

**Report of:** Strategic Director, Physical Environment

**To:** Executive Board

**Date:** 19th March 2007

**Item No:**

**Title of Report :** Westgate and Albion Place Redevelopment –  
Appropriation of Sites



### Summary and Recommendations



**Purpose of report:** To resolve to appropriate land required for the main  
Westgate scheme and replacement housing site for planning purposes



**Key decision:** No

**Portfolio Holder:** Councillor Goddard

**Scrutiny Responsibility:** Finance

**Ward(s) affected:** Carfax

**Report Approved by:** Councillor Goddard, (portfolio holder  
Sharon Cosgrove, Strategic Director  
Sarah Fogden, Financial Services  
Jeremy King, Legal Services

**Policy Framework:** Oxford Local Plan 2011-2016;  
Asset Management Plan, 2006

**Recommendation(s):**

**Site shown on Plan 1**

If the CPO is confirmed and to the extent that it is not already held for such purposes the land shown edged black on Plan 1 be appropriated for planning purposes as described in Section 122 of the Local Government Act 1972 and in Section 237 of the Town and Country Planning Act 1990 on the date immediately before the Council makes a vesting declaration or serves notice pursuant to the confirmed CPO, such land being then no longer required for the purposes for which it is currently held.

## **Site shown on Plan 2**

To the extent that it is not already held for such purposes, the land shown edged black on Plan 2 be appropriated for planning purposes as described in Section 122 of the Local Government Act 1972 and in Section 237 of the Town and Country Planning Act 1990, with immediate effect.

### Introduction and Background

1. The Executive Board resolved on 20th November 2006 that it was satisfied that the Westgate redevelopment is likely to contribute to achieving the promotion or improvement of economic social and environmental wellbeing of the City, and that a Compulsory Purchase Order (CPO) was therefore necessary in order to acquire land needed to secure the carrying out of development, redevelopment or improvement, under the terms of Section 226 (1) (a) of the Town and Country Planning Act 1990.
2. As indicated in the report of 20th November 2006, a referencing exercise has been carried out in order to identify all interests within the proposed order land, which may need to be acquired.
3. The two areas of land proposed for appropriation ("the Sites") are shown edged black on the attached plans numbered, Plan 1 and Plan 2. The larger site shown on Plan 1 comprises most of the Council owned land within the area covered by the proposed CPO. The smaller site to be appropriated, (shown on Plan 2) is at Albion Place. On 13th February 2007, the Council resolved to grant planning consent to construct 14 flats at Albion Place.

### Appropriation under Section 122 Local Government Act 1972

4. The two Sites comprise Council owned land within the main CPO site together with Albion Place. The Council can appropriate land for any purpose for which it is authorised to acquire land by agreement. The consequence of appropriation (by virtue of Section 237 of the Town and Country Planning Act 1990) is that the erection, construction or carrying out of any building or work on such land (whether done by the local authority or by a person deriving title under them) is authorised, if done in accordance with planning permission, notwithstanding that it may involve interference with third party rights.
5. One of the prerequisites for appropriation is that the Council must be satisfied that appropriation is necessary in order to secure the carrying out of development redevelopment or improvement which is likely to achieve the promotion or improvement of the economic, social or environmental well-being of the Council's area. These criteria were satisfied at the time of the November 2006 resolution and it is officers view that this remains the case. The same factors also apply to Albion Place, since provision of these dwellings will assist in delivering the

main scheme, in the event that this becomes necessary and appropriate.

#### Current Use of the Sites

6. The site on Plan 1 includes the existing shopping centre, and car parks in the ownership of the Council. The Albion Place site on Plan 2 was formerly a staff car park, and has been disused for some time
7. From existing Council records, it would appear that the majority of the site on Plan 1 is already held by the Council for planning purposes.

#### Proposed Appropriation

8. Members should only resolve to appropriate for another purpose if satisfied that the land within each Site is no longer required for the purpose for which it is held. In relation to the site on plan 1 the appropriation will not come into effect until confirmation and first implementation of the CPO. At that stage the Site on Plan 1 will no longer be required for any other purpose. The site on Plan 2 is no longer required as a car park, and in order to progress development, can be appropriated immediately.
9. Part of the Site on Plan 1 comprises open space and needs to be appropriated following the procedure under section 122 (2A) of the Local Government Act 1972. Notice of intention to appropriate has been advertised prior to this meeting, and any responses received will be reported orally to members. Replacement open space is being provided as part of the scheme.
10. It is therefore recommended that Members appropriate the whole of each Site for planning purposes, to take effect following confirmation and implementation of the CPO in case of the main site on Plan 1, and with immediate effect in the case of the Albion Place site on Plan 2., so that development can commence in the next few weeks.
11. Preparations for the main scheme (as described in paragraph 8 of the previous report) are at an advanced stage – the section 106 agreement will shortly be completed, and the compulsory purchase order is being finalised for submission to the Secretary of State.

#### Legal Implications

- 11 These are set out in paragraphs 4 and 5

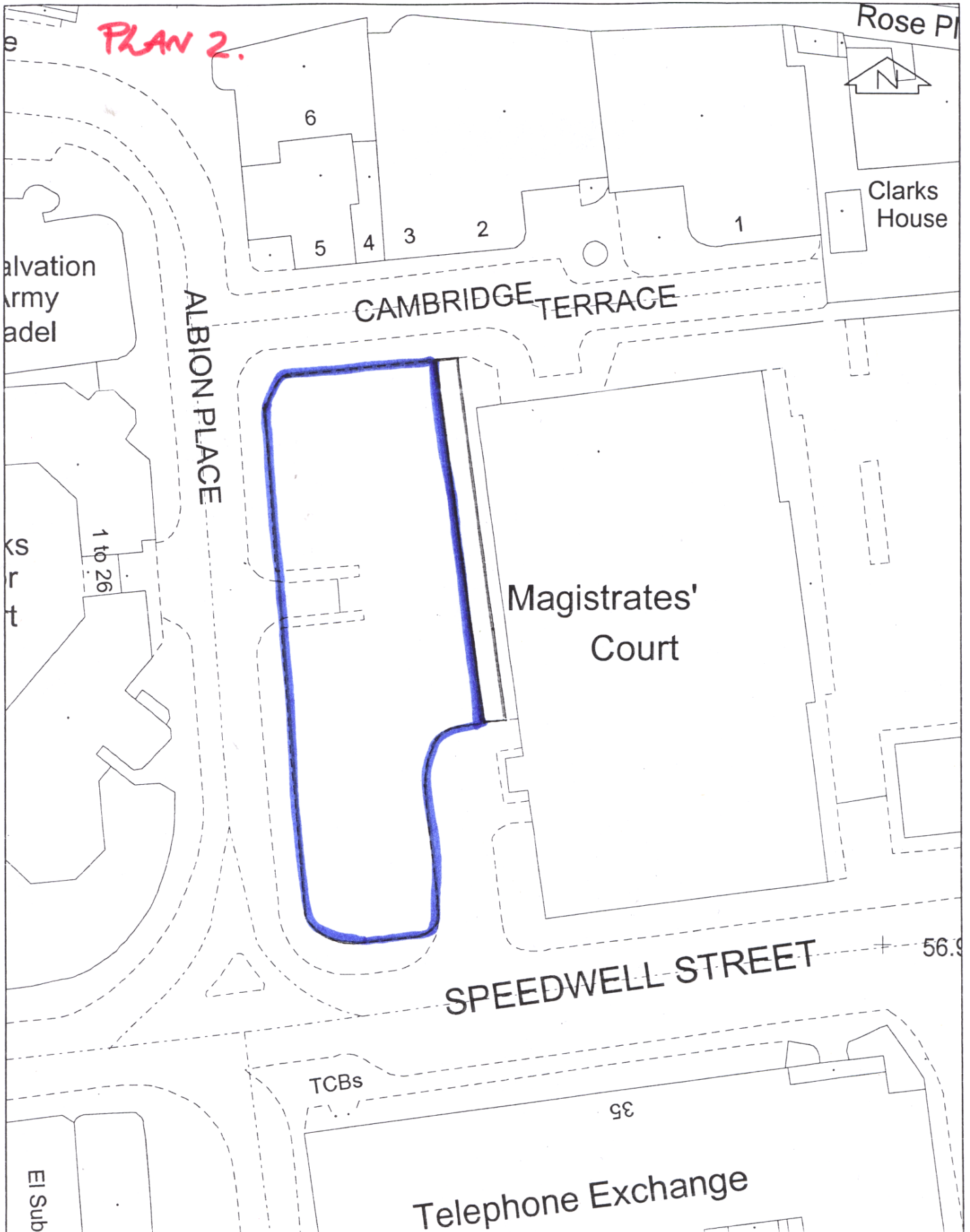
#### Financial Implications

- 12 None at this stage.

**Name and contact details of author: Martin Lyons**

Tel 01865 252138  
[mlyons@oxford](mailto:mlyons@oxford.gov.uk) gov.uk  
Background papers: None





Title: LAND AT ALBION PLACE

Scale: 1:500; Map Reference: SP5105NW

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**OXFORD CITY COUNCIL**  
**Financial & Asset Management**

