

RECORD OF EXECUTIVE DECISION

Monday, 11 April 2011

Decision No: (CAB 10/11 6187)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	CABINET MEMBER FOR HOUSING
SUBJECT:	PHASE 2 ESTATE REGENERATION PROGRAMME - CUMBRIAN WAY
AUTHOR:	Neville Payne

THE DECISION

- (i) To approve the principle of the sale of Cumbrian Way Parade to Radian Group.
- (ii) To delegate authority to the Executive Director for Neighbourhoods, in consultation with the Solicitor to the Council, Head of Finance and Head of Property and Procurement, to agree the terms of the land sale conditional on planning permission being obtained for the proposed scheme and to make any consequential amendments to the terms of the Council's Funding Agreement with the Homes and Community Agency (HCA) and specifically to ensure that:
 - The intentions of the purchaser with regard to the subsequent redevelopment of the site are consistent with the terms of the Funding Agreement with the HCA such that, as long as the purchaser delivers on those non-binding intentions there would be no repayment to the HCA but if they were not delivered, the financial exposure is limited to the sums received from the HCA in relation to Cumbrian Way.
 - The disposal represents best consideration and
 - The Council secures vacant possession of the site
- (iii) Delegate authority to the Solicitor to the Council to amend, finalise and sign the land disposal documents
- (iv) Delegate authority to the Head of Property and Procurement to negotiate and agree the purchase of the parcel of land shown edged red on Appendix 1 (being Cumbrian Way Shopping Parade)
- (v) (a) That subject to reasonable attempts to negotiate the acquisition of the parcel of land referred to in paragraph (iv) above having failed, that the Solicitor to the Council be authorised to make a Compulsory Purchase Order to acquire the parcel of land and any necessary rights for the parcel of land at Cumbrian Way Shopping Parade as shown edged red on the map in Appendix 1, being within the Council's Phase 2 Estate Regeneration Programme, under Section 226(1) (a) Town and Country Planning Act 1990 for the purpose of facilitating the carrying out of redevelopment and improvement of the land.

(b) The Solicitor to the Council be authorised to approve the basis of each Statement of Reasons for making the Compulsory Purchase Order as set out in Appendix 2.

- (vi) The Solicitor to the Council be authorised:
- a. To make, advertise and secure confirmation and implementation of the Compulsory Purchase Order referred to in paragraph (iv) above.
 - b. To acquire interests in or rights over the land shown edged red on Appendix 1 either by agreement or compulsorily.
 - c. To amend the Statements of Reasons referred to in Appendix 2 above as required.
 - d. To approve agreements with land owners setting out the terms for withdrawal of any objections to any of the Compulsory Purchase Order (to include payment of compensation), including where appropriate seeking exclusion of land from any Order.
 - e. To represent the Council in any Inquiry into the confirmation of the Compulsory Purchase Order.
 - f. To approve (once vacant possession and planning permission has been obtained) the service of a Final Demolition Notice and the demolition of the buildings and structures on the land edged red in Appendix 1.

REASONS FOR THE DECISION

The Council's estates offer the potential for the development of new and better homes and to benefit from more mixed tenure communities. This Report proposes a way forward for the delivery of regeneration on the final phase 2 site.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. The option of doing nothing would not achieve the Council's objectives for the Estate Regeneration Programme and not taking the steps identified within this Report increases the risk of delay to the projects.
2. If the decision is taken not to dispose of the site subject to planning permission and vacant possession, then there are realistically only two other alternatives.
 - a. Retender the site to identify and appoint a developer possibly via the accelerated restricted procedure. This would not only delay the regeneration of the site, but, considering the previous procurement option did not realise a preferred developer which the Council considered had made a development offer capable of acceptance, is not guaranteed to result in an award, albeit that if an award was capable of being made, the developer would be contractually bound to undertake the development works in contrast to a pure land sale contemplated by this report.. Also, the necessary time to retender would increase the risk of not meeting the timescales set out in the Funding Agreement with the HCA.
 - b. For the Council to be the lead developer, similar to the LA New Build sites. Whilst a budget has been set aside for this, this would be a significant financial commitment from the Council.

3. Not to proceed with the redevelopment of this site would fail to deliver the Council's regeneration ambitions and mean residents and businesses within this site have been significantly disrupted with no improvements to their homes and neighbourhood.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

None

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date:
11 April 2011

Decision Maker:
The Cabinet

Proper Officer:
Ed Grimshaw

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*