



NORWICH City Council

Committee name: Cabinet

Committee date: 14/12/2022

Report title: Compulsory purchase of 238A Dereham Rd (site of former Earl of Leicester Pub) and land adjoining Lime Kiln Mews

Portfolio: Councillor Stonard, Cabinet member for inclusive and sustainable growth

Councillor Waters, Leader of the council

Report from: Executive director of development and city services

Wards: Nelson Ward and Mile Cross Ward

OPEN PUBLIC ITEM

KEY DECISION

Purpose

To obtain delegated authority to acquire two sites via separate Compulsory Purchase Orders (CPO's). The sites are:

1. Former site of Earl of Leicester pub, 238A Dereham Road, Norwich
2. Land adjoining Lime Kiln Mews, Drayton Road, Norwich

Recommendation:

That Cabinet approves:

1. Making a CPO under the Acquisition of Land Act 1981 and section 17(1)(a) of the Housing Act 1985, for the acquisition of the Former site of Earl of Leicester pub, 238A Dereham Road as registered under title number NK120838 and as identified on the plan in Appendix 1 for the purposes of the provision of housing accommodation.
2. Making a CPO under the Acquisition of Land Act 1981 and section 17(1)(a) of the Housing Act 1985, for the acquisition of the Land at Lime Kiln Mews, Drayton Road as registered under title number NK294086 and as identified on the plan in Appendix 2 for the purposes of the provision of housing accommodation.
3. Delegating authority to the executive director of development and city services, in consultation with the executive director of corporate and commercial services, the leader of the Council, the portfolio holder for resources, and the portfolio holder for sustainable and inclusive growth, in relation to the two sites to:

- a. take all necessary steps to secure the making, confirmation and implementation of the CPOs including the publication and service of notices and all other associated procedural steps.
 - b. acquire the two sites whether by voluntary agreement or compulsorily using the statutory powers Acquisition of Land Act 1981 and section 17(1)(a) of the Housing Act 1985
 - c. develop a scheme for development of the two sites for residential use if required (including any necessary site investigations) and to submit planning applications for the proposals.
 - d. once acquired (and following securing of planning consent as appropriate), dispose of the two sites to an appropriate developer partner who shall develop the sites for residential use, subject to all due diligence. In the event that this cannot be achieved, and subject to the judgement of the executive head of development and city services, to sell the site on the open market with a condition of sale that it is developed and used for residential development within a specified timeframe.
 - e. issue and serve any warrants to obtain possession of the two sites once acquired by the Council following the execution of a General Vesting Declaration or service of a notice of entry if it is necessary to obtain vacant possession
 - f. suspend or abandon the CPO proceedings or withdraw an order for either of the two sites on being satisfied that one or both sites will be satisfactorily developed and occupied in a reasonable timescale.
 - g. take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending proceedings
 - h. take all other necessary action to give effect to these recommendations.
4. Delegating authority to the executive director of development and city services, in consultation with the executive director of corporate and commercial services, the leader of the Council, portfolio holder for resources, and the portfolio holder for sustainable and inclusive growth, to approve the use the Council's powers under of Section 203 of the Housing and Planning Act 2016 to appropriate land for planning purposes and override the existing rights and covenants within or on the two sites that would be infringed by or impede the construction, operation or maintenance of the development of residential property.

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the 'Norwich has the infrastructure and housing it needs to be a successful city' corporate priority

This report addresses the 'provide and encourage others to provide new homes, open spaces, and infrastructure for residents' and the 'secure and manage funds from a range of sources to invest in the city' priority or action in the Corporate Plan

This report helps to meet housing strategy adopted policy of the Council

This report helps to meet the housing, regeneration, and development objective of the COVID-19 Recovery Plan

Background

1. In 2020 the Council acquired the former site of the Kings Arms public house at 100 Mile Cross Road through the Compulsory Purchase process. The site had lain derelict for a number of years and had become an eyesore and a magnet for anti-social behaviour. Construction of five houses for social rent was completed in November 2022, the success of this project led to the Council seeking to replicate it on other stalled sites.
2. In 2021 the Council received £4.9m of capital and £0.5m of revenue funding for its Revolving Fund, which operates within Norwich City Council's Towns Deal programme. The Revolving Fund has the objective of unlocking long-term stalled or distressed brownfield sites and will enable the delivery of residential and mixed-use development to meet the needs of a growing and dynamic city economy and support regeneration. The Revolving Fund allows the Council to bring forward derelict, vacant and unused sites to improve Norwich, bring forward much needed new housing, attract further investment and address problem sites that blight their neighbourhoods.
3. This is to be achieved through the acquisition of stalled sites with the intention of then selling them on for development. The Revolving Fund provides the resources to cover the costs and risks associated with these site acquisitions, whether through negotiation with the landowners or through Compulsory Purchase Orders (CPOs). It also covers the costs of securing a deliverable planning consent, where required.
4. The risks associated are managed via a thorough site selection process, assessing sites for suitability against strict criteria, prior to any decision on acquisition. The Council's decision-making is supported throughout by expert advice from a multi-disciplinary property consultancy, who lead on examination and assessment of sites and engagement with their owners.
5. In November 2021 Cabinet agreed to the appointment of an external property advisor to support the Council in identifying appropriate sites, engaging with their owners and advising on and undertaking preparation for CPO activity.
6. Where negotiation with owners appears unsuccessful and sufficient justification exists for acquisition of sites via a Compulsory Purchase Order, Cabinet approval to undertake all steps required to prepare and serve a CPO is required. This is the subject of this report.
7. The Council and its property advisor are working to secure a delivery partner to ensure timely development on each site.
8. In February 2022 Cabinet agreed to delegate authority to the executive director of development & city services (in consultation with the leader of the Council, portfolio holder for resources, portfolio holder for sustainable and inclusive growth and S151 Officer) to negotiate and purchase sites using the Revolving Fund.
9. In June 2022 the executive director of development & city services recorded an officer decision as follows:

- To authorise the council's property advisor to explicitly refer to CPO in negotiations with the owners of identified phase 1 sites.
- To approve in principle the use of the Council's compulsory purchase powers to acquire third party rights and interests for sites identified in phase 1, subject to further due diligence and recognising that ultimately, a decision to CPO a property will require a formal approval process.
- To progress any other preparatory work prior the making of any compulsory purchase order including appropriate land referencing work, as necessary to deliver the principles of the Norwich Revolving Fund.

10. Following appointment in December 2021, the Council's property advisor assessed a candidate list of sites for potential acquisition by the Revolving Fund. Owners were contacted in order to establish their intentions regarding site development and potential delivery routes considered. The Council's advisor undertook valuation work on all candidate sites, these formed the basis of offers to the owners to acquire the two sites considered within this report. Financial offers have been made in line with the statutory Compensation Code

Former site of Earl of Leicester pub, 238A Dereham Road

11. 238A Dereham Rd has been subject to historic planning permissions which have failed to be implemented or have seen formal implementation of a consent followed by long periods of inactivity. Details of the planning history follows.

Planning history
2007 - planning consent approved (06/01039/F) for development of 12 flats with associated parking and communal areas
2010 - time to implement permission extended to May 2013 (10/00285/D)
2013 - pre commencement conditions discharged (13/00285/D)
Permission 13/00285/D has since lapsed
November 2022 – New planning application 22/01471/F for 9 dwellings received and validated

12. In 2018 (following an award of funding from the Norfolk Business Rates Pool) consultants were appointed to engage directly with the owners of a number of stalled sites including 238A Dereham Road and the former Kings Arms site referred to in paragraph 1 above. The objective was to identify the blocks to site development and the owners' appetite for taking these forward.

13. Correspondence with the site owners was ongoing between 2018 and 2020 but did not result in submission of a new planning application. During development work on the Revolving Fund programme the site was therefore identified as a candidate site for unlocking through acquisition by the Council.

14. Following commencement of the Revolving Fund programme, the Council's property advisor undertook a valuation of the site in March 2022 and subsequently contacted the site owner in order to discuss options for development.

15. In August 2022 (under the delegated authority referred to in paragraph 8) the council made an offer for the site in line with the most recent valuation, this was declined. Details are supplied in the exempt appendix.
16. In November 2022 a new, full planning application for 9 properties on the site was received and validated. This will be determined in line with the timescales and approach required to resolve the issue of nutrient neutrality currently affecting all new development in Norwich.
17. A meeting took place between the site owners and the council on 30 November 2022 at which the owners and their agent expressed willingness to progress development of the site as soon as possible. It should be noted that considerable resource appears to have been committed into bringing forward the planning application. At the meeting officers were assured that they would be provided with a timetable for the scheme to be developed subject to both planning approval and resolution of the nutrient neutrality issue.

Justification for CPO – 238A Dereham Rd

18. It is the Council's intention that subject to a satisfactory timetable being agreed, the Compulsory Purchase Order would not be made, *provided* the developer is making reasonable efforts to comply with the timetable. Nevertheless, having a Cabinet resolution in place to enable the CPO to be made if necessary is considered a helpful step.
19. The site has been vacant for a considerable number of years. It is therefore appropriate to use CPO so that a mechanism is in place to ensure the benefits of redevelopment can be realised within a reasonable timescale in the event the owner does not develop the site in line with the most recent application for planning permission. The LPA would be expected to impose appropriate conditions on the development timescale in the event that the recent planning application is approved.
20. The Council has sought pre-application advice from the LPA on development constraints on the site in order to demonstrate that appropriate development is deliverable. Advice was sought on a scheme which had been subject to appraisal by the Council's property advisor and demonstrated to be commercially viable.
21. In recent months all new development in Norwich has been subject to significant potential delay in determination due to the issue of nutrient neutrality. This concerns the need to identify appropriate mitigation for discharge of nutrient pollution to the sensitive environment of the Norfolk Broads and affects all new development in Norwich. The issue does not however prevent developers from submitting planning applications and undertaking associated work.

Land adjoining Lime Kiln Mews, Drayton Road

22. This land has been subject to historic planning permissions which have failed to be implemented or have seen formal implementation of a consent followed by long periods of inactivity. Details of the planning history follows.

Planning history

2006 - planning consent approved (04/01112/O) comprising 18 flats and 15
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houses with associated car parking, garages, access road and site works
2012 - planning consent approved (11/02000/F) for nursing and dementia care home
2015 - planning consent approved (15/00024/F) for 29 residential units and associated landscaping and highways
2019 - application (19/00837/F) for 29 residential units – awaiting determination (delay due to absence of information from applicant to allow determination)

23. The site has a history of planning consents which have not been implemented, most recently in 2015. Planning application 19/00837/F remains undetermined, since agreement has not been reached on provision of affordable housing.
24. Following commencement of the Revolving Fund programme, the Council's property advisor undertook a valuation of the site in March 2022 and subsequently made contact with the site owner in order to discuss options for development.
25. In August 2022 the Council made an offer for the site in line with the recent valuation, this was rejected in October. Details are supplied in the exempt appendix.

Justification for CPO – land adjoining Lime Kiln Mews

26. The site has been vacant for a considerable number of years. Based on past history and on the failure to adequately resolve the most recent planning application, the Council has limited confidence in the owner's commitment to bringing it forward within the foreseeable future.
27. Recent attempts to discuss acquisition of the site at a realistic value have been unsuccessful, therefore it is appropriate to use the CPO route if necessary. This ensures that a mechanism is in place to ensure the benefits of redevelopment can be realised within a reasonable timescale.
28. Ultimately the Council wishes the site to come forward, whether this be with the assistance of the Revolving Fund or through the existing owner. If the owner demonstrates a commitment to developing the site themselves and works to ensure a deliverable planning consent is in place, the Local Planning Authority (LPA) would be expected to impose requirements to ensure timely development takes place.
29. The Council has sought pre-application advice from the LPA on development constraints on the site in order to demonstrate that appropriate development is deliverable. Advice was sought on a scheme which had been subject to appraisal by the Council's property advisor and demonstrated to be commercially viable.
30. In recent months all new development in Norwich has been subject to significant potential delay in determination due to the issue of nutrient neutrality. This concerns the need to identify appropriate mitigation for discharge of nutrient pollution to the sensitive environment of the Norfolk Broads and affects all new development in Norwich. The issue does not however prevent developers from submitting planning applications and undertaking associated work.

The CPO Process

31. A CPO allows a local authority to acquire land compulsorily. It must be progressed concurrently with a strategy to acquire the land voluntarily. A CPO is viewed as a serious interference with private property rights, is a complex process and should only be used following careful consideration of other options. Preparation of a CPO requires attention to detail and strict adherence to statutory requirements. Making the Order does not give the Council the power to acquire the land – this power arises only when the Order is confirmed by the Council, the Planning Inspectorate or by the Secretary of State. A confirmed Order gives the Council the power to implement the CPO by general vesting declaration or via the notice to treat/ notice of entry process and transfer the land into Council ownership.
32. Once acquired the council may need to resolve the issue of rights and covenants, the use of Section 203 of the Housing and Planning Act 2016 would be necessary to override rights and covenants on the titles.
33. Following making of the CPO, the Council must notify the qualifying persons that the CPO has been made, notice is also published twice in a local newspaper and affixed on site. The made Order is submitted to the Secretary of State for confirmation. The Council will prepare a Statement of Reasons to be submitted to the Secretary of state and which will also be served on qualifying persons
34. Interested parties have the opportunity to object to the Secretary of State. If no one objects, the Secretary of State is likely to invite the Council to confirm the CPO itself, following which, the Council has the power to exercise the CPO and acquire the land.
35. Where there are objections, the Secretary of State will appoint an inspector to examine the CPO, via written representations, a public hearing or a public inquiry into the CPO. The inspector's report will summarise the evidence and come to a view as to whether there is compelling case in the public interest for the confirmation of the CPO. Considering the nature of the case the inspector is likely to constitute the decision maker, however in some cases the Secretary of State makes the decision in light of an inspector's recommendations.
36. If the CPO is not confirmed, the Council may have the option of bringing a judicial review to challenge the legality of the decision-making process. If and when the CPO is confirmed there is a 6-week window during which affected parties may bring a High Court challenge to the legality of the decision-making.
37. As per DLUHC Guidance on Compulsory Purchase process and the *Criche/ Down Rules* (July 2019) on the use of CPO, the Council has been and will continue to seek to reach a negotiated settlement. Implementation of a confirmed CPO will only arise where agreement cannot be reached on reasonable terms and in a reasonable timeframe. The authority given in this report assists the Council by making it clear to the land interests that the Council intends to deliver the scheme and is willing to secure and exercise a confirmed CPO, if required.
38. As part of the CPO process the Council needs to demonstrate that funding is in the place to acquire the land and property interests, as well as to complete the development of the site.

39. Under section 203(1) of the Housing and Planning Act 2016 Act a local authority can enable the overriding of rights and interests affecting land and breaching a restriction as to use of land arising by virtue of contract in order to “carry out building or maintenance work” where such rights would impede the development. Such work is defined in s.205(1) as meaning “the erection, construction, carrying out or maintenance of any building or work.
40. The effect of section 203 is to enable the development to proceed and authorises the interference with those rights without the possibility of legal injunction.
41. There are statutory criteria that are required to be in place for the use of Section 203 as below: -
- a. Planning permission has been granted for the development.
 - b. The land must be acquired or appropriated by a local authority for planning purposes
 - c. A local authority could (if not already the owner) acquire the site compulsorily for the purposes of carrying out the works (including construction and maintenance works) or for the use of the land permitted by the planning consent
 - d. The work or use in question relates to the purposes for which the land was appropriated or acquired.
42. Use of this power Section 203 would be subject to the payment of compensation via Section 204 of the Housing and Planning Act 2016, should any party be able to demonstrate loss as a consequence of the implementation of the proposal. Section 204(2) confirms that compensation should be calculated on the same basis as compensation payable under section 7 and 10 of the Compulsory Purchase Act 1965. The amount of compensation payable is the diminution in the value of the affected interest. Any dispute about compensation payable may be referred or determined by the Upper Tribunal.
43. The decision to engage section 203 of the Housing and Planning Act 2016 should only be made where it is necessary, there is a compelling case in the public interest and the Council should be sure that the purposes for which the powers are being exercised justify interfering with the human rights of those whose interests will be affected.

Delivery of development

44. The Council has explored potential delivery options with local Registered Providers of social housing and the Council’s own development company. Work is ongoing to secure the delivery route for the sites, to ensure that both will be taken forward for housing development if the CPO is confirmed and exercised. The council has in place the Revolving Fund budget and officers committed to working on acquisition and disposal of the sites. All necessary resources are therefore in place to ensure delivery of development on the sites within a reasonable timescale.
45. Set out below is an indicative project programme, based upon proceeding immediately to making of a CPO on both sites. As noted in paragraphs 18 and 28 , this would be deferred if the owner is clearly working to bring the site forward. The precise timings will depend on whether there is a public inquiry or if

agreement can be reached to acquire the site through a negotiated route. Date of inquiry / decision are approximate as this will be determined by the Inspectorate/ Secretary of State, and may be subject to delay as a result of Covid-19 or other factors.

Cabinet authorisation to proceed with CPOs	14 December 2022
CPO notices served	9 January 2023
Objection period	Throughout Jan 2023
Serve confirmation of CPO notice	December 2023
Serve General vesting Declaration	December 2023
Take possession of sites (assuming no enquiry)	February 2024
Take possession of site (in event of enquiry)	May-June 2024
(date of enquiry not predictable, but is assumed to add c4 months to programme)	

Consultation

46. Member consultation on both sites to date is as follows:

- All-Member briefing covering the objectives of the Revolving Fund and providing an overview of candidate sites identified to date – 4 February 2022. Members were supportive and expressed interest in being kept informed of developments within their ward.
- Ward Members for Mile Cross and Nelson Ward were contacted to inform them of the Council's intention to contact site owners in order to open negotiations on the two sites.
- In line with delegation arrangements agreed in February 2022, consultation was undertaken with the following in July 2022 concerning the Council's intention to make offers for the sites:
 - Leader of the Council
 - Portfolio Holder for Inclusive and Sustainable Growth
 - Portfolio Holder for Resources

All the above were supportive of the approach taken to negotiation

- Portfolio Holders' briefing (23 November 2022). Cabinet member for inclusive and sustainable growth understands and is supportive of the recommended approach.

47. Public consultation has been limited to Land Referencing work on the two sites, undertaken during September-October 2022 in preparation for CPO. This process includes making contact with all owners adjoining the two sites, some of whom expressed support that the Council was looking to intervene to ensure development took place.

Implications

Financial and resources

48. Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2022-26 and budget.

49. Funding for acquisition of both sites is available from the Council's Revolving Fund. This operates within Norwich City Council's Towns Deal programme and

has received £4.9 million capital with the objective of unlocking long-term stalled or distressed brownfield sites. Further detail is supplied in the exempt appendix to this report.

50. It should be noted that while recent valuations give an indication of the potential value that could be paid as CPO compensation there can be no guarantee that any figure from a current valuation will remain the same at the vesting date. The value for CPO compensation purposes is the value at the date of vesting and as this is a future date this will be dependent on market conditions at that time.
51. The principle of the revolving fund means that on acquisition action will be taken to bring development to the site and the subsequent realisation of value to replenish the revolving fund. Depending on acquisition and disposal values and any consequential costs incurred, there will be variations between the total costs incurred and recovered following replenishment of the revolving fund. There are no general restrictions on the use of those resources (other than that they are likely to be capital in nature) and it is proposed that in the short term any such resources are maintained in an earmarked reserve.

Legal

The legal case for CPO

52. By virtue of section of s.17(1)(a) of the Housing Act 1985 the Council has the power to acquire compulsorily, subject to confirmation by the Secretary of State, land for the erection of houses. Compulsory purchase powers should only be used where there is a compelling case in the public interest and where the Council has been unable to acquire the site through negotiations within a reasonable timeframe or budget. The Council has already taken various steps to seek to see development undertaken or acquire the relevant land by private treaty and at this stage there is no certainty over whether the land can be acquired within a reasonable timeframe or budget, resulting in the Council choosing to exercise its compulsory purchase powers
53. A Local Housing Authority is authorised to acquire land or property for housing if it is likely to be required for those purposes within 10 years from the date of confirmation of any compulsory purchase order.
54. The proposal for the Council to acquire the sites for delivery by its partners will achieve the following key benefits:
- Regeneration - Both sites were cleared some time ago and have lain undeveloped for over 10 years. The Revolving Fund will bring the sites into use and send a message to other owners in control of inactive sites that the Council wishes to see these developed and is willing to use its CPO powers if necessary.
 - Delivering new housing - The Greater Norwich Local Housing Needs Assessment (June 2021) forecasts a total of 7,020 new households forming in Norwich during the period 2018-2038, of which 30% will be unable to afford market rates and will be in need of affordable housing. The Revolving Fund seeks to bring stalled land into productive use for housing for both the affordable and market sectors. As such the acquisition of the Two Sites via the CPO process will bring about both a quantitative and qualitative housing gain.

55. Section 17(a)(2) provides that the power conferred by section 17(a)(1) includes the power to acquire land for the purpose of disposing of houses provided, or to be provided, on the land or of disposing of the land to a person who intends to provide housing accommodation on it but in so doing so the Council must be mindful that it is acting in its capacity as the trustee of public assets.
56. Otherwise, the power to dispose of the land held for the provision of housing accommodation is provided under section 32 of the Housing Act 1985. However, such disposal shall not be made without the consent of the Secretary of State. The General Housing Consents 2013 allow certain disposals to be made without the specific consent of the Secretary of State provided such disposals are at market value. In the case of vacant land, it can be disposed of at a price determined by the Council but again in so doing so the Council must be mindful that it is acting in its capacity as the trustee of public assets.

Equality Duties

57. The Two Sites are currently unoccupied and do not provide their owners with an income, and do not constitute a home. The Council considers that the owners and their agents have the capacity to understand and deal with the Council over a voluntary purchase and the CPO process and are not therefore disadvantaged by that process. Furthermore, the Council has offered to acquire the sites on a basis which reflects the Statutory Compensation Code. The Code requires landowners to be put back in the position they were prior to the acquisition so far as money can. The Council will keep its duty under the Equality Act under review and report further as required.

Human Rights

58. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way that is incompatible with the European Convention on Human Rights. The Convention rights likely to be relevant to the CPO are:
- a. First Protocol Article 1: Peaceful enjoyment of possessions. This right includes the right to peaceful enjoyment of property and is subject to the State's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.
 - b. Article 6: Entitlement to a fair and public hearing in the determination of a person's civil and political rights. This includes property rights and can include opportunities to be heard in the consultation process.
 - c. Article 8: protects the right of the individual to respect for private and family life
59. The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Any interference with a Convention right must be necessary and proportionate.

60. The Council must consider whether its actions would infringe the human rights of anyone affected by the making of the CPO. So, it must carefully consider the balance to be struck between individual rights and the wider public interest.
61. In this case it is considered that there is little interference with article 8, the order land consisting of vacant commercial sites. With respect to article 1 the public interest is served by removing the amenity / environmental harm arising from the site's disuse and its development of the site with housing to meet housing need. It is considered that these public benefits outweigh the necessary interference with the private rights and interests and in the absence of a voluntary acquisition creates a compelling case in the public interest for a CPO.
62. In addition, the individuals affected by the order have the right to object and have their objection heard at a public inquiry and, additionally, appropriate compensation will be available to those entitled to claim it under the relevant provisions of the CPO Statutory Compensation Code. These rights have been held by the courts as compliant with article 6.
63. Therefore, it is considered that in making the CPO the Council has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	The need for a formal equality impact assessment will be considered as decisions to proceed with the CPO process are progressed. However, it is not considered that this decision alone has a direct impact.
Health, social and economic impact	Positive effect - Provision of housing on site (including affordable housing) improves access to decent housing. Construction of housing provides support to local business, supply chains and creates employment opportunities.
Crime and disorder	Vacant sites provide opportunities for fly-tipping and anti-social behavior and may also increase fear of crime among local residents. A well-designed housing development on the site eliminates this.

Consideration	Details of any implications and proposed measures to address:
Children and adults safeguarding	The project will have minimal impact in this area.
Environmental impact	<p>Neutral effect</p> <p>Regeneration of eyesore site will have a positive impact on perception of the locality and</p> <p>Redevelopment will inevitably have some negative impact on energy and climate change. Impacts on both energy use and embodied energy will be minimised as far as possible through design (through planning and building control process.</p> <p>The two sites are sustainable located, with excellent access to local services and the city centre by foot, cycle and bus.</p> <p>Redevelopment could have an impact on waterborne pollution; however this should be mitigated through addressing the Nutrient Neutrality issue</p>

Risk management

Risk	Consequence	Controls required
CPO contested on one or both sites	This is likely to introduce a delay of several months into the process, and will incur additional legal costs	Potential additional legal costs in the event of a contested CPO have been estimated and are detailed in the exempt appendix
Market risk – cost increases in construction sector	Preferred delivery routes for the sites may be influenced by movement in construction costs. However, note that cost increases may make development less attractive the site owner, making disposal via negotiation more attractive.	Various delivery routes are under consideration, with different approached to transferring / sharing risk.
Reputational risk to council – CPO challenges private property rights provokes strong responses	The Council could be perceived as heavy-handed in dealing with private businesses.	An agreed Communication strategy is in place. There is demonstrable public support for the Council taking robust action to ensure stalled sites are developed for housing.

Other options considered

64.A 'do nothing' option was considered. Without the Council's intervention it is possible that the sites will remain derelict for years to come, will remain a blight and will provide no benefit to the community.

65. Preferred option - The Council has the option of acquiring the sites through CPOs and selling them on to delivery partners who would develop them. It should be noted that this provides an additional route to delivery, besides that of allowing the owner to develop the site. This approach may prove unnecessary in the event the owners demonstrate a commitment to timely development.

Reasons for the decision/recommendation

66. The two sites have lain undeveloped for many years, with several planning permissions unimplemented. Each site has been assessed by the Council's appointed property / CPO expert and deemed deliverable, the barrier in each case being the owner's disinclination to develop their asset.

67. Acquisition by the Council (through the Revolving Fund) would address this block to development. CPO in each case is deemed justifiable and likely to succeed.

68. CPO provides an alternative route for the sites in the event that the owners fail to develop them, Cabinet are therefore recommended to approve use of this route.

Background papers:

None

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If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Appendix 2 - Land adjoining Lime Kiln Mews, Drayton Road, Norwich

