

**Cabinet - 21 September 2005**

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

**Cornbow Centre Halesowen: Compulsory Purchase Powers**

**Purpose of Report**

1. To consider the use of compulsory purchase powers, if necessary, to facilitate the extension of the Cornbow Shopping Centre and to authorise the acquisition of property and rights within the proposed Compulsory Purchase Order (CPO) by agreement.

**Background**

**Scheme**

2. The owner of the Cornbow Centre in Halesowen, Vale Retail Ltd, has designed a scheme to redevelop part of the existing covered shopping centre. The development will involve demolition of the multi-storey car park currently owned by the Council and its replacement with a new and larger multi-storey car park. Also demolition of the south-west corner of the Cornbow Centre and construction of an extension to provide a large food store to be leased to Asda as well as reconfiguring retail units in that corner of the centre. This will be the first major redevelopment to take place in Halesowen Town Centre for nearly 30 years and it is hoped to provide the catalyst for further regeneration of the centre. The new supermarket is expected to generate between 300 and 400 full and part-time jobs for local residents and to increase the retail spend throughout the Town.

**Planning**

3. A detailed planning application was received on 18 April 2005. On 19 July 2005 the Development Control Committee resolved to grant consent subject to the completion of an agreement under S.106 Town and Country Planning Act 1990 and other conditions. The application contained reports on Environmental Impact and Sustainability as well as other consequences of the proposed development. The application meets an identified need for more and improved retail facilities in the town.

**Consultation**

4. The proposals have been considered from time to time by the Halesowen Area Committee which continues to receive updates and supports the aims of the proposals. The developer has also carried out public consultation during March and April 2005 including contacting key stakeholders and community groups, a public exhibition within the shopping centre, mailing of 4000 leaflets with reply

paid questionnaires, information on the Cornbow Website together with information in the local press. The results of this consultation showed overwhelming local support for the scheme with 93.5% of the respondents supporting the proposals, 4.4% not supportive and 2.1% expressing no view.

### **Need for Compulsory Purchase**

5. In order for the development to proceed the leasehold interests of 20 owners of shop units in the relevant corner of the centre need to be acquired in addition to the surrender by Centro of a small area of the bus station leased to them from the Council. Agreements have been concluded with 14 of the 20 leaseholders of the shop units to allow the developer possession of the premises on six months notice for the purpose of redevelopment. Despite negotiations being conducted over the last four years between the developer and the remaining shop tenants it has proved impossible to agree terms for possession of those premises. In order for the existing multi-storey car park to be replaced the tenancies of the stores and garages under the car park will also have to be extinguished. Therefore the resolution will cover the acquisition of the remaining 6 leases of the shop units in the centre, part of the Centro lease of the bus station and the garages in the service yard as shown on the attached plans.

### **Finance**

6. The developer will be required to undertake to reimburse the Council for all costs associated with the proposed CPO and will provide any capital required to purchase premises or pay compensation. Therefore there will be no impact on current capital or revenue budgets.

### **Law**

- 7 Section 226 (1) of the Town and Country Planning Act 1990 gives a local planning authority power to acquire compulsorily any land 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.

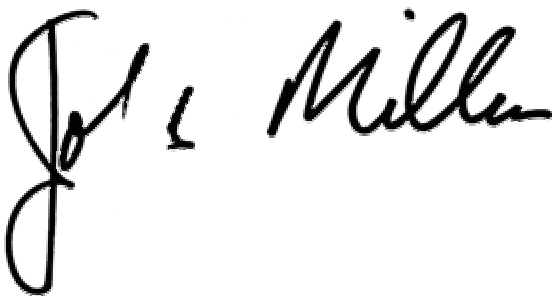
### **Equality Impact**

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

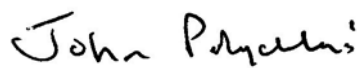
## **Recommendation**

9. It is recommended that:-

1. subject to the prior completion of an appropriate indemnity agreement the Council makes a Compulsory Purchase Order under Section 226 (1) (a) of the Town and Country Planning Act 1990 for the acquisition of the leasehold interests within the areas shown by a broad line on the Plan attached and described generally in Appendix A, for the purpose of extending the Cornbow Shopping Centre and reconfiguring existing retail units.
  
2. That 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 including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
  - (ii) to acquire interests in land and new rights within the compulsory purchase order 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 the required undertaking from the developer and the necessary development agreement prior to the making of any Order.



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**List of Background Papers**