

COMPULSORY PURCHASE ORDER – LAND AT ALBION STREET, WHITEHAVEN

EXECUTIVE MEMBER: Councillor Allan Holliday, Deputy Leader and Portfolio Holder for Coastal Fringe and Pow Beck Valley Projects.

LEAD OFFICER: Julie Betteridge, Head of Development Strategy.

REPORT AUTHOR: Clinton Boyce, Legal Services Manager.

SUMMARY: To advise Members of the current position regarding the 'Albion Square' development project as detailed in the report ('the Project') and to seek authority to exercise compulsory purchase powers to progress the Project.

RECOMMENDATION: That:

- (a) The current position on the Project be noted;
- (b) That authority be delegated to the Head of Development Strategy in consultation with the Portfolio Holder for Coastal Fringe and Pow Beck Valley projects to secure satisfactory funding from West Lakes Renaissance or other grant funders to enable the Project to proceed;
- (c) That authority be delegated to the Head of Development Strategy to procure, subject to (b) above being in place, the services of appropriate consultants to deliver the Project such consultants initially being procured for pre-Inquiry advice, and, in the event of objections to a compulsory purchase order being made, for dealing with matters subsequent to receipt of objections including, if necessary, attendance at an Inquiry;
- (d) That, in respect of matters not already delegated to officers by contract standing order 21, Council be recommended to delegate authority to the Head of Development Strategy to negotiate terms for the acquisition of the land referred to in recommendation (e) with the approval of any proposed terms being delegated to such officer in consultation with the Portfolio Holder for Coastal Fringe and Pow Beck Valley projects, the Head of Finance and Management Information Systems and the Head of Legal and Democratic Services;
- (e) That a recommendation be made to Council that in respect of the Project that those areas of land within the area shown hatched on the attached plan at Appendix 1 (excluding the area cross-hatched) not already within the ownership of the Council together with any rights affecting land already in the Council's ownership which may prevent the Project from proceeding be acquired compulsorily under section 226 (1) (a) of the Town and Country Planning Act 1990 (as

amended) to facilitate the carrying out of development, redevelopment or improvement on or in relation to the said land and that a Compulsory Purchase Order be made and titled the Copeland Borough Council (Land at Albion Street, Whitehaven) Compulsory Purchase Order 2009; and

- (f) That authority be delegated to the Head of Development Strategy to carry out all necessary steps to secure the confirmation and implementation of the Order referred to in (e) above.

1. BACKGROUND AND CURRENT POSITION

- 1.1 This report concerns areas of land at Albion Street, Whitehaven which are shown hatched on the plan at Appendix A (“the Site”). The Site comprises of some derelict buildings, a working scrap yard and a garage. Forming part of the southern gateway to the town centre the Site is unsightly.
- 1.2 The Council in conjunction with West Lakes Renaissance commissioned Royal Haskoning and Green Design Group to develop proposals for the redevelopment of the Site and these are attached as Appendix B. The proposals will create 4005m² net of office space and 2282m² net of flexible employment space. The junction between Irish Street, Newtown and Albion Street/Rosemary Lane will be realigned and environmentally enhanced to introduce a new ‘Gateway’ to the town centre. The proposed development has become known as the ‘Albion Square’ development.
- 1.3 In bringing forward the development the Council, working with West Lakes Renaissance (“WLR”) has engaged consultants to assemble information about the Site and to make contact with all the stakeholders in the area. Full details are available for inspection in the White Young Green Albion Square Baseline Report.
- 1.4 In putting together the Site the Council/WLR has recently acquired 1-4 Newtown and 16/17 Albion Street. The Council already owns land at the rear of Swingpump Lane within the Site. This area is enclosed and ownerships between the public house and the scrap yard have overspilled. There may be other interests over the Council land, for example, relating to service media and those interests will need to be acquired.
- 1.5 The position regarding the other land ownerships are:
- Scrap yard: this is the largest parcel of land generally used as a scrap yard – the owners consider that the scrap yard has reached the end of its useful life, aspire to see a residential led development, but accept that this may not be feasible.
 - The Dusty Miller Public House: the present intention is to leave this building undisturbed and develop around it.
 - Garage: this site comprising the most southerly area is currently on the market for sale, and negotiations are being undertaken by WLR.
 - Cumbria County Highways: aspirations include realignment of the highway with further considerations of one or two way traffic linked to other town centre highway improvements, agreement in principle exists with further work to be undertaken alongside detailed design of a development.

- 1.6 To facilitate the development the Council in discussion with WLR need to exercise compulsory purchase powers.

2. JUSTIFICATION FOR COMPULSORY PURCHASE

- 2.1 Justification comprises of two main factors. Firstly, significant environmental improvements will be made as a result of the development. Redundant or poor condition buildings will be removed and the town centre will acquire an improved southern gateway. This contributes to the promotion or improvement of the environmental well being of the area. Secondly additional high quality office and flexible employment accommodation will be provided. In respect of the area north of Albion Street WLR are negotiating with an end-user to occupy the office space being created as part of the development. Even if these negotiations fail demand for office and employment space accommodation is good. This factor contributes to the promotion or improvement of the economic well being of the area.
- 2.2 Additionally but not related to justification of the CPO is the timing of the development. During the global economic downturn the creation of jobs will have a significant economic benefit to the Town Centre.
- 2.3 In respect of the planning position the planning framework provides justification for a compulsory purchase order being made. The Adopted Copeland Local Plan (2006) identifies the land as a key Town Centre Development Opportunity Site (no.WTC9) under Policy TCN 12. Commercial or mixed residential and commercial uses are identified as appropriate town centre uses contributing to regeneration in line with Policy TCN 9 with high quality design requirements set out in Policy TCN 4.

An additional material consideration is the “Whitehaven Town Centre Development Framework” produced for the Council in 2006 which identifies key regeneration projects. The land is identified as one of ten priority sites and currently sits within the boundaries for our Townscape Heritage Initiative proposal.

- 2.4 The current advice from independent consultants is that the development is viable. In respect of site clearance and construction costs the project team, WLR and Copeland Borough Council, are intending to fund the development with grant aid from North West Development Agency and funding arrangements with other public and private sources. In respect of post completion running costs evidence exists to show that the commercial operation of the premises is financially sound.
- 2.5 Section 226 of the Town and Country Planning Act 1990 enables a local authority to acquire land for development and other planning purposes. The power is intended to provide a positive tool to help acquiring authorities assemble land for regeneration scheme and it is intended to use this power to base the compulsory purchase on.

3. FINANCIAL IMPLICATIONS AND PROJECT AND RISK MANAGEMENT

- 3.1 The aim is to ensure that the project is fully supported by grants from West Lakes Renaissance or other grant funders. To date 16/17 Albion Street and 1-4 Newtown has been purchased with the aid of WLR funding and will be maintained by the Council pending re-development. In respect of the appointment of specialist consultants to enable the compulsory purchase to proceed their fees will be covered by grant as will the resulting purchase costs. Prior to issuing any Order for

confirmation to the Secretary of State it will be necessary to have in place acceptable funding to ensure that all costs which could arise are covered. It is recommended that authority be delegated to the Head of Development Strategy to negotiate satisfactory funding from the grant funders.

4. PROJECT TIMETABLE

4.1 The following timetable actions will take place within the time estimate shown:

- (a) securing of satisfactory grant offer from WLR for appointment of pre-order consultants - by 20/03/09;
- (b) invitation of prices from consultants and appointment of such – by 17/04/09;
- (c) initial work completed by consultants – by 31/05/09. (In parallel with this work will be the drafting of the order, order plan and statement of reasons;
- (d) reassessment of position – by 15/06/09;
- (e) securing of further grant funding for acquisition costs – by 17/07/09;
- (f) issue of compulsory purchase order – by 30/06/09;
- (g) period for objections will expire by – by 31/07/09;
- (h) after the 31/07/09 will depend on the Secretary of State. If an Inquiry is held this should be held by the 28/02/10 with a decision being made by the 31/05/10. After that time formal possession/acquisition of the land will occur; and
- (i) start of development, assuming order confirmed, late 2010 or earlier if negotiations are eventually successful or an Inquiry is not held.

5. RECOMMENDATIONS

As set out at the beginning of this report. The approval of the compulsory purchase order will be a recommendation to Council.

6. IMPACT ON CORPORATE PLAN

This development supports paragraphs 1.1.11 (taking a lead role in the development of regeneration), 2.2 (regenerating Copeland with outcomes relating to environmental and infrastructure improvements, increased number of businesses and jobs), 3.1.1 (ensuring sufficient employment sites and buildings available including in town centres) and 3.1.2 (supporting the development of sustainable local businesses). The development indirectly supports other aims within the Corporate Plan.

List of Appendices

Appendix 1 – Plan showing development site; and

Appendix 2 – schematic drawing of proposed development together with other documentation from Royal Haskoning/Green Design Group regarding the proposed development.

List of Background Documents

As appendices and the White Young Green Albion Square Baseline Report.

List of Consultees

Head of Development Strategy (ref JB)
 Head of Finance and Management Information Services (ref JC)
 Strategic Planning Manager (ref JH)
 Head of Development Operations (ref CL)
 Head of Legal and Democratic Services (MJ)
 West Lakes Renaissance (ref PC)
 Portfolio Holder

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed. This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	N/a
Impact on Sustainability	N/a
Impact on Rural Proofing	N/a
Health and Safety Implications	N/a
Project and Risk Management	Paragraph 3.
Impact on Equality and Diversity Issues	N/a
Children and Young Persons Implications	N/a
Human Rights Act Implications	The CPO procedures address HRA implications.
Monitoring Officer comments	For the purposes of making a recommendation in respect of the CPO, the Executive needs to be reassured from the information supplied that there is justification for making a CPO.
Financial Monitoring Officer comments	No comment with regard to CPO order. When the funding package to enable purchase is being prepared, finance advice and support will be sought to ensure appropriate accounting treatment of the grant arrangement and subsequent grant monitoring and claims process.

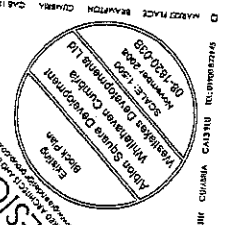
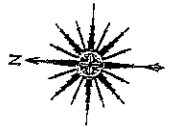
Please say if this report will require the making of a Key Decision YES

EXEC 10.02.09

ALBION ST.

APPENDIX

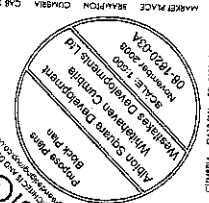
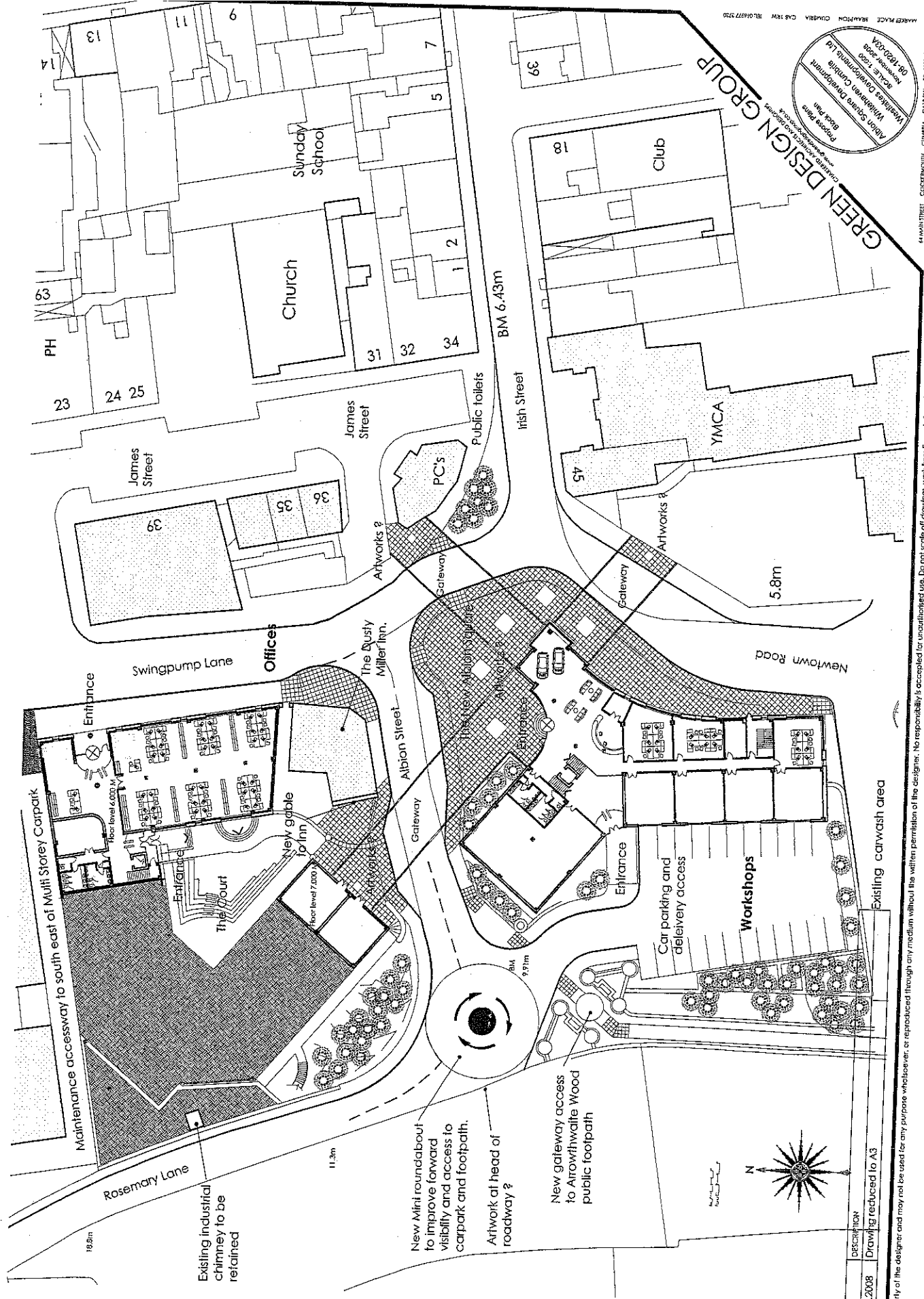
GREEN DESIGN GROUP



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RV	DATE	DESCRIPTION	
A	07.11.2008	Drawing reduced to A3	

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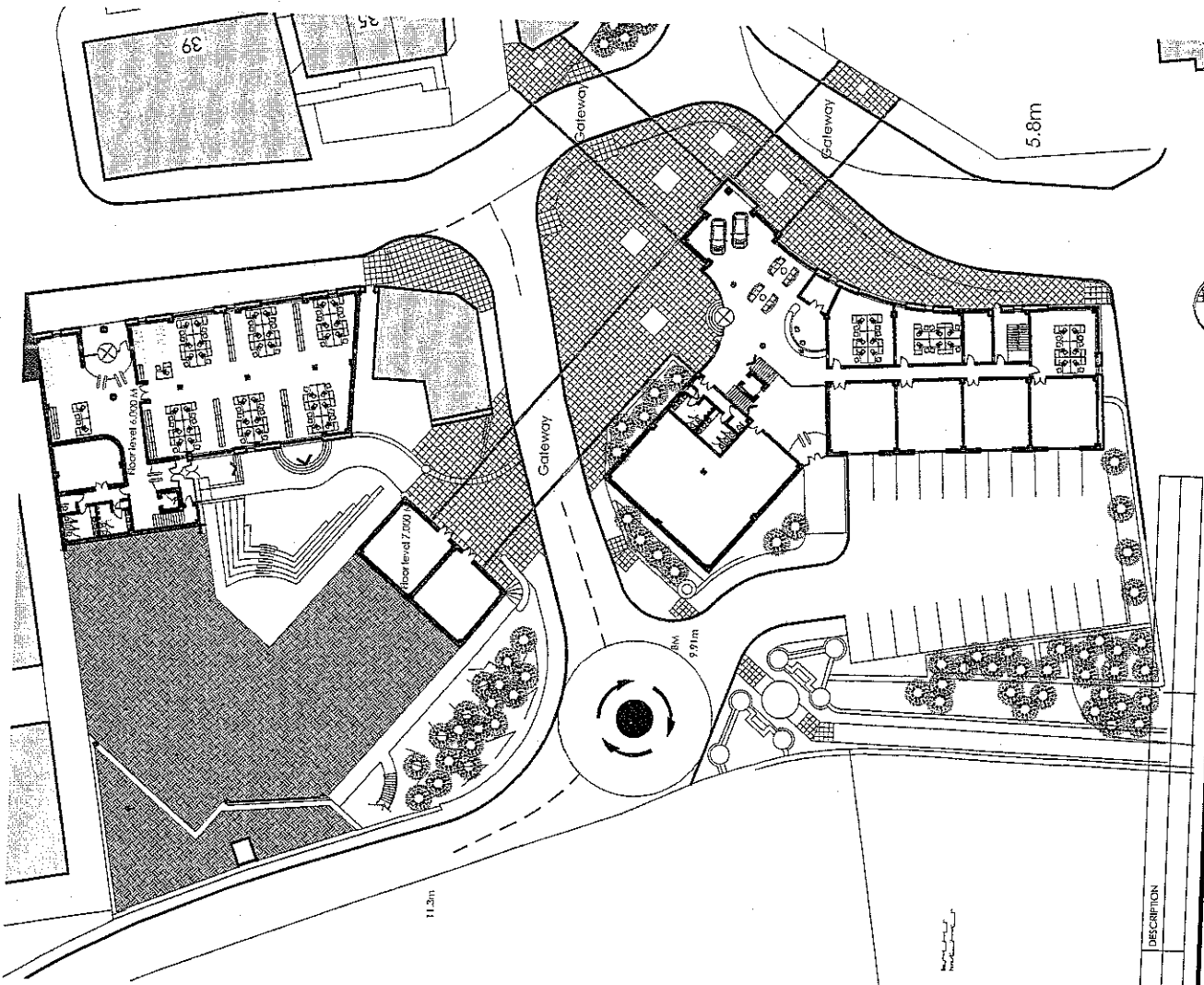
44 MAN STREET COCKSHOTT CUMMA CA37 9UJ TEL: 01787 27211



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 APPENDIX 2



SITE AND FLOOR AREAS	SITE AREA	GROSS	NET
OFFICES			
SITE AREA	2466 SQ M.		
LEVEL ONE		750 SQ M.	680 SQ M.
LEVEL TWO		1489 SQ M.	1383 SQ M.
LEVEL THREE		1413 SQ M.	1302 SQ M.
LEVEL FOUR		697 SQ M.	640 SQ M.
TOTAL FLOOR AREA		4349 SQ M.	4005 SQ M.
WORKSHOPS			
SITE AREA	2605 SQ M.		
LEVEL ONE		967 SQ M.	904 SQ M.
LEVEL TWO		980 SQ M.	910 SQ M.
LEVEL THREE		515 SQ M.	468 SQ M.
TOTAL FLOOR AREA		2462 SQ M.	2282 SQ M.

Phase one footprint building to
Swingpump Lane.
Ground floor 576 SQ Metres
First floor 576 SQ Metres
Second floor 423 SQ Metres
Total 1575 SQ Metres

D	C	REV	DATE	DESCRIPTION

GREEN DESIGN GROUP

44 AVON STREET COCKSHOPEL COMBE, CHISTON, WILTSHIRE

Project: Alport Square Development
Site Area: 2466 SQ M.
Scale: 1:200
Drawing No: 04-1029-27
Prepared: Alan Owen
Checked: Alan Owen
Drawn: Alan Owen

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