

Meeting: [Cabinet/Council](#) **Date:** [15 October 2024/5 December 2024](#)

Wards affected: [Tormohun](#)

Report Title: [Union Square Land Assembly](#)

When does the decision need to be implemented? [November 2024](#)

Cabinet Member Contact Details: Cllr Chris Lewis, [Deputy Leader of Torbay Council Cabinet Member for Place Development and Economic Growth](#), chris.lewis@torbay.gov.uk

Director Contact Details: [David Carter, Divisional Director Strategic Development](#), david.carter@torbay.gov.uk

1. Purpose of Report

- 1.1 This report sets out the required action by Council to enable commencement of preparations for a possible Compulsory Purchase Order process for the redevelopment of Union Square shopping centre and surrounding properties.

2. Reason for Proposal and its benefits

- 2.1 The 2015 Torquay Town Centre Masterplan set out the framework for re-development and regeneration of Torquay Town Centre as follows:
- A focus for regeneration and renewal – which supports its primary retail & commercial role, particularly expanding the quality of the retail offer
 - A place to be – a reinvigorated town centre which stimulates investment in and renewal of deprived communities
 - High quality development - which improves the public realm and provides an improved, multifunctional town centre
 - A 'point of difference' - a more focused shopping experience with a distinct high street
 - Retail offer to complement new housing and the development of a leisure based retail offer at Torquay Harbour
 - The complete package – for residents, businesses and visitors as a place to live, work, shop, eat and play.

- A wider mix of town centre uses which respond to and are better integrated with each other through improved public spaces
 - A connected town centre – clear, legible and direct connectivity to the town centre is essential for successful regeneration
- 2.2 As a part of delivering against the Masterplan a Strategic Outline Case (SOC) for the redevelopment of Union Square Shopping Centre was recommended at Capital Growth Board in July 2024 to be progressed to a Planning Application/Consent.
- 2.3 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.
- 2.4 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.
- 2.5 The CPO process is a long process and therefore must be commenced soon to ensure that it can be completed and implemented to meet the redevelopment programme for Union Square.
- 2.6 An acquiring authority (such as the Council) can pass a resolution providing in principle support for the making of a CPO and the providing authority for the commencement steps preparatory to the making of a CPO. Such a resolution allows officers to progress the actions needed to enable the CPO to be made and provides the authority to enable the CPO to be progressed with a further resolution being required shortly before the CPO is made to confirm the precise extent of the land and rights sought, to approve the Order documents such as the Statement of Reasons and to provide the authority for the making of the CPO. The Order's subsequent implementation would be delegated to officers should it ultimately be necessary to vest property interests pursuant to the confirmed CPO.

3. Recommendation(s) / Proposed Decision

3.1 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.

Appendices

Appendix 1 – Plan of the extent of the development site

Background Documents

[Torquay Town Centre Masterplan \(June 2015\) \(torbay.gov.uk\)](http://torbay.gov.uk)

Supporting Information

1. Introduction

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

2. Options under consideration

- 2.1 The option to acquire the identified land necessary for the redevelopment by negotiation is being pursued.
- 2.2 Development appraisal modelling both financial and public sector benefits model have determined the extent of land necessary to redevelop.
- 2.3 Not pursuing acquisition via CPO if necessary, could result in non-viability and hence non-delivery of the preferred scheme.

3. Financial Opportunities and Implications

- 3.1 The Finance Team have reviewed the financial viability appraisal submitted to Capital and Growth Board in July that justified the need of the extent of land assembly of the preferred option.
- 3.2 The funding for land assembly is from Government Grant (Towns Deal Funding)

4. Legal Implications

- 4.1 The use of CPO powers is a common mechanism used by Local Authorities to acquire land for Regeneration and Redevelopment. It requires a prescribed process set out in legislation and guidance published by MHCLG to be followed before a CPO can be made.

- 4.2 Torbay Council's legal team are actively engaged in both the current acquisition by negotiation and the development of a potential CPO should it ultimately be required.

5. Engagement and Consultation

- 5.1 The prescribed process for CPO requires extensive formal and informal consultation to be undertaken and documented with affected parties and stakeholders.
- 5.2 If we proceed with a CPO it will require full details of correspondence and consultation.

6. Procurement Implications

- 6.1 There is no specific procurement activity required in a CPO process.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 If the CPO is required, the CPO process will require the Council to demonstrate that the implementation of the scheme following confirmation of the CPO is unlikely to be blocked by any physical or legal impediments. This includes the need for planning permission. Accordingly, the Council will need to have in place a clear strategy for securing planning permission for the scheme in tandem with the CPO process. The planning process will take into consideration all extant and emerging Council Policies associated with the proposed development and report on them.

8. Associated Risks

- 8.1 The CPO process is well defined but complex and therefore the procedural risks are moderate. However as property rights are impacted, affected landowners and occupiers will be entitled to claim compensation under the Compensation Code. Provision has been made in the project budget for the likely costs of compensation.
- 8.2 The risk of not making a decision would be to prolong the development process and create uncertainty on the Council's ability to deliver the scheme.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	None		PiP
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	Should be positive as project itself will create career opportunities		PiP
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	Should improve or maintain the current standard of provision in the urban realm		PiP
Gender reassignment	<p>In the 2021 Census, 0.4% of Torbay's community</p>	Neutral Impact		PiP

	<p>answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.</p>			
Marriage and civil partnership	<p>Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.</p>	Neutral Impact		PiP
Pregnancy and maternity	<p>Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.</p>	Neutral Impact		PiP
Race	<p>In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p>	Neutral Impact		PiP

Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	Neutral Impact		PiP
Sex	51.3% of Torbay's population are female and 48.7% are male	Neutral Impact		PiP
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	Neutral Impact		PiP
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	Neutral Impact		PiP
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Positive Impact		PiP
Public Health impacts (Including impacts on the general health of		Positive Impact		PiP

the population of Torbay)				
Human Rights impacts		No Impact		
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	Positive Impact		PiP

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None