

Minutes of the Cabinet

15 October 2024

-: Present :-

Councillor David Thomas (Chairman)

Councillors Billings, Chris Lewis, Jacqueline Thomas and Tyerman

(Also in attendance: Councillor Long)

46. Apologies

Apologies for absence were received from Councillors Bye and Tranter.

47. Minutes

The Minutes of the meeting of the Cabinet held on 11 and 17 September 2024 were confirmed as a correct record and signed by the Chairman.

48. Disclosure of Interests

No interests were declared.

49. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions and recommendations to Council) are set out in the Record of Decisions appended to these Minutes.

50. Union Square Land Assembly

Chairman/woman

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Record of Decisions

Union Square Land Assembly

Decision Taker

Cabinet on 15 October 2024.

Decision

That Cabinet recommend to Council the following:

- (i) that delegated authority be given to the Chief Executive to continue negotiations with the owners of the various properties fronting Union Street and Market Street, Torquay and their tenants as edged red in Appendix 1, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Place Development and Economic Growth and Section 151 Officer on any Heads of Terms to enable the redevelopment and regeneration of Union Square shopping centre;
- (ii) that, having taken into account the options to acquire the various properties fronting Union Street and Market Street, Torquay, the making of the Compulsory Purchase Order for the site be approved in principle under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, the Chief Executive be given delegated authority to give effect to this decision, including:
 - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the Compulsory Purchase Order by the Secretary of State;
 - (b) to carry out any surveys on the Order Land and enter as may be required in order to deliver the proposed development by Compulsory Purchase Order(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
 - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the Compulsory Purchase Order(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
 - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.
- (iii) that Council delegate to the Chief Finance Officer the approval of the expenditure of monies required to cover the acquisition of the land at various properties fronting Union Street and Market Street identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the redevelopment of the area.

Reason for the Decision

The 2015 Torquay Town Centre Masterplan set out the framework for re-development and regeneration of Torquay Town Centre. As a part of delivering against the Masterplan a Strategic Outline Case (SOC) for the redevelopment of Union Square Shopping Centre has been developed. The SOC proposals require the acquisition of various properties fronting Union Street and Market Street in addition to the shopping centre (which was acquired in 2022). Negotiation with the owners of these various properties for their purchase are ongoing and are at varying stages of progress - in fact 2 of the properties, 67 & 69 Union Street, have been acquired already.

Every effort will be made to conclude the acquisition of the various properties by negotiation, but the success of the negotiation process for the acquisition of these properties is not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) is needed to ensure that the properties can be acquired.

Implementation

The Cabinet's recommendation will be considered at the Council meeting on 5 December 2024.

Information

Union Square Shopping Centre was acquired by Torbay Council in 2022 with the intent to regenerate the site as mixed use development. The area was subject to anti-social behaviour and falling property values in the immediate and adjacent areas that have been recorded since 2008. Change was required to repurpose the land and buildings to provide a catalytic regeneration to the upper part of Torquay Town Centre.

At the meeting Councillor Chris Lewis proposed and Councillor David Thomas seconded a motion that was agreed unanimously, as set out above.

Alternative Options considered and rejected at the time of the decision

The options are:

- 1) To acquire the identified land necessary for the redevelopment by negotiation, this option is being pursued.
- 2) Not pursuing acquisition via Compulsory Purchase Order if necessary, could result in non-viability and hence non-delivery of the preferred scheme.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

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18 October 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

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