



London Borough of Hammersmith & Fulham

Cabinet

10 OCTOBER 2011

LEADER

Councillor Stephen Greenhalgh

**DEPUTY LEADER
(+ENVIRONMENT
AND ASSET
MANAGEMENT)**

Councillor Nicholas Botterill

**CABINET MEMBER
FOR RESIDENTS
SERVICES**

Councillor Greg Smith

**CABINET MEMBER
FOR HOUSING**

Councillor Lucy Ivimy

CONTRIBUTORS

CSD
BPM-VPS
ADLDS
DFCS

DEVELOPMENT OF WORMHOLT AND WHITE CITY COLLABORATIVE CARE CENTRE AND HOUSING SCHEME LAND DISPOSAL AND SWAP

**Ward:
Wormholt & White City**

To enable the Council's preferred scheme for the Collaborative Care Centre Development (known as the Site A scheme) to progress requires land to be swapped between Wormholt Park with land at Sawley Road and Bryony Road as well as a transfer of additional land to Building Better Health (White City) Limited (the developer). The land swap between Wormholt Park and land at Sawley Road and Bryony Road does not result in any net loss of open space. Cabinet agreed the areas to be swapped at nil value in February 2010. However as the scheme has been revised and the areas to be swapped have changed, the revised areas need to be agreed.

Recommendation:

That approval be given to the proposed swap of land within Wormholt Park with land at Sawley Road and Bryony Road as detailed in Appendix 2.

HAS A EIA BEEN COMPLETED? N/A

HAS THE REPORT CONTENT BEEN RISK ASSESSED? N/A

1. BACKGROUND

- 1.1. Following Cabinet approval on 6th September 2005 a conditional agreement was completed dated 28th July 2006, with Building Better Health (White City) Ltd (BBH) for the development of the former Janet Adegoke Leisure Centre site to provide a range of facilities with the objective of improving economic, social and environmental well being (2006 Agreement). The 2006 Agreement provided for BBH to pursue a Site A scheme or a Site B scheme; the preferred scheme being Site A (a larger site) since by accommodating an improved physical design and layout of the proposed development it provided increased improvement to the economic, social and environmental wellbeing of the area.
- 1.2. At the time the whole of Site A could not be transferred to BBH because:
 - (a) part of Site A is within Wormholt Park and subject to restrictive covenants in favour of the Church Commissioners for England to preserve the land as open space, dating back to 1909; and
 - (b) the same part of Site A could not be sold without the Council having completed the public consultation procedures for sale of open space under section 123 (2A) of the Local Government Act 1972.
- 1.3. Consequently an alternative scheme was proposed for the smaller Site B which excluded the land affected by the 1909 restrictive covenants and the open space but which would require a re-design of the development. At the time both Sites A and B had the same open market value as determined by the Council's external valuation consultants (despite Site A being larger). The 2006 Agreement detailed the benefits to be obtained by Site A and encouraged BBH to pursue a Site A scheme as the preferred option and a Site B scheme as a fall back position.
- 1.4. To enable the development to progress and a capital receipt to be received by the Council, the unencumbered smaller Site B was leased to BBH in 2007, for a term of 250 years commencing 27th February 2007, but BBH was placed under an obligation to progress the Site A scheme to planning permission whilst land swap arrangements for the open space within Site A and a release from the 1909 restrictive covenants were pursued.
- 1.5. The expectation in 2007 was that: (a) if the Site A scheme could be brought forward (including obtaining a release from the 1909 restrictive covenants), BBH would be granted a long lease of the remaining part of Site A it did not own (the open space) and, in return, it would surrender part of Site B back to the Council for dedication as open space, so that

there would be no net loss of open space; or (b) if Site A could not be achieved then the parties agreed to (but were not obliged to) work towards an alternative Site B scheme.

- 1.6. A Cabinet report was approved in February 2010 regarding the land swap and the amount and position of that part of Site A to be leased to BBH. The report also set out the land from Site B to be transferred back to the Council. As the land to be leased to BBH is designated as public open space, the disposal was duly advertised in a local paper as required by legislation and no objections to the lease were received. Cabinet also agreed to transfer the land at nil value.
- 1.7. Since that Cabinet report, BBH has reconsidered the design and make-up of the Site A scheme. It has taken out all the speculative office space and replaced this with residential. Also the retail space has been reduced. A new planning application has been submitted.
- 1.8. BBH has agreed Heads of Terms for the sale of the residential element of the Site A scheme to Notting Hill Housing Trust. It is also close to agreeing terms with contractors to build the Site A scheme.
- 1.9. However, with the change in the nature of the Site A scheme the land to be swapped between BBH and the Council has changed. Cabinet approval to the new plans is therefore required. The amount of open space to be leased to BBH has again been advertised in the local paper and no objections have been received. In the new proposal for the land swap (as shown on the revised plans) the Council now receives back more open space than it is giving up. This is in contrast to previous plans, where it was always agreed that the Council would not give up more open space than it would receive back (see current open space plan in Appendix 1).

2. EQUALITY IMPLICATIONS

- 2.1. As the land swap does not result in any loss of open space there are no equality implications arising from this report.

3. COMMENTS OF THE DIRECTOR OF COMMUNITY SERVICES

- 3.1. The comments of the Director of Community Services have been incorporated in the report.

4. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 4.1 As one piece of land is being exchanged for another at nil value there is no overall impact on the Council's balance sheet. There will be no consequences for the Council's revenue account.

5. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 5.1. The Council has retained external lawyers to advise on this matter and their advice is incorporated in the report.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Public Notice Details External legal advice	Miles Hooton Ext 2835	Building & Property Management, Env, 6 th Floor, HTHX
2.	Cabinet Report 8 th February 2010 Land Disposal and Swap	Miles Hooton Ext 2835	Building & Property Management, Env, 6 th Floor, HTHX
CONTACT OFFICER:		NAME: Miles Hooton	

APPENDICES