duties are complied with. The Equality Impact Assessment Screening identified positive impacts of the project on those with protected characteristics, including gender, race or ethnicity, disability, sexual orientation, age, pregnancy/maternity, and faiths and beliefs. The design for the refurbished building will make it more inclusive and accessible, based on specialist design advice and extensive consultation with people with protected characteristics.

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

Alex Csicsek, Principal Infrastructure Planning & Delivery Officer

E-mail: ACsicsek@westminster.gov.uk

APPROVED BY

Name and Title	Date sent	Date approved
Deirdra Armsby, Director for Town Planning and Building Control	29/04/24	08/05/24
Kim Wreford, Finance	29/04/24	29/04/24
Isaac Carter, Legal	29/04/24	29/04/24
Richard Cressey, Governance	10/05/24	10/05/24

APPENDICES

Appendix 1 - Total NCIL apportioned to each Neighbourhood Area

BACKGROUND PAPERS

Report to Cabinet dated 17 October 2022 on Priorities for the Community Infrastructure Levy (CIL) and update to the CIL Spending Policy Statement and governance arrangements

Westminster CIL Spending Policy Statement

Seymour Leisure Centre: Formal Planning Application and Outline Business Case
March 2023 CMR

Equalities Impact Assessment Screening for Seymour Centre