

21st Century Homes: Proposed Compulsory Purchase Orders, North Sighthill

Planning Committee
11 August 2011

1 Purpose of report

1.1 To seek Committee approval to serve a Compulsory Purchase Order in respect of four properties at:

- 7/1 Sighthill Bank (owner occupied)
- 9/5 Sighthill Bank (was tenanted to Jan 2011, now owner occupied)
- 40 Sighthill Green (owner occupier)
- 7/10 Sighthill Wynd (landlord, no tenants)

2 Summary

2.1 On 24 February 2010 the Development Management Sub-Committee considered a Report in relation to a forthcoming planning application by the Council (Services for Communities) for the 21st Century Homes Development at North Sighthill. The application was validated on 26 April 2010. The application was for planning permission in principle for the redevelopment of the site for affordable housing and housing for sale with ancillary community facilities and associated landscaping and public realm works. Planning Permission in Principle was granted on 11 August 2010.

2.2 To allow implementation of the proposals, demolition of three 16 storey blocks and several four storey deck access flat blocks is necessary. Following completion of acquisition of all privately owned flats within the multi-storey blocks, one by means of a Compulsory Purchase Order (CPO), these blocks are scheduled to be demolished, in the autumn of 2011. Negotiations to acquire the privately owned flats in the low rise blocks are progressing satisfactorily, apart from the four properties mentioned above, where the owners have not been able to agree terms to allow re-acquisition of the flats. It will accordingly be necessary to seek authority to pursue a CPO in respect of these properties to enable the development to proceed to the proposed timetable of a cleared site by the end of December 2012.

3 Main report

- 3.1 Section 189(1) of the Town and Country Planning (Scotland) Act 1997 allows a local authority, on being authorised by Scottish Ministers, the power to acquire compulsorily any land in their area which
- a) is suitable for and is required in order to secure the carrying out of development, redevelopment or improvement;
 - b) is required for a purpose which is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- 3.2 Contact was first made with the representative of the owner of 7/1 Sighthill Bank in December 2007, and negotiations have continued to attempt to agree a value of the property to enable it to be bought back. To date the Council and the proprietor's representative have failed to agree a purchase price, and the owner has not accepted the Council's offer of alternative housing options.
- 3.3 Contact regarding the regeneration programme was first attempted with the owner of 9/5 Sighthill Bank in December 2007, but despite numerous attempts to discuss the buy back and re-housing, it is only recently (October 2010) that contact was made, and the proprietor has not co-operated with the buy back and re-housing process.
- 3.4 Contact regarding the regeneration programme was first made with the owner of 40 Sighthill Green in December 2007. Despite several meetings the proprietor and the Council have failed to reach agreement on a value of the property to enable it to be bought back, and the proprietor has not accepted the offer of re-housing by the Council.
- 3.5 Contact regarding the regeneration programme with the owner of 7/10 Sighthill Wynd was first attempted in December 2007 but it was not until October 2010 that a contact address for the proprietor was found and not until December of 2010 when negotiations commenced. To date, the Council and the owner have failed to agree a purchase price.
- 3.6 The Council ceased letting the low-rise flats in June of 2010 and commenced the re-housing of tenants in September. A contractor has commenced work on the part of the estate containing the three multi-storey buildings, with the demolition of these scheduled to take place in the autumn of 2011. To facilitate the proposed redevelopment of the site it is necessary that the owned flats in the remainder of the estate are re-acquired, and in the absence of negotiated purchases, the Council has no option but to proceed with compulsory purchase if the regeneration of North Sighthill is to proceed according to proposed timescales. As with the previous property acquired by CPO, negotiations will continue with the four proprietors throughout the compulsory purchase process to seek an agreed valuation and appropriate re-housing.

4 Financial Implications

- 4.1 The costs of the CPO will be met by the Council. These would include the Council's legal cost, the sums for the market value of the heritable interest, plus

the reasonable surveyors and legal fees incurred by the owners. Provision is made for this within the Housing Revenue Account budget of Services for Communities.

5 Equalities Impact

5.1 There are no adverse equality impacts arising from this report.

6 Environmental Impact

6.1 The environmental impacts of the redevelopment of North Sighthill have been assessed prior to the submission of the planning application and no significant environmental impacts have been found.

7 Conclusions

7.1 Despite continued efforts by the Council since December 2007, and more specifically since October 2010, the four proprietors have either refused to cooperate with the Council's buy back or re-housing process, or have failed to reach agreement on a purchase price to permit the Council to buy these properties back.

7.2 In order to continue the regeneration of North Sighthill and to achieve the intended timescales, a CPO now requires to be progressed for these four properties. Nonetheless, the Council, as indicated, will continue to seek negotiated purchases of the properties in parallel with pursuing the CPO.

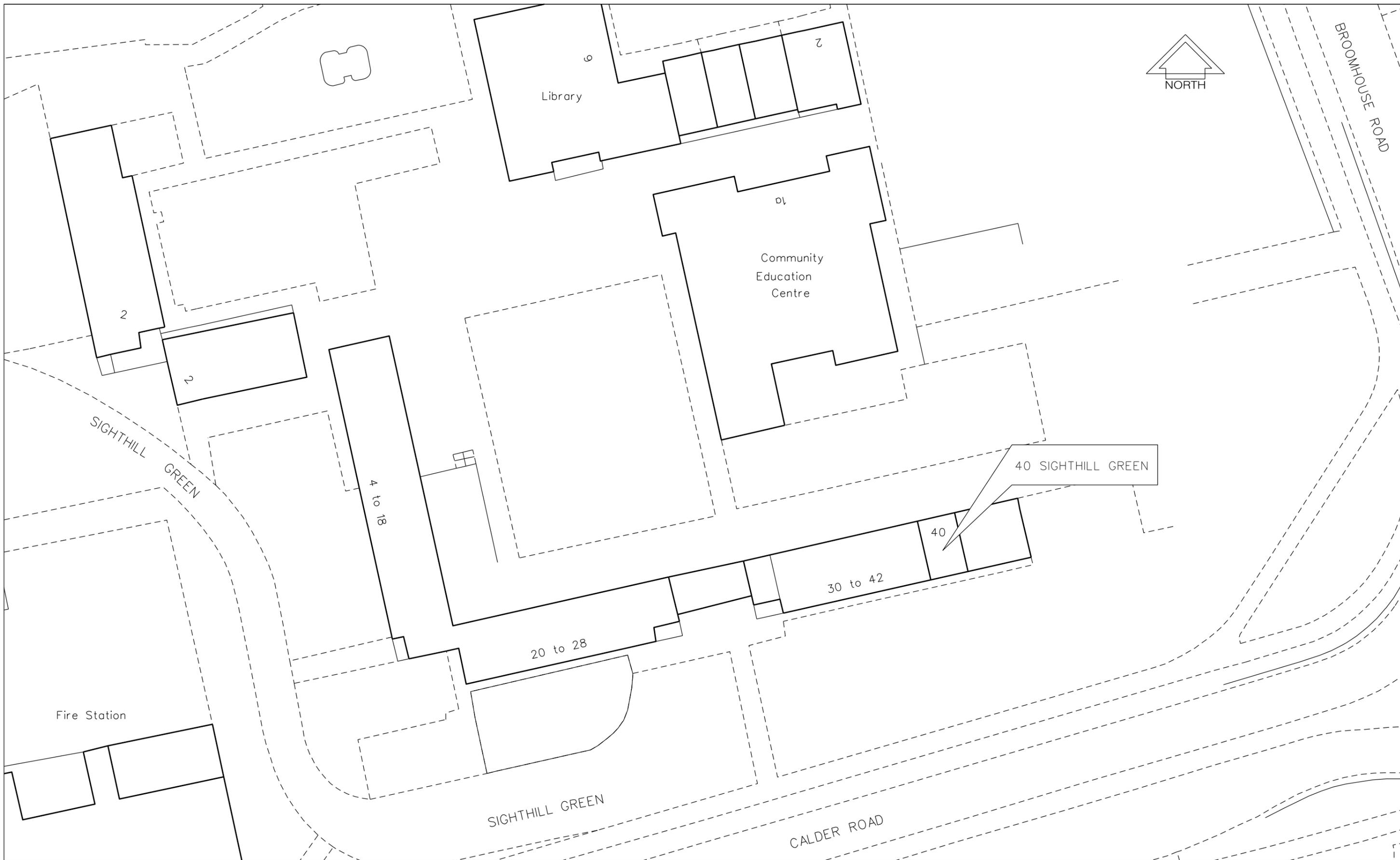
8 Recommendations

8.1 It is recommended that the Committee:

- a) Agrees to pursue a Compulsory Purchase Order for the flats at 7/1 and 9/5 Sighthill Bank, 40 Sighthill Green and 7/10 Sighthill Wynd and that the Head of Legal and Administrative Services be instructed to commence compulsory purchase proceedings.
- b) Notes that it is intended to submit a draft Compulsory Purchase Order to a meeting of the City of Edinburgh Council at the earliest opportunity for authority to exercise compulsory purchase powers.
- c) Notes that the Council will continue to seek a negotiated purchase of the properties in parallel with pursuing the CPO.

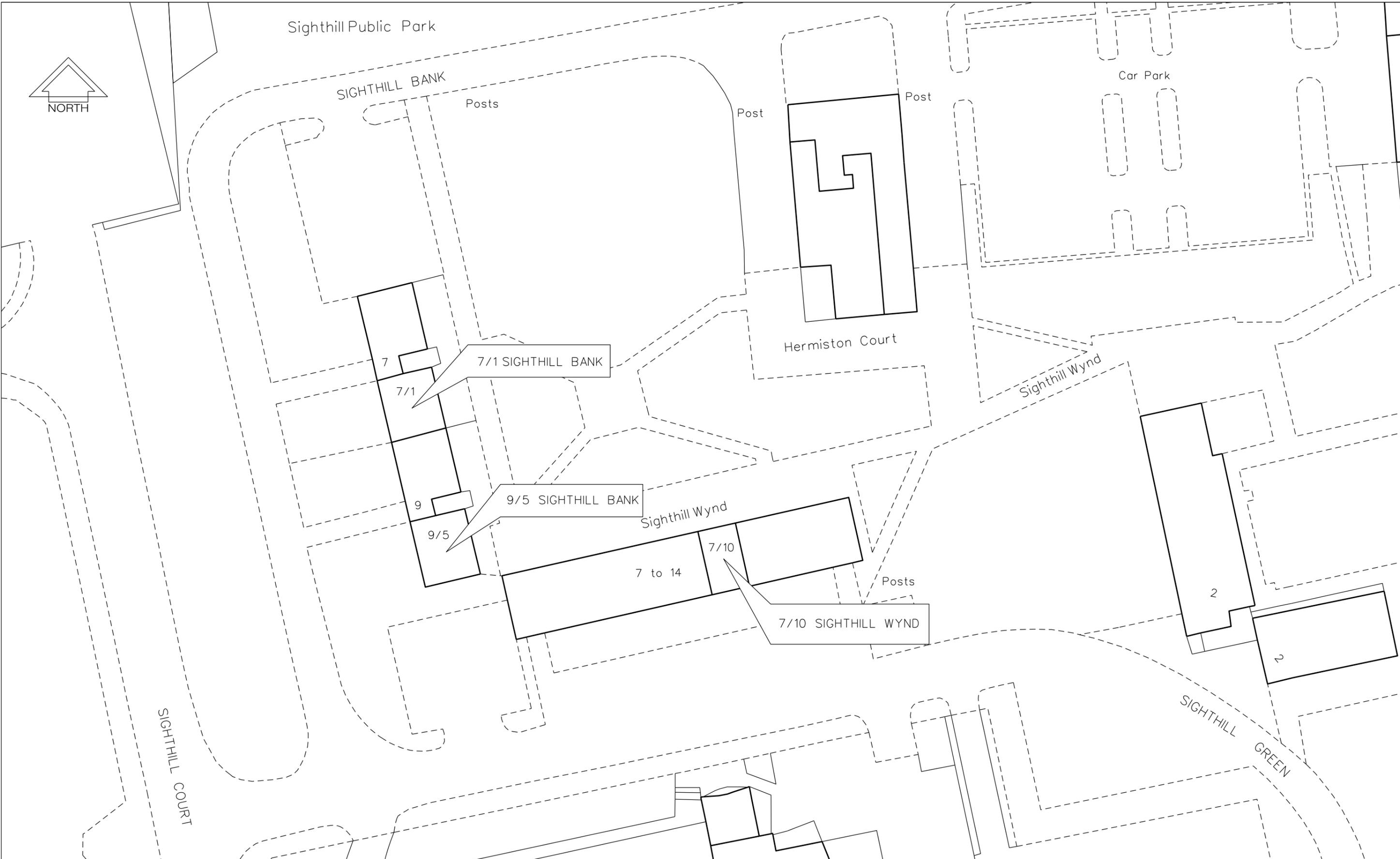
Dave Anderson
Director of City Development

Appendices	1 Location plans (2) identifying the properties 7/1 and 9/5 Sighthill Bank, 40 Sighthill Green and 7/10 Sighthill Wynd
Contact/tel/Email	Kevin Paterson, Senior Solicitor (529 3608); Linda Hamilton, Principal Planner (529 3146); Sam Verner Senior Project Manager (529 3432)
Wards affected	Ward 7, Sighthill/Gorgie
Single Outcome Agreement	<p>National Outcome 7 - We have tackled the significant inequalities in Scottish Society</p> <p>National Outcome 9 – We live our lives safe from crime, disorder and danger</p> <p>National Outcome 10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need</p> <p>National Outcome 11 – We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others</p> <p>National Outcome 12 – We value and enjoy our built and natural environment and protect it and enhance it for future generations.</p> <p>National Outcome 14 – We reduce the local and global impact of our consumption and production</p>
Background Papers	<ol style="list-style-type: none"> 1. Report to Council 29 June 2006 –Progressing the City Housing Strategy 2. Report to Council 23 November 2006 – Progressing the City Housing Strategy – feedback on the demolition consultation 3. Report to Planning Committee 4 October 2007 – North Sighthill Development Brief 4. Report to Health, Social Care and Housing Committee, 9 October 2007 – Neighbourhood Regeneration. Feedback on the Demolition consultations at North Sighthill and Pennywell. 5. Report to Health, Social Care and Housing Committee, 11 December 2007 – Neighbourhood Regeneration. Update on the Re-housing and Demolition Programme. 6. 21st Century Homes for Edinburgh – Business Case –Report to Health, Social Care and Housing Committee by Director of Services for Communities, 3 March 2009. 7. Report to Development Management Sub-Committee, 24 February 2010 – forthcoming application by the City of Edinburgh Council Services for Communities for a Residential Development at North Sighthill. 8. Report to Planning Committee 13 May 2010. Proposed Compulsory Purchase Order. 9. Report to Development Management Sub-Committee 28 July 2010. Planning Permission in Principle 10/00953/PPP at site 94m North of 376 Calder Road Edinburgh 10. Report to Development Management Sub-Committee 11 August 2010. Planning Permission in Principle 10/00953/PPP at site 94m North of 376 Calder Road Edinburgh



APPENDIX 1 PLAN A - Plan of properties included in Compulsory Purchase Order application

EDINBURGH THE CITY OF EDINBURGH COUNCIL	
DRAWN BY	Mark Ballantyne
DATE	18/7/11
SCALE	1:1250 @ A3 SIZE
NEG. NO	A3/1115a



APPENDIX 1 PLAN B - Plan of properties included in Compulsory Purchase Order application



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