

Report

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Report to:	Estates Committee
Date of Meeting:	27 June 2006
Report by:	Executive Director (Enterprise Resources)

Subject:	Proposed Development Agreement and Potential Compulsory Acquisition of Land at 196-232 Low Waters Road and 1-39 Jack Street, Hamilton
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ seek authority to enter into a Development Agreement with Rowantree Regeneration Ltd., the developer at 196-232 Low Waters Road and 1-39 Jack Street, Hamilton and, if necessary, to seek to acquire appropriate land and buildings by use of compulsory purchase powers.

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the Executive Director, Enterprise Resources, in consultation with Head of Legal Services, be authorised to negotiate and conclude a Development Agreement with Rowantree Regeneration Ltd. and to use Compulsory Purchase Powers as appropriate under Section 189(1)(a) of the Town and Country Planning (Scotland) Act 1997 to acquire outstanding land and buildings.

3 Background

3.1 The site which is the subject of the report extends to approximately 0.4 hectares in area. The properties at 196-232 Low Waters Road largely comprise a row of shop units with flats above and 1-39 Jack Street solely contains flats. The block comprising 196-232 Low Waters Road is finished in sandstone and is approximately 100 years old. The building at 7-39 Jack Street has been constructed in the same style and materials and on the corner of Low Waters Road and Jack Street there is an existing three storey block of flats of more recent construction.

3.2 The site has a prominent location and is on one of the main arterial routes through Hamilton. It is bounded by a mixture of uses and is covered by Policy ED10 – Hamilton Local Centres – Improvements, in the adopted Hamilton District Local Plan.

4 Current Position

4.1 A detailed planning application has been submitted by Rowantree Regeneration Limited, which seeks consent to demolish the existing 13 retail unit and 34 flats and to erect 76 flats and 8 retail units. Part of the Council's public car park to the south of the site is required to provide additional ground for the development. In addition, a

flat owned by the Council in Jack Street is to be exchanged for a Special Needs 1 bedroom flat for the Council.

- 4.2 This planning application was approved by the Planning Committee on 13 June 2006.
- 4.3 Whilst the majority of the owners of the buildings are in support of the proposed redevelopment of the site, there are three to four owners who are unwilling to support the scheme. The applicants have attempted, over a period of some considerable time, to try and negotiate with these owners but have met with no success. They have therefore asked the Council to consider the use of CPO powers to facilitate the proposal.
- 4.4 The redevelopment of this site would significantly improve the amenity of the area and would assist the regeneration of this part of Hamilton. On this basis, it is proposed to support the compulsory acquisition of the land and property at 196-232 Low Waters Road and 1-39 Jack Street. If Committee agree to the recommendation the Council would consider acquiring the outstanding properties voluntarily. If necessary, then compulsory acquisition procedures could be considered in an attempt to assemble all land and property needed to implement the redevelopment proposal. Before considering the use of CPO powers, it would be essential that the Council and developers enter into a legally binding agreement which would ensure the Council's full costs in terms of acquisition, including all legal costs, would be recovered. Only when this agreement is concluded could the Council seek to use CPO powers, as appropriate, to facilitate the redevelopment of the site.

5 Employee Implications

- 5.1 There are no employee implications.

6 Financial Implications

- 6.1 An agreement will require to be entered into between the Council and Rowantree Regeneration Ltd to ensure that the full costs associated with the acquisition are recovered from the developers.

7 Other Implications

- 7.1 There are no other implications.

8 Consultation

- 8.1 Statutory consultation was undertaken as part of the planning application.

Iain Urquhart
Executive Director (Enterprise Resources)
13 June 2006

Link(s) to Council Objectives

- None

Previous References

- None

List of Background Papers

- Planning Application Report – HM/06/0115

Contact for Further Information

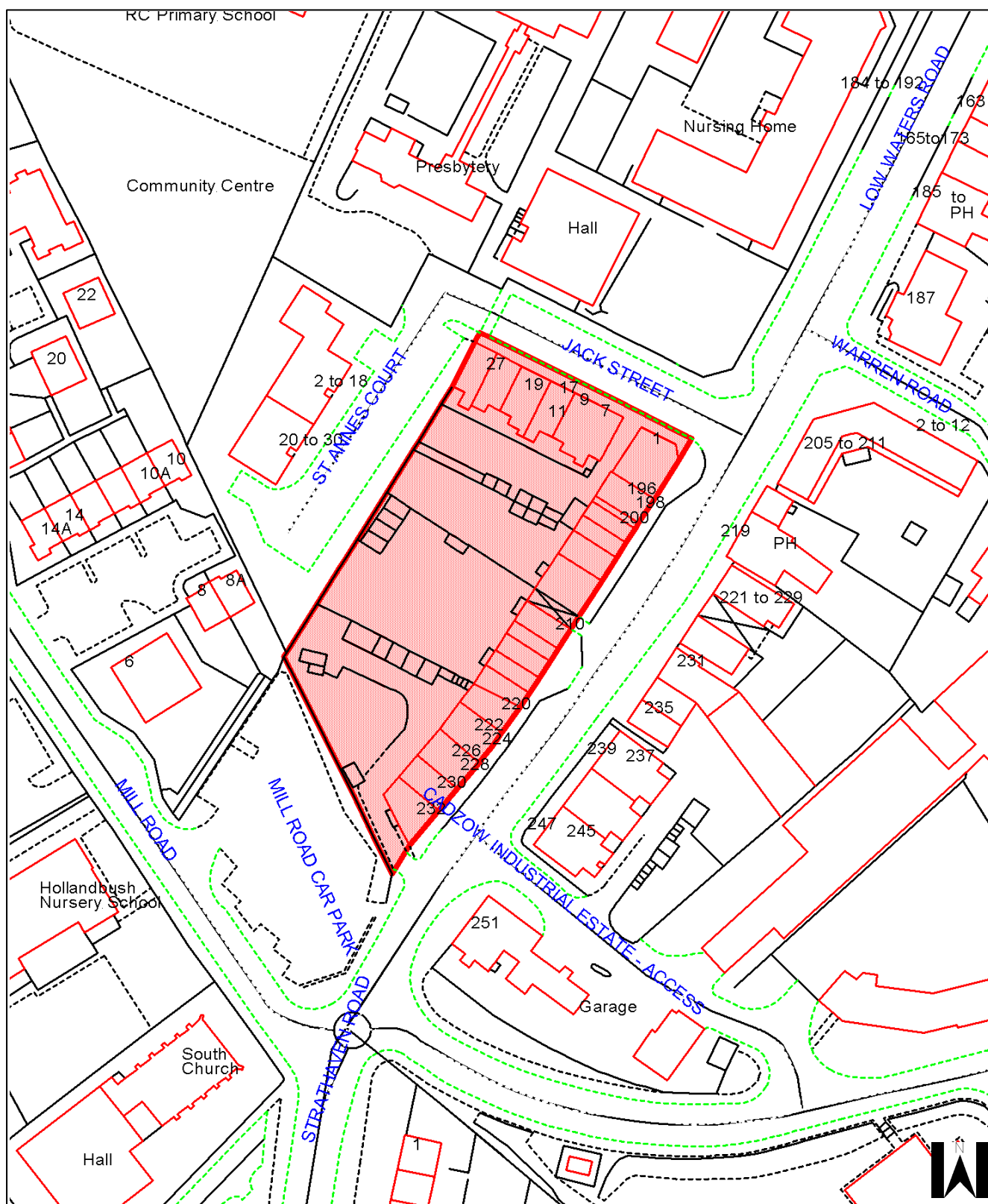
If you would like to inspect the background papers or want further information, please contact:-

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For information only



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