

## Executive Decision Report

<b>Decision Maker</b>	<p>Councillor Rock Feilding-Mellen Deputy Leader and Cabinet Member for Housing, Property and Regeneration</p> <p>Date decision entered onto Forward Plan: 29 October 2013</p> <p>Forward Plan reference: 04127/13/HA</p>	 <p>THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA</p>
<b>Report title (decision subject)</b>	Grenfell Tower Planning Application – permission to enter into a Unilateral Undertaking	
<b>Reporting officer</b>	Laura Johnson, Director of Housing.	
<b>Key decision</b>	Yes	
<b>Access to information classification</b>	Public	

### 1. EXECUTIVE SUMMARY

- 1.1** This report is seek authority for the Royal Borough to enter into a Unilateral Undertaking which is a deed under section 106 of the Town and Country Planning Act 1990 in connection with a planning application for work at Grenfell Tower on the Lancaster West Estate, W11.

### 2. RECOMMENDATIONS

- 2.1** That the Royal Borough enters into a Unilateral Undertaking to pay **£72,413.30** for the required Education and Monitoring contributions to enable the provision of 7 additional affordable housing units for rent. In addition the Unilateral Undertaking will require the new homes to be permit free. The planning permission also involves creating new

spaces for the nursery and boxing facilities and the Unilateral Undertaking requires these to be available simultaneously with the affordable housing units.

### **3. REASONS FOR DECISION**

- 3.1** Any decision that requires land owned by the Royal Borough to be bound in a legal agreement has to be authorised by the relevant Cabinet Member.

### **4. BACKGROUND**

- 4.1** A total budget of £9 million has been agreed for work to Grenfell Tower on the Lancaster West Estate. £6 million was raised through the sale of properties in Elm Park Gardens and £3 million from the HRA working balance. A copy of the Cabinet Report is shown in Appendix One.
- 4.2** The work proposed to Grenfell Tower is partially to improve the existing homes. This consists of window renewals, over cladding of the building, new heating and hot water services and redecoration of communal areas.
- In addition to the work to existing homes, it is also proposed that work takes place to utilise 'void' areas within the building footprint. This will make better use of wasted space and remove areas which have had issues relating to anti-social behaviour. At the moment part of the space is being used for a nursery and part is being used by a local boxing club. The scheme will allow the nursery and boxing club to be relocated in alternative purpose built accommodation. In addition, part of the unused space will be converted into 7 new "hidden homes" flats. There will be 1 x 1 bedroom, 2 x 2 bedroom 1 x 3 bedroom (wheelchair accessible) and 3 x 4 bedroom flats.
- 4.3** The planning application for the refurbishment of Grenfell tower was submitted in 2012. At the same time the work was tendered and Leadbitter, who won the tender for building KALC submitted the most competitive tender. However, the total cost far exceeded the agreed budget. As a consequence considerable work has been carried out by officers following the recommendations of the Architect Review panel, with the consequence that there have been some changes to the details of the planning application.

**4.4** The final scheme has now been submitted for planning approval and it is intended that the work will be tendered through the OJEU process. As a consequence, planning approval needs to be in place to facilitate this tender, which is due to go out in November 2013 to avoid further delays.

**4.5** The planning application can be approved by officers under delegated powers or by members of the planning applications committee but a signed Unilateral Undertaking must be in place before the planning permission can be granted.

## **5. PROPOSAL AND ISSUES**

**5.1** The issues within the Unilateral Undertaking are as below:

- The following sums have now been agreed.
- Education contribution (Primary and Secondary) £ 70,647.12
- Monitoring Fee £1,766.18
- The scheme is to be permit free
- The 7 new homes are to be social rented housing/affordable
- That the boxing club and nursery and new homes must all be ready for occupation simultaneously

## **6. OPTIONS AND ANALYSIS**

**6.1** Discussions have been held with the Planning Department who have agreed to reduce the standard contributions for education, health etc. The planning consultant has advised: The original S106 calculation, undertaken in accordance with the Council's standard formula, generated a requirement of £103,210.45. This comprised contributions for nursery, primary and secondary education, community and health facilities, primarily generated by the bedroom yield of the proposed development.

It was considered that the nursery, community and health contributions were unreasonable as the £9m investment included a spend of £500,000 on the new nursery with increased capacity, and a further £500,000 on community facilities with significant health benefits (i.e. the boxing club). The further requirements of £23,886 for the nursery, £5,600 for health and £560 for community facilities were therefore considered unreasonable and upon discussion with the Local Planning Authority, it was agreed to reduce the overall contributions by these values. Officers therefore recommend that it would not be possible to reduce the contributions any further.



## **7. CONSULTATION**

- 7.1** The planning application has been subject to the usual planning authority procedures, during which residents and adjoining neighbours have been consulted.

## **8. LEGAL IMPLICATIONS**

- 8.1** A unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 places obligations upon the land owner to provide for the carrying out of the development to be acceptable to the Local Planning Authority. The Unilateral Undertaking is signed as a deed and runs with the land so it binds any successors in title to the land. It is enforceable by the Local Planning Authority should the development not be carried out in accordance with the obligations in the Unilateral Undertaking.

## **9. FINANCIAL AND RESOURCES IMPLICATIONS**

- 9.1** The costs of the planning application and Unilateral Undertaking are within the scheme costs approved by Cabinet. If the planning application is delayed, this may incur additional costs to the works programme at Grenfell Tower and further delays to the completion of the work, causing further inconvenience for the residents of Grenfell Tower.

Laura Johnson  
**Director of Housing**

**Local Government Act 1972 (as amended) – Background papers used in the preparation of this report N/A**

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