

Cabinet - 8 February 2006

Joint Report of the Directors of Urban Environment and Law and Property

Dudley Area Development Framework: Cavendish Quarter Compulsory Purchase Powers

Purpose of Report

1. To consider the use of compulsory purchase powers, if necessary, to facilitate the implementation of the Dudley Town Centre Area Development Framework (ADF) vision for the Cavendish Quarter and to authorise the acquisition of property and rights within the proposed Compulsory Purchase Order (CPO) by agreement.

Background

Dudley Town Centre ADF

2. The Borough of Dudley revised Unitary Development Plan was adopted in October 2005 and the ADF has been adopted as supplemental planning guidance. Cabinet made a resolution in September 2005 to use CPO powers to protect and assemble five of the nine Opportunity Areas identified in the ADF. It was envisaged that further resolutions would be made over the coming years as schemes came forward and sources of funding were identified. The Cavendish Quarter Opportunity Area has been selected by English Partnerships as a pilot scheme under their National Brownfield Land Strategy which aims to identify the barriers to bringing derelict or under-utilised spaces and buildings into productive use so as to provide a catalyst for further regeneration and investment in the locality. English Partnerships have offered to fund the acquisition of Cavendish House and also its demolition (if required) to kick-start interest in redevelopment by assembling a critical mass land in Council ownership to attract a development partner to undertake a suitable scheme. It is therefore now appropriate to bring forward a project to redevelop the site and to use CPO powers, if necessary, to acquire Cavendish House and the land adjoining in preparation for a scheme to go ahead. When a developer/funder has been found it may then be appropriate to make another CPO resolution to cover the remainder of the Cavendish Quarter Opportunity Area.

Forward Plan

3. This is a Key Decision and appears on the Forward Plan under reference 0233.

Consultation

4. As part of the preparation of the ADF the idea of priority development sites or "Opportunity Areas" was proposed and widely supported by the public and key stakeholders. The Framework shows the proposed locations for the opportunity areas together with the range of recommended uses and type of development most suited to each of them. . English Partnerships also undertook there own public consultation on

brownfield sites in the ADF area and Cavendish House received the most nominations for action.

Need for Compulsory Purchase

5. In order to realise the overall vision for the town centre expounded in the ADF each Opportunity Area needs to be developed in a consistent and comprehensive manner. This will require the assembly of the sites into one ownership by means of agreement or, if necessary, compulsory purchase whether the sites are developed by the Council or a private developer. In the absence of any CPO there are likely to be planning applications made on parts of these sites which will frustrate the overall aims of the Council and there may be some “cherry picking” of key parcels of land by speculators. The implementation of the ADF is expected to be phased over 10 or 15 years and to avoid unnecessary blight within the town it is essential that a resolution to use CPO powers is only made where there is a prospect of early development. Discussions have been entered into with the owners of Cavendish House by both the Council and latterly by English Partnerships with a view to securing either a sale or some form of partnership scheme to enable redevelopment of the site. Although the owners are willing to negotiate it is not guaranteed that they will eventually cooperate and CPO powers are needed if the site is to form part of the proposed scheme to bring forward the vision for the site as set out in the ADF.

Finance

6. The passing of a resolution to use CPO powers does not in itself commit the Council to acquire premises or proceed to make the actual order. It is, however, a statutory event which permits the service on the Council of Blight Notices by owners of qualifying premises. If a Blight Notice is upheld then the Council will be forced to acquire the premises in advance of the scheme and the lack of funds is not a valid reason to refuse to accept a Blight Notice. Before making a resolution the Council will need to have a source of funding to cover any Blight Notices which may be anticipated. English Partnerships have offered to fund the acquisition and to cover any other costs incurred by the Council. Therefore the recommendation in this report alone does not effect current budget allocations.

Law

- 7 Section 226 (1) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 gives a local planning authority power to acquire compulsorily any land or acquire new rights in their area if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land, and if they think that the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social and environmental well-being of their area.

Section 227 of the Town and Country Planning Act confers specific but widely drawn powers on a local planning authority to purchase by agreement any land which is required for development or other planning purposes, as defined by section 226 - see above.

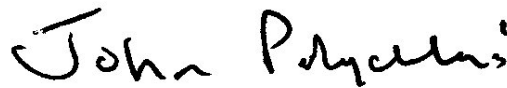
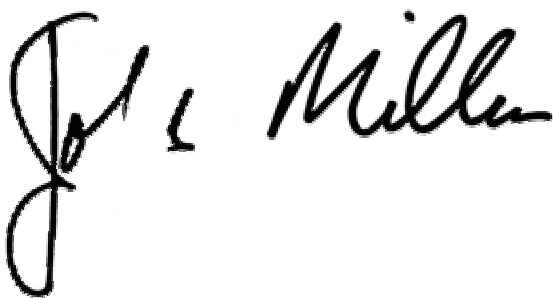
Section 120 of the Local Government Act 1972 permits a planning authority to acquire land by agreement for any of its authorised purposes.

Equality Impact

8. There will be no impact on equal opportunities or diversity as a result of the passing of the resolution to use CPO powers.

Recommendation

9. It is recommended that:-
 1. Subject to English Partnerships or their development partner entering into a suitable indemnity agreement to cover any costs incurred, the Council makes a Compulsory Purchase Order(s) under Section 226 (1) (a) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of the land shown on the Plan attached, or the acquisition of new rights, for the purpose of securing mixed use development including, office, residential, leisure, ancillary retail and car parking in accordance with the proposals more fully described in the Dudley Town Centre Area Development Framework.
 2. The Director of Law and Property in consultation with the Cabinet Member for Economic Regeneration be authorised to: -
 - (i) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order(s) including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
 - (ii) acquire interests in land and new rights within the compulsory purchase order(s) either by agreements or compulsorily; and
 - (iii) Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order and/or making arrangements for relocation of occupiers.
 3. That the Director of Law and Property be authorised to negotiate and complete any undertakings with English Partnerships regarding costs and any required development agreement(s) prior to the making of any Order(s).



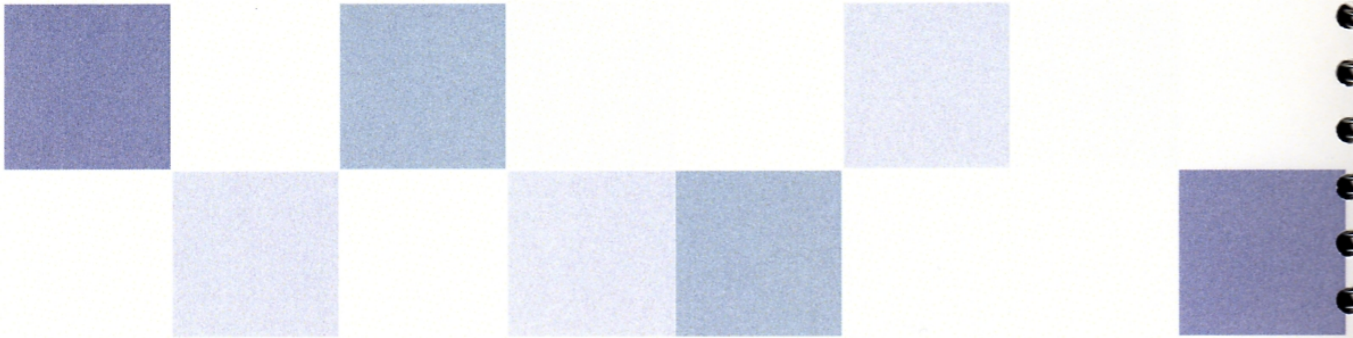
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List of Background Papers

Extract from Dudley Town Centre ADF



Cavendish Quarter



Area description

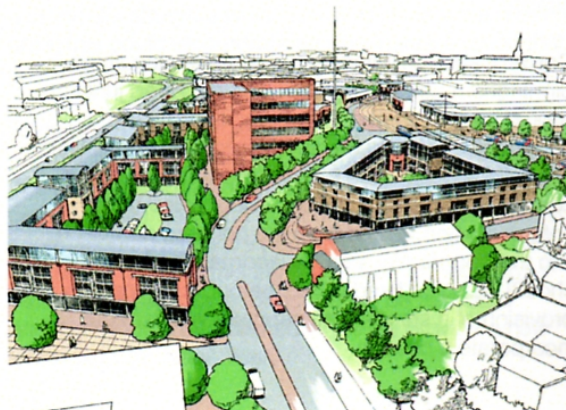
The Cavendish Quarter opportunity area is located to the south east of the town centre and adjoins the southern bypass. It is bounded on the north west by Trindle Road and Hall Street to the south west. The area is dominated by the vacant Cavendish House building. A few rather neglected retail units front Hall Street and part of Trindle Road.

Within the area an important opportunity site (site i - Hall Street / Porter Street) is identified within the revised deposit UDP (Policy DTC2 (XIV)). A mix of business, hotel, residential and leisure uses are identified as being acceptable, with retailing acceptable fronting Hall Street round to Porter Street which bisects the area. Elsewhere retailing is identified as being an unacceptable use. Specific design requirements are identified as being a strong elevational treatment to Hall Street, Trindle Road and the southern bypass, with Porter Street being used as the principal point of access for servicing.

Vision

Occupying a prominent location on the south eastern edge of the town centre, Cavendish Quarter will be stylish and contemporary place to experience town centre living, within easy reach of public transport, shops, bars and restaurants. Focused around a re-configured and converted Cavendish House, a prominent if not currently valued landmark, new apartment buildings offering loft style accommodation will be grouped to form courtyards within which shared gardens and parking areas will be discreetly accommodated.

In the Hall Street area, existing fine buildings (no's 41 and 42) will be retained and a new mix of retail units with apartments above introduced around them. This will help to strengthen the townscape qualities of this approach into the town centre and also help to frame the new square at Prospect Place with a prominent corner building potentially incorporating public art. Pedestrian and vehicular access will be enhanced through the construction of a new Porter Street bridge over the bypass, re-establishing connection with the residential community beyond. The existing footbridge connection to Wolverton Road will be enhanced through improvements to the public realm in Cavendish Quarter.





Development components

Access – principal points of access should be taken from Trindle Road and Hall Street. There is potential for a new access across the southern by-pass through construction of a Porter Street bridge to carry vehicles and pedestrians. The existing Wolverton Road pedestrian footbridge should be enhanced by improving the quality of connections to Trindle Road.

Key frontages – well defined development should front Hall Street and Trindle Road, with frontages also onto Porter Street. Frontages to Hall Street and the Trindle Road/King Street junction should be continuous to ensure strong containment of streets and spaces to the west and to emphasise the gateway function of Hall Street.

Gateways – principal access points off Hall Street, and the Trindle Road/Porter Street junction should be emphasised with strong built form. Pedestrian access from Trindle Road to the bypass footbridge should also be improved by the creation of an attractive space at the bridge landing point.

Corners and landmarks – the corner of Trindle Road and King Street should be emphasised through strong built form providing a focus when viewed from Prospect Hill to the north. The corner of Hall Street and King Street should also be carefully designed as it is prominent when viewed from the southern approach from King Street. Development on the corner of Hall Street adjoining the southern bypass should signal arrival into the town centre with a prominent corner feature. As a local landmark Cavendish House should be given a new lease of life through conversion ideally to residential use.

Viewpoints and vistas – principal viewpoints to the site are from the southern bypass and King Street. Development should create a positive impression for the town centre when viewed from these vantage points.

Built form – built form should respond to the height of Cavendish House, with development of up to four or five stories towards the rear of the site but preserving the seven story tower as the dominant built element. The retained 41 and 42 Hall Street should also be sensitively stitched into the development in terms of the height and character of adjoining buildings.

Mix of uses – residential development will be the key land use. Commercial ground floor uses should be considered along Hall Street, King Street and the southern part of Trindle Road.

Accommodating the car – parking for apartments should be accommodated within courtyards and parking areas largely enclosed by development, or by utilising undercrofts and semi-basement areas. Parking should be well overlooked and carefully landscaped to minimise visual impact.

Public realm – two key public realm elements should be incorporated into the development. The first is a new public square at the western end of the bypass footbridge to strengthen connection between Trindle Road and Wolverton Road. The second is the Porter Street area where it will be important to establish a high quality, well surveilled street environment. The southern corner of Porter Street adjoining Trindle Road should be designed as an important element of the Prospect Place square.

Appendix: Plan of Cavendish House Proposed CPO

