

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting18th April 2013

1. Title of Item/Report

Lindsay House Compulsory Purchase Order

2. Record of the Decision

The Chair outlined that he had accepted this item as being urgent as the confirmation of the Compulsory Purchase Order (CPO) was required to ensure that the Council could acquire all remaining interests within a reasonable timescale to progress demolition of the building as part of the regeneration improvements to the Town Centre.

Consideration was given to a report on the progress of the Compulsory Purchase Order (CPO) of leasehold interests within the Council owned Lindsay House building on Stockton High Street and sought the relevant authority to confirm and finalise the CPO process, allowing the Council to gain vacant possession of the property and ultimately demolish the building and redevelop the site as part of wider redevelopment proposals for Stockton High Street which were underway.

At Cabinet on 8th December 2011 approval was given for the use of CPO powers under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) to acquire all necessary interests in Lindsay House and the adjacent area required for the implementation of the redevelopment of the Lindsay House site.

The rationale for the CPO was set out in the attached Statement of Reasons that was attached to the report. This document set out the basis upon which the CPO was made and detailed the reasons upon which a decision on the confirmation of the CPO would be based.

Following Cabinet approval in December 2011 the CPO was made on 17th August 2012 to acquire the leasehold interests of 5 remaining tenants. The CPO was attached to the report for Members to be aware of the interests that were subject to the order. Since then the Council had been successful in either relocating businesses to alternative premises in the town centre or terminating the leases of some of the tenants who did not seek to relocate or had already left the premises. Two tenants (Arriva

and Instant Cash Loans Ltd) were the only remaining tenants occupying the building.

The making of the CPO went through statutory consultation and only one objection to the CPO was received, from Instant Cash Loans Ltd. As a result the Secretary of State was required to list the matter for a Public Inquiry to consider the objection and determine whether to confirm the CPO or refuse it. The Inquiry was scheduled for 23rd April 2013. Officers had been in discussion with both remaining interests over options for relocation and compensation payable under CPO code of compensation.

Arriva did not object to the CPO but they remained a tenant with rights to occupy and their lease must still be acquired by implementing the CPO or by a deed of surrender which was also being negotiated with them, and would continue to be negotiated even if the CPO was confirmed. The confirmation of the CPO was required to ensure that the Council could acquire all remaining interests within a reasonable timescale to progress demolition of the building as part of the regeneration improvements to the Town Centre, should a deed of surrender not be forthcoming. Discussions were progressing well with Arriva on the identification of alternative accommodation and officers were confident that they would relocate into a unit on the High Street.

Discussion with Instant Cash Loans Ltd had resulted in them withdrawing their objection to the CPO as they had secured alternative premises in the town centre at 140 High Street. The withdrawal of the CPO had negated the need for the CPO Inquiry scheduled for 23rd April, which had now been cancelled with DCLG granting authority for the Council to confirm the CPO and finalise the process of bringing all remaining interests into the Councils ownership. As with Arriva, their lease also required formal termination by the confirmation of the CPO or a deed of surrender.

RESOLVED that:-

1. The Council of the Borough of Stockton-on-Tees (Lindsay House, Stockton-on-Tees) Compulsory Purchase Order 2012 be confirmed.
2. All necessary declarations, orders or notices, including a General Vesting Declaration, Notices to Treat or Notices of Entry be made or served to give effect to the Compulsory Purchase Order and all remaining interests be acquired by the Council.

3. Reasons for the Decision

Confirmation of the CPO will enable the Council to gain vacant possession of the property and ultimately demolish the buildings and redevelop the site as part of wider redevelopment proposals for Stockton High Street which are underway.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

N/A

7. Date and Time by which Call In must be executed

Midnight on Friday, 26th April 2013

Proper Officer
22 April 2013