



## **POLICY AND RESOURCES SCRUTINY COMMITTEE – 2ND OCTOBER 2012**

**SUBJECT: LAND AT OAKFIELD STREET, LLANBRADACH**

**REPORT BY: DEPUTY CHIEF EXECUTIVE**

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### **1. PURPOSE OF REPORT**

- 1.1 To request Members recommend approval to Cabinet for the Council to make a Compulsory Purchase Order in respect of the land identified on the plan attached to this report, adjacent to 27 Oakfield Street, Llanbradach.

### **2. SUMMARY**

- 2.1 The village of Llanbradach was declared to be a Renewal Area in April 2004. Renewal Area status was afforded for a period of 10 years from declaration over which time a comprehensive regeneration programme is actively being implemented. As part of this programme a site at Oakfield St in the ownership of the Authority has been earmarked for sale to United Welsh Housing Association (UWHA) for the development of 4 properties.
- 2.2 Directly alongside this site is another area of land which is partially fenced-off and unkempt, but which offers the opportunity to extend the existing development proposals to accommodate 2 extra units of accommodation. The ownership of the land is, however, unknown and consequently purchase by agreement is not possible. It is for this reason Members are being asked to consider the Compulsory Purchase option to facilitate a better development in line with the needs and aspirations of the Llanbradach community.

### **3. LINKS TO STRATEGY**

- 3.1 Renewal Area activity is undertaken in line with Key Priority 1 of the Caerphilly County Borough Council Private Sector Housing Renewal Strategy – “Regeneration of Declining Communities.” This Strategy also forms an integral part of the Authority’s overall Local Housing Strategy.

### **4. THE REPORT**

- 4.1 In accordance with Section 89 of the Local Government and Housing Act 1989 the village of Llanbradach was formally declared to be a Renewal Area in April 2004. Since that time the Authority has been undertaking a strategically planned programme of improvements throughout the village involving not only housing related schemes but also those of social provision and environmental improvements.

- 4.2 Oakfield Street lies at the northern end of Llanbradach and is a cul de sac of traditional terraced housing. Slum Clearance activity during 1959/60 resulted in the 4 properties at the embankment end of each terrace being demolished and to date the sites have remained undeveloped.
- 4.3 The majority of the site of No's 30-36 (evens) is in council ownership and Cabinet, at its meeting on 5th June 2007, accepted the recommendation to sell this parcel of land to UWHA for the development of 3 units of affordable housing together with a bungalow, purpose-built to assist the needs of a disabled person. This initiative is being supported by way of social housing grant.
- 4.4 The site of No's 29-35 (evens) lends itself perfectly to facilitate an expansion of the existing development proposal to accommodate a further 2 units of accommodation. Ownership of the site is, however, unknown and consequently purchase by agreement is not possible. Members are, therefore, being asked to consent to the making of a Compulsory Purchase Order so that this extra area of land can be compulsorily purchased and thereafter sold to UWHA to facilitate a better development.
- 4.5 Approval to grant planning permission subject to the signing of a Section 106 agreement has already been given in respect of the development of the site of No's 30-36(evens). The Chief Planning Officer has also indicated that an extended development utilising the site of No's 29-35(odds) would also be likely to be supported.
- 4.6 As the land is in unknown ownership, it is considered that the Council's only realistic course of action in facilitating the development of this unkempt area of land is to utilise the powers set out in Section 226 of the Town and Country Planning Act 1990.
- 4.7 Section 6(4) of the Acquisition of Land Act 1981 provides that if the Authority having jurisdiction to make the Order in connection with which a document is to be served is satisfied that reasonable enquiry has been made and that it is not practicable to ascertain the name or address of the owner, lessee or occupier of the land on whom any notice or other document required or authorised to be served under the Act, the document may be served by addressing it to him by the description of 'owner', 'lessee', 'tenant' or 'occupier' of the land to which it relates and by delivering it to some person on the land or if there is no person on the land to whom it may be delivered by leaving it or a copy of it on or near the land.
- 4.8 It is considered that since the land is in unknown ownership the powers set in Section 6(4) of the Acquisition of Land Act 1981 should be utilised as detailed in 4.7 above to effect service of all documents required or authorised to be served under the Act by leaving a copy of any such document on or near the land.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 There are no potential equalities implications in this report.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 As ownership of the site is unknown there should be no financial transaction as part of the CPO process. If, however, an owner is identified during the CPO process compensation would need to be found. Such funding could be provided from the Private Sector Housing and/or Renewal Area budgets that are sufficient for this purpose and thereafter recovered from United Welsh Housing Association as part of the land sale.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no personnel implications.

## 8. CONSULTATIONS

- 8.1 Any comments from consultees have been included in the report.

## 9. RECOMMENDATIONS

The Scrutiny Committee are asked to consider this report and recommend to Cabinet that:-

- 9.1 In pursuance of the powers contained within Section 226(1)(a) of the Town and Country Planning Act 1990 and all other enabling powers it is recommended that a Compulsory Purchase Order relating to the area of land identified on the plan displayed at the meeting, to be known as the Caerphilly County Borough Council (Llanbradach Renewal Area) Compulsory Purchase Order 2012, be made and sealed by the Council and that notice thereof be given and published and that the same be submitted to the Welsh Government for confirmation.
- 9.2 In pursuance of the powers contained in Section 6(4) of the Acquisition of Land Act 1989 and all other enabling powers, all documents required or authorised to be served in respect of land in unknown ownership be served under the Act by leaving a copy of any such document on or near the land.
- 9.3 That once the Order is confirmed by the Welsh Government, the area of land be sold to United Welsh Housing Association to facilitate its development as outlined earlier in this report.

## 10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To utilise statutory powers to facilitate the development of an area of land which currently detracts from the amenities of the neighbourhood and which, when developed, will provide affordable living accommodation conducive to the needs of the area.

## 11. URGENCY

- 11.1 Not urgent.

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Consultees:	Cllr Gerald Jones	-	Deputy Leader and Cabinet Member for Housing
	Cllr Rob Gough	-	Ward Member
	Cllr Colin Mann	-	Ward Member
	Nigel Barnett	-	Deputy Chief Executive
	Shaun Couzens	-	Chief Housing Officer
	Graham North	-	Public Sector Housing Manager
	Geoff Gordon	-	Principal Solicitor
	Colin Jones	-	Head of Performance and Property
	Fiona Wilkins	-	Principal Housing Officer (Private Sector)
	Karl Rivers	-	District Environmental Health Officer
	Kevin Fortey	-	Housing Development Officer
	Mark James	-	Principal Valuer
	Peter Seabourne	-	Development Surveyor UWHA

### Appendices:

- Appendix 1 Map referred to in the CCBC (Llanbradach Renewal Area) Compulsory Purchase Order 2012