

DATED

2007

**CITY OF YORK COUNCIL
(GARDEN PLACE AND CARMELITE STREET)
COMPULSORY PURCHASE ORDER 2007**

STATEMENT OF REASONS

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PURCHASE ORDER 2007**

STATEMENT OF REASONS

1 INTRODUCTION

1.1 This is the Statement of Reasons for the City of York Council (Garden Place and Carmelite Street) Compulsory Purchase Order 2007 ("Order"). The City of York Council ("Council") has provided this statement in accordance with paragraphs 35 and 36 of ODPM Circular 06/2004.

1.2 The Council is the local planning authority for the land affected by the Order.

2 LOCATION AND DESCRIPTION OF THE ORDER LAND

2.1 The land included in the Order ("Order Land") is at the junction of Garden Place and Carmelite Street. The Order Land extends in a north-easterly direction along the side of Carmelite Street. The Land consists of a factory building and an associated yard area. The quality of the building is relatively poor. The building does not have any special architectural features or historical significance.

2.2 The Order Land forms part of a wider development site known as the Hungate Action Area. The buildings surrounding the Order Land have already been demolished as a precursor to the re-development of the Action Area. The Order Land is required to enable the larger development to take place.

2.3 The Order Land consists of approximately of 1048.7 square metres of land owned by Hungate (York) Regeneration Limited. Part of the Order Land is leased to the York Bedding Company Limited. The lease runs for 99 years from 1 February 1951. The lease does not contain any provisions that would allow the current owner to terminate the lease before it expires in 2050. The Order Land is coloured pink on the plan attached to the Order. The Order Land is currently used as a factory and retail outlet for the York Bedding Company.

3 THE PROPOSED DEVELOPMENT

3.1 The Order Land forms part of a wider site, which is to accommodate a mixed use development consisting of new residential properties, shops, food and drink establishments, business uses, a new community building, enhanced riverside and nature reserve, new public open space, and associated landscaping. There will also be a redesigned car park and new pedestrian and cycle routes.

- 3.2 The development site is on the edge of the business and retail core of the city centre. The site overlooks the River Foss to the south and east. The north-east side of the site is bounded by the York headquarters of DEFRA. The Stonebow and Garden Place bound the north and west of the site respectively.
- 3.3 The proposed development of the site consists of the erection of 11 buildings, which will have a variety of uses. Carmelite Street and Hungate will be retained and a new public square will be constructed in the centre of the development. The Order Land is required for building Block G of the proposed development.

4 CURRENT PLANNING POSITION

Planning Permission

- 4.1 The Council's planning committee granted outline planning permission for the development of the site, including the Order Land, under reference number 02/0374/OUT on 28 July 2005. The Council issued the outline planning permission on the 18 July 2006. Whilst a number of matters have been reserved for later approval, the position of the buildings on the Order Land has been approved by the Council and will not be the subject of an application for reserved matters.
- 4.2 The Council entered into a Section 106 Agreement with the applicant for planning permission, Hungate (York) Regeneration Limited, to secure commitments relating to inter alia affordable housing, archaeology, education, cycle routes, a car and bicycle hire scheme, submission of a sustainability statement, works to the Kings Pool Nature Reserve, the construction of the Navigation Wharf Bridge, offsite highway works, provision for public open space and children's play area, and the provision of CCTV for the redeveloped site.

National Policy

- 4.3 There are a number of national policies relevant to the development, including PPS 1, PPG 3, PPS 6, PPS 12, PPG 13, PPG 15, PPG 16, PPS 23, PPG 24 and PPG 25.
- 4.4 The policies encourage councils to promote sustainable communities, regeneration of existing town centres and sites close to town centres and sustainable transport options. The policies also encourage councils to take account of the historic environment (including archaeology) and the potential for flooding.

Development Plan

- 4.5 The development plan for York comprises the North Yorkshire County Council Structure Plan (adopted by North Yorkshire County Council in October 1995) the City of York local plan (4 change revision) which was approved by the Council for development control purposes on 12 April 2005. Hungate, including the Order Land, was designated as an Action Area under Policy SP9(c).

Hungate Development Brief

- 4.6 The Council produced a Hungate Development Brief outlining the development principles to be applied to this area of the town in April 2005. The 2005 guidance replaces the previous guidance dated October 1999. Consultation on the updated guidance was carried out for 8 weeks between December 2004 and January 2005. As part of the consultation, the Council sent letters to local residents and businesses. Copies of the guidance were sent to statutory consultees and were made available online, at local libraries and at the Council's planning office, between December 2004 and January 2005. The Council's Planning Committee formally approved the document on 28 April 2005.
- 4.7 The Development Brief sets out a number of objectives for a redevelopment scheme, which includes providing for a mix of uses, pedestrian access, office accommodation, residential accommodation, leisure and retail facilities.

5 POWER TO ACQUIRE THE ORDER LAND

- 5.1 The Council have the power to acquire the Order Land under section 226(1)(a) of the Town & Country Planning Act 1990, as amended. This power authorises the Council, as the local planning authority, to compulsorily purchase any interest in land in circumstances where the acquisition will facilitate the carrying out of development, redevelopment or improvement of the land being acquired.
- 5.2 The Council may only exercise the power in section 226(1)(a) of the Town & Country Planning Act 1990 if it thinks that development, redevelopment or improvement of the land is likely to contribute to the social, economic or environmental well being of their area.

6 PURPOSE OF ACQUIRING THE ORDER LAND AND JUSTIFICATION FOR THE ORDER

- 6.1 The purpose of acquiring the Order Land is to amalgamate the Order Land with other land and ensure that the land is developed as part of the implementation of the 2005 planning permission.
- 6.2 The Order Land will be used to construct Block G of the development, which will house mixed uses of retail, residential and office uses. The Council, as part of the planning application, has already approved the position of Block G within the overall development site. Not including the Order Land in the Council's redevelopment proposals will prevent construction of the approved development which is an important part of the overall development on the Hungate site.
- 6.3 The Council is using its power of compulsory purchase because it believes that the acquisition of the Order Land is necessary for the redevelopment of the Hungate Action Area and that such redevelopment will promote the economic and social wellbeing of the area.
- 6.4 The Order Land is currently owned by Hungate (York) Regeneration Limited; the site Developer and leased to the York Bedding Company. A number of approaches have been made to the Company to purchase their outstanding leasehold interest by the Developer but agreement has not been reached by the parties.
- 6.5 The Order Land occupies a pivotal part of the Council's redevelopment scheme. In order to proceed with the scheme within a reasonable time, the Council has no option but to exercise its compulsory purchase powers.
- 6.6 To secure development of the whole site allocated in the development plan it is imperative there is a comprehensive approach to planning and redevelopment at Hungate. The City Council, initially through the mixed use allocation of the area in the Local Plan, encouraged comprehensive redevelopment of the area in 1996. the draft Local Plan, 1998 identifies the area as an Action Area for mixed use development (policy SP9). This has been reinforced with the production of the development brief and the grant of planning permission.
- 6.7 The developer has acquired all the land on the remainder of the site, and acquisition of the remaining parcel of land is crucial and necessary in order to implement the development as set out in the approved outline application. Without it the development as approved cannot go ahead and the wider public benefits arising from the regeneration of the area will not be achieved.

6.8 Economic and environmental improvements to the area which will arise from its proposed redevelopment include:

- Contribution to the wider regeneration proposals taking place in the Foss Basin area and provision of a substantial financial contribution towards the first phase of the James Street link road, as well as improvements to the existing local road network.
- Redevelopment of a brown field site, recently occupied by demolished or rundown/underused commercial buildings, which would bring commercial and employment benefits to the city.
- Relocation of currently rundown and fragmented Council Offices into a new proposed built city centre office space within the Hungate scheme.
- Provision of city centre housing, including over 20% affordable provision for local people, which is in line with national and local guidance to provide new housing on underused and previously used land rather than on new green field sites.
- Provision of convenience retail facilities in the city centre in line with the recommendations of the Roger Tym Retail Study 2005.
- Provision of a new focal building which will provide a city-based hub for arts and small businesses leisure cultural opportunities and community facilities.
- Improvements to the Foss corridor and Kings Pool nature reserve.
- Improved cycle and pedestrian links between the site, the city centre and the housing and commercial areas to the east (Foss Islands, Layerthorpe, Heworth Green), including a new footbridge across the Foss.
- Contributions towards the Council's sport and leisure strategy and education strategy through financial contributions to play space and public open space within or near to the site and to local schools.
- Substantial financial contributions towards major archaeological excavations in the area.

7 HUMAN RIGHTS

7.1 The Order Land does not contain any residential properties. The Council has considered whether powers exist to exercise are compatible with Article 1 of the First Protocol in Schedule 2 of the Human Rights Act 1998.

7.2 Article 1 of the First Protocol provides that every person is entitled to the peaceful enjoyment of his possessions and should only be deprived of those possessions if it is in the public interest and subject to the condition provided by law. The Council believe that the acquisition of the Order Land by compulsory purchase order is proportionate to the aim of redeveloping the Hungate Action Area and that the redevelopment of the town

centre is in the public interest. The Council is satisfied that the Order Land is the minimum amount of land necessary to achieve its aims.

8 SPECIAL CONSIDERATIONS AFFECTING THE ORDER

8.1 The Order Land is not within any conservation area. The Order Land does not consist of any listed buildings. There are also no ancient scheduled monuments within the site.

9 OTHER APPLICATIONS AND RELATED ORDERS

9.1 There are no Orders or applications that are required to be dealt with in conjunction with the compulsory purchase order.

10 INFORMATION FOR PEOPLE AFFECTED BY THE ORDER

10.1 Any person requiring information about the Council's proposal should contact Derek Gauld, at the Directorate of City Strategy, 9 St Leonard's Place, York, YO1 7ET. Telephone Number: 01904 613161. Email: derek.gauld@york.gov.uk

11 LIST OF DOCUMENTS

11.1 In the event of a public inquiry to consider any objections to the compulsory purchase order the Council may refer to the following document:

- (a) North Yorkshire County Council Structure Plan (relevant extracts);
- (b) City of York Draft Local Plan (relevant extracts);
- (c) Hungate Development Brief (April 2005);
- (d) City of York Retail Study (October 2004);
- (e) Strategy for Yorkshire and Humber Revised Regional Spatial;
- (f) PPS3 – Housing (relevant extracts);
- (g) PPS6 – Planning for Town Centres (relevant extracts);
- (h) PPG25 – Development and Flood Risk (relevant extracts);
- (i) Planning Application and Consent - 02/03741/OUT.