

Report of: Strategic Director, Physical Environment

To: Executive Board

Date: 10th September 2007

Item No:

Title of Report : Albion Place Redevelopment – Appropriation of the Site



Summary and Recommendations



Purpose of report: To resolve to appropriate land required for the replacement housing site at Albion Place 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, Finance and Asset Management
Lindsay Cane, Legal Services

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

Recommendation(s):



To the extent that it is not already held for such purposes, the land shown shaded black on the Appendix be appropriated for planning purposes as described in Section 122 of the Local Government Act 1972 and in Section 148 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. On 13th March 2007 the Board approved in addition to the land required to construct the Westgate redevelopment scheme, the appropriation of an area of land shown edged black on the attached Appendix, at Albion Place to allow the construction of 14 two bedroom flats.
3. The small area of land shaded black on the plan was unfortunately omitted from the original appropriation report.
4. It is this small strip upon which consent is now sought for appropriation for planning purposes.

Appropriation under Section 122 Local Government Act 1972

5. The site comprises Council owned land at 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.
6. 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 regarding the Westgate redevelopment 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

7. The Albion Place site was formerly a staff car park, and has been disused for some time.

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. Albion Place is no longer required as a car park, and in order to progress development, can be appropriated immediately.
9. It is therefore recommended that Members appropriate the balance of the Albion Place site for planning purposes so that the proposed residential development can commence in the next few weeks.

Legal Implications

10. These are set out in paragraphs 4 and 5

Financial Implications

11. None at this stage.

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Background papers:

None



