

# North Lanarkshire Council Report

## Planning Committee

Does this report require to be approved?

Yes  No

Ref:21/00982/PPP

Date: 10/11/22

## Compulsory Purchase Order 99 Stanhope Place, Gowkthrapple Town & Country Planning (Scotland) Act 1997

**From:** Pamela Humphries, Head of Planning and Regeneration

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### Executive Summary

The purpose of this report is to seek approval to promote a Compulsory Purchase Order (CPO) in relation to a property at 99 Stanhope Place, Wishaw (“the Property”). The Property is identified in the location plan and CPO plan in Annex 2 and 5 and is part of the approved Gowkthrapple Regeneration Masterplan Framework (“the Masterplan”) for major regeneration at Gowkthrapple (See Location Plan – Masterplan Site Boundary and Indicative Concept Masterplan Drawing at Annex 1 and 3). The regeneration plans outline significant redevelopment of the area following demolition of the existing flats and will deliver new housing, landscaped open space and green corridors in four phases (as shown on the Masterplan Framework Phasing plan attached at Annex 3). The Property is situated within Phase 2 (as shown in Masterplan Framework Phasing at Annex 4).

Planning application ref. 21/00982/PPP (described as “*Residential development, ancillary retail, open space, landscaping, SUDS, access, associated works and demolition (in principle)*”) was submitted by North Lanarkshire Council for the redevelopment of Gowkthrapple and this application was approved by the Planning Committee at its meeting of 27<sup>th</sup> January 2022. The permission is to facilitate the redevelopment as noted, comprising a Masterplan for an area up to and including Stanhope Place, but also involving the demolition of existing tower blocks and low-rise flats.

It has not been possible to reach final agreement with one private owner to purchase their flat on a voluntary basis. This is required to allow part of the redevelopment to be implemented and the wider aims of the Masterplan achieved.

Planning legislation allows Local Authorities to exercise powers relating to the compulsory acquisition of land for development and other planning purposes under certain circumstances. Those powers apply in this instance and the following report is to seek Committee’s agreement to promote a CPO.

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## Recommendations

It is recommended that the Planning Committee:

- 1) Approves the promotion of a Compulsory Purchase Order to acquire the property at 99 Stanhope Place, Wishaw, together with all common rights pertaining thereto, which property is shown on the plan annexed to this Report at Annex 2 and 5, for the purpose of supporting the proper planning of the area.
- 2) Gives Authority for the Head of Legal and Democratic Solutions to prepare all Compulsory Purchase Order documentation and to take all necessary steps including publication of all statutory notices to secure Confirmation of the Order by the Scottish Ministers and the Vesting of the property in the Council.

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## The Plan for North Lanarkshire

Priority	Improve the health and wellbeing of our communities
Ambition statement	(1) Ensure a housing mix that supports social inclusion and economic growth

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### 1. Background

- 1.1 In 2017, the Council announced a strategic change in housing policy following consultation with the residents of North Lanarkshire to agree on plans to demolish a number of towers and low-rise blocks and replace them with modern homes fit for the future. Reports were presented to and agreed by the then Housing and Social Work Services Committee on 2<sup>nd</sup> February 2017 on a Tower Strategy Action Plan and subsequently to the Enterprise and Housing Committee on 15<sup>th</sup> February 2018 on the Future Tower Strategy. These approved reports consolidated the strategy of moving away from flatted high and low rise properties with a future focus on provision of two storey homes. This strategic aim allowed the strategy for demolition of the existing towers at Gowkthrapple to be progressed.
- 1.2 A report was presented to and approved by the Enterprise and Housing Committee on 10<sup>th</sup> May 2018 updating members on the Economic Regeneration Delivery Plan. This also approved proposals to progress the initial phase of the Council's housing re-provisioning programme following tenant consultation and approved a new target of 5,000 new build homes for delivery by 2035.
- 1.3 The Economic Regeneration Delivery Plan contributes to the priority outcome of improving economic outcomes and opportunities, including a specific objective of providing access to high quality housing across all tenures. The report identified delivery of the current proposals at Gowkthrapple from a strategic housing perspective.
- 1.4 The Council's Local Housing Strategy (2021– 2026) supported by the Strategic Housing Investment Plan has six strategic outcomes, including priorities to (amongst others) promote supply of good quality affordable housing across all tenures, contribute to regeneration and sustainability of places and improve stock condition across all tenures. The Local Housing Strategy further supports the redevelopment at Gowkthrapple from a strategic perspective, enabling a new supply of homes fit for purpose, future proofing the stock and contributing to wider regeneration of an area

particularly adversely affected by economic and social decline over recent decades. Concerns about the age of the Council's housing stock and future investment requirements for certain types of stock, particularly tower accommodation has been identified at Gowkthrapple and regeneration of the area has been a consideration of the Council over many years.

- 1.5 The combination of these interlinked strategies provides the context to this report and ultimately facilitated the approval required for the strategy of demolition and redevelopment to occur. Following further consultation in May 2018, the Council identified the first phase of the re-provisioning strategy with 15 high-rise tower blocks and 34 low-rise blocks throughout North Lanarkshire identified to be demolished within three to five years, of which the Block in question at Gowkthrapple was included.
- 1.6 Redevelopment at Gowkthrapple has since been taken forward through planning applications. In particular, planning permission in principle (21/00982/PPP) is in place for a redevelopment for the area and includes an Indicative Concept Masterplan (Annex 4). The permission was also developed and based upon the Masterplan. The Property subject of the proposed CPO is within Phase 2 of the Masterplan at Stanhope Place (see plan attached at Annex 4). The Phase 2 area currently includes 8 four-storey blocks of flats, with 128 individual units in total.
- 1.7 Out of the 428 units across the full Gowkthrapple site earmarked for demolition, only 3 were privately owned. The rest are all owned by the Council. All tenants have now been re-housed (with the exception of a limited number of elderly residents remaining in Allershaw Tower who will move into the 18 new purpose-built bungalows currently being constructed on the Phase 1 Masterplan site). Two of the three private owners sold their property to the Council on a voluntary basis whilst the other owner did not and currently remains within the Block.
- 1.8 The Council approached the owner of 99 Stanhope Place in September 2019 to begin negotiations for a voluntary acquisition of their property. The Property was surveyed in April 2021 and the owner verbally accepted the Council's offer. In May 2021 the owner advised that they no longer wished to proceed with voluntary sale. Every effort has been made to reach agreement however, the Council are in now in the process of a procurement to appoint a contractor to commence the demolition for Phases 2, 3 and 4 of the Masterplan. Works are due to commence early in 2023. The Council therefore now has no option but to commence a compulsory purchase process otherwise it will not be possible to complete the Council's objectives to redevelop this area. The Council will continue to negotiate with the owner for a voluntary acquisition in parallel with the CPO process.
- 1.9 The Property is situated on the ground floor of block 97 – 127, the northern most block within the Phase 2 area (the "Block") The location of the Block is shown on the Location Plan attached at Annex 2 and the CPO Plan at Annex 5. The Block contains 16 flats in total, all of which are empty apart from the property in question, with the last tenant leaving in the middle of 2021. All empty flats within the Block have windows shuttered and flat entrance doors boarded over.
- 1.10 As noted, redevelopment at Gowkthrapple is a fundamental part of different Council strategies, including the Economic Regeneration Delivery Plan, with commitment to demolishing and replacing aging flats with a modern neighbourhood of housing. Retention of the Block and incorporation into the wider layout is not an option to the Council because of its location within the Phase 2 area. The proposed redevelopment follows a well-considered master planning process and in

physical terms, retention of the Block would mean that the Council would be unable to implement the redevelopment plans for the Phase 2 area following demolition. The regeneration proposals would replace the ageing flats within the area earmarked for demolition as part of our re-provisioning programme and see modern homes built for the varying and current needs of the local community.

- 1.11 If the property in question can be acquired, this will result in the removal of the ageing flats allowing replacement with a well-formed and attractive series of residential properties in keeping with the scale and character of the surrounding area. The regeneration proposals will also remove large areas of hardstanding and allow new areas to be properly landscaped, as included in the Masterplan as a green corridor. As a condition of grant funding, the new properties will be built to the Scottish Governments Housing for Varying Needs Standards and will at least meet the Governments Silver Standard - Aspects 1 and 2 - for Energy Efficiency. They will also comply with the current building regulations at the time of tender submission. This will result in new occupants having high quality, well insulated homes with economical heating costs. The new homes will be consistent in design alignment with the North Lanarkshire Council Net Zero Carbon Target of 2030. A further condition of the grant funding stipulates that they should be Secure By Design compliant, meaning the new homes will be fit for purpose and provide a safe community space for future residents.
- 1.12 The overall redevelopment for Gowkthrapple will see around 300 new homes developed. The aim is to regenerate the community by demolishing the existing towers and flats and build new homes, retail, open space, play facilities and improved transport infrastructure to create a new attractive, lower density and well-connected neighbourhood.
- 1.13 Around 100 of these properties (within the Phase 1 area) will be new build council homes for social rent to help progress the Council's target of delivering 5,000 new homes by 2035, replacing the ageing flats with modern homes built for the varying needs of the local community. The works relative to the Phase I redevelopment has already commenced. The overall redevelopment within Gowkthrapple would see all towers and existing blocks of flats including Stanhope Place demolished and replaced with new homes, potentially also involving private housebuilders or other housing providers.
- 1.14 The Council has various compulsory purchase powers available depending on the circumstances. In this instance, planning permission is in place for a Scheme of redevelopment for the area (21/00982/PPP), as well as more detailed permission (21/01316/MSC) on land to the west of Stanhope Place, which, as noted above, is being constructed by the Council as Phase 1 of the Masterplan. Progressing the compulsory purchase through planning legislation is considered the most appropriate means to take the matter forward and facilitate implementation of the overall redevelopment.
- 1.15 It is anticipated that the demolition works will commence early 2023. If the Property has not been acquired before the demolition on the Phase 2 area commences then this will increase risk and increase costs to the Council.
- 1.16 While the Planning Committee previously considered the merits of the redevelopment as Planning Authority via an application, the Council as highlighted in paragraphs 1.1 to 1.5 above, has also approved the housing re-provisioning programme, housing strategy and future tower strategy elsewhere and is committed to the aspirations for the redevelopment at Gowkthrapple. The proposed CPO will also be reported to the Housing Committee for information.

However, it is highlighted that there will be significant public benefits resulting from the redevelopment, including the positive use of brownfield land, delivery of housing, provision of modern homes (public and private), reprovisioning of residents from the existing towers and flats and the creation of a new neighbourhood with permeability, open space, landscaping, play provision and some retail.

- 1.17 Regeneration would also involve associated local inward investment and contribute towards a range of other social and economic benefits for local people. This will primarily be achieved via measurable Key Performance Indicators for Community Benefits which will be delivered via the works contracts for the new homes. Such deliverables tend to focus on community engagement with local schools, community groups and residents, whether school visits to site, apprenticeships or routes to work schemes. Local funding and support can be provided to charities, complimenting a package of Community Benefit deliverables as a direct result of the regeneration proposals. Direct economic benefits arise from supply chain provision for the new homes via local contractors and labour force, combined with training opportunities as previously noted.
  - 1.18 Out of approximately 400 flats currently within Phases 2, 3 and 4, this is the only property that currently remains in occupation with the windows of all other blocks being shuttered and with metal security doors fitted. Without a CPO, redevelopment of the Phase 2 area would not be possible, leaving a block of 16 flats, with only one in occupation. Retention of the block is not an option for the Council. Whilst acknowledging the impact of the CPO on the owner, the significant public benefits are considered to outweigh the private interest in these circumstances. Also, it is reiterated that efforts have been made to reach voluntary agreement in respect to purchasing the property.
  - 1.19 The Council owns all of the properties within Phases 2, 3 and 4 in the Masterplan area aside from the Property. This presents a pressing need to conclude full acquisition of all available property to allow wholesale regeneration to take place. The Council has made a commitment to replace its own ageing housing stock with more appropriate, energy efficient and Housing for Varying Needs compliant housing. This will benefit the public by providing homes that are fit for purpose, and future proofed based on the needs of residents both now and via projections of future demand and requirements. The redevelopment of Phase 2 as planned cannot be progressed without the acquisition by the Council of 99 Stanhope Place. If the Property has not been acquired before the demolition of Stanhope Place commences then the cost of the demolition contract will substantially increase.
  - 1.20 The Council has carefully considered the balance to be struck between individual rights and the wider public interest. The landowner will be appropriately compensated. For the reasons set out above, the Council considers that there is a compelling case in the public interest for promotion of the CPO. The compulsory purchase of the Property is considered necessary and proportionate in the circumstances.
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## **2. Report**

- 2.1 Part VIII of the 1997 Town and Country Planning (Scotland) Act (the "Act") sets out the process which allows Local Authorities to exercise powers relating to the

compulsory acquisition of land for development and other planning purposes. Section 189(1) of the 1997 Act confers the power to the local authority to acquire compulsorily any land in its area which:

- (a) Is suitable for and required in order to secure the carrying out of development, redevelopment and improvement,
- (b) Is required for a purpose which is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

2.2 In this instance, the Head of Planning and Regeneration considers that the land in question is suitable for redevelopment and that without a Compulsory Purchase Order, the last flat remaining within private ownership would prevent the proper planning and overall redevelopment of the area.

2.3 Section 189(2) requires that, in considering whether land is suitable for development, redevelopment or improvement, a local authority shall have regard to the following three criteria:

- (a) The provisions of the development plan, so far as material
- (b) Whether planning permission for any development on the land is in force, and
- (c) Any other considerations which would be material for the purposes of determining an application for planning permission for development on the land.

**(a) The provisions of the development plan, so far as material**

2.4 The Development Plan consists of Clydeplan 2017 and the new North Lanarkshire Local Development Plan 2022. However, at the time of determining the recent application for planning permission in principle (21/00982/PPP), the North Lanarkshire Local Plan 2012 was in place. That application, and associated application 21/01316/MS for the Phase 1 area were considered to accord with the Development Plan and were approved earlier this year. The relevant policies were Policy HCF1A Residential Areas (which aimed to protect residential amenity and supported compatible development), Policy DSP3 Impact of Development (which considered strategic impacts, e.g., a financial contribution towards school infrastructure was required), and Policy DSP4 Quality of Development (which considered design, development standards, impacts on surrounding land-uses and infrastructure). The scale of development is not of strategic significance in planning terms and assessment against Clydeplan was not required.

2.5 Within the new North Lanarkshire Local Development Plan 2022, the area covered by the Masterplan is primarily designated a General Urban Area. General Urban Area policy PP3 Purpose of Place aims to maintain and improve the level of amenity in urban areas, by encouraging development that is in keeping with their residential character and encouraging diversity in more mixed-use areas. The policy is supportive of redevelopment 'in principle'. Furthermore, the Phase 1 area of the Masterplan and planning permission in principle is actively promoted for residential development, designated Policy PROM LOC 3 Housing Development Sites.

2.6 The Local Development Plan also has more detailed technical assessment policies against which development proposals are considered - policies EDQ1 Site Appraisal, EDQ2 Specific Features for Consideration and EDQ3 Quality of Development. These policies change the way in which proposals should be assessed and the range of information required to support applications.

- 2.7 The emerging Local Development Plan was treated as a material consideration within the applications approved earlier this year. It is considered that the detail of development at the Phase 2 area via an application for Matters Specified in Conditions could comply with the Development Plan, subject to the quality of the application and design taken forward.

**(b) Whether planning permission for any development on the land is in force**

- 2.8 As highlighted, the Committee has already considered an application (21/00982/PPP) by North Lanarkshire Council for 'Residential development, ancillary retail, open space, landscaping, SUDS, access, associated works and demolition (in principle)'. The Committee approved the application subject to 17 conditions and the decision notice was issued on 28 January 2022. This includes the land which is the subject of the proposed CPO and a wider Masterplan for the redevelopment of Gowkthraple.
- 2.9 Committee considered and approved a subsequent application (21/01316/MSC), also submitted by North Lanarkshire Council on directly adjacent land but within the same planning permission in principle and Masterplan. This was for Matters Specified in Conditions (MSC) of the planning permission in principle and was described as 'Construction of 96 Dwellinghouses (Semi-Detached, Terraced, Bungalows and Cottage Flats), Day Care Unit, New Infrastructure including Roads and SUDS Drainage Systems (MSC application in relation to 21/00982/PPP)'. Initial groundworks have commenced at Phase 1.
- 2.10 A new MSC application for the Phase 2 area specifically relevant to the CPO would be required to confirm design, layout and associated works. It is not known at this stage when an application will be submitted.
- 2.11 The existing planning permissions demonstrate that the land which is the subject of the proposed CPO already has planning permission in principle and there is no obvious reason why a further application for Matters Specified in Conditions would not be granted, discussed further in paragraph 2.13.

**(C) Any other considerations which would be material for the purposes of determining an application for planning permission for development on the land**

- 2.12 There are a range of other possible considerations relevant to the redevelopment, including national planning policy, advice notes and planning guidance. A future MSC application would also be subject to appropriate notification procedures, advertisement, and consultation. This could result in representations and specific material considerations on final plans. It is reiterated however, that planning permission in principle has already been granted providing a robust basis for the redevelopment and promotion of the compulsory purchase. There is also commitment to the redevelopment out with the planning process, within other important Council priorities and strategies, such as the Economic Regeneration Delivery Plan, future tower strategy and provision of new social housing.
- 2.13 MSC applications would be required to consider detailed elements of all future phases of development (including the Phase 2 area). It is not possible to prejudge the outcome of a planning application without going through that process. There is however sufficient comfort from the recent planning permission in principle and

planning conditions in place, that subject to application quality the policies could be complied with. The principle of development and a Masterplan has already been granted planning permission, committing to the redevelopment of the Gowkthrapple area. Subject to approval of details, this would be in accordance with the Development Plan and is otherwise in the interests of the proper planning of the area. The Phase 2 area forms an integral part of the Masterplan and demolition of the block would be required to allow redevelopment to be physically implemented and for the over design concepts to be achieved.

- 2.14 Considering the above, the proposed Compulsory Purchase Order meets the requirements to be progressed under planning legislation and the report recommendations are provided above.

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### **3. Measures of success**

- 3.1 The acquisition of the property at 99 Stanhope Place helps the Council meet its objectives set out in the Masterplan for Gowthrapple.

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### **4. Supporting documentation**

- 4.1 Appendices 1 to 5 (below) shows the location of 99 Stanhope Place within the wider context including the approved masterplan area and its 4 phases.

Annex 1 – Location Plan (Masterplan Site Boundary)  
Annex 2 – Location Plan (99 Stanhope Place)  
Annex 3 – Indicative Concept Masterplan Drawing 105 Rev D  
Annex 4 – Masterplan Framework Phasing  
Annex 5 - CPO Plan



**Pamela Humphries**  
**Head of Planning and Regeneration**

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## 5. Impacts ( <http://connect/report-template-guidance> )

<p><b>5.1 Public Sector Equality Duty and Fairer Scotland Duty</b> Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>If Yes, has an assessment been carried out and published on the council's website? <a href="https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments">https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments</a> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p><b>5.2 Financial impact</b> Does the report contain any financial impacts? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, have all relevant financial impacts have been discussed and agreed with Financial Solutions? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>Provision has been made within the council's Housing Revenue Account to fund the purchase property at 99 Stanhope Place which will be contained within the budget for the Open Market Purchase Scheme.</p>
<p><b>5.3 HR policy impact</b> Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts have been discussed and agreed with People and Organisational Development? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p><b>5.4 Legal impact</b> Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, have all relevant legal impacts have been discussed and agreed with Legal and Democratic Solutions? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>Legal Advice has been obtained.</p>
<p><b>5.5 Data protection impact</b> Does the report / project / practice contain or involve the processing of personal data? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to [dataprotection@northlan.gov.uk](mailto:dataprotection@northlan.gov.uk)

Yes  No

**5.6 Technology / Digital impact**

Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi?

Yes  No

If Yes, please provide a brief summary of the impact?

Where the impact identifies a requirement for technology, has an assessment been carried out (or scheduled) by the Enterprise Architecture Governance Group (EAGG)?

Yes  No

**5.7 Environmental / Carbon impact**

Does the report / project / practice contain information that has an impact on any environmental or carbon matters?

Yes  No

If Yes, please provide a brief summary of the impact?

The wider project has environment/carbon impact to consider, however this report relates to the compulsory purchase of a remaining flat in private ownership.

**5.8 Communications impact**

Does the report contain any information that has an impact on the council's communications activities?

Yes  No

If Yes, please provide a brief summary of the impact?

The proposal relates to the Compulsory Purchase of a private property where agreement hasn't been achieved.

**5.9 Risk impact**

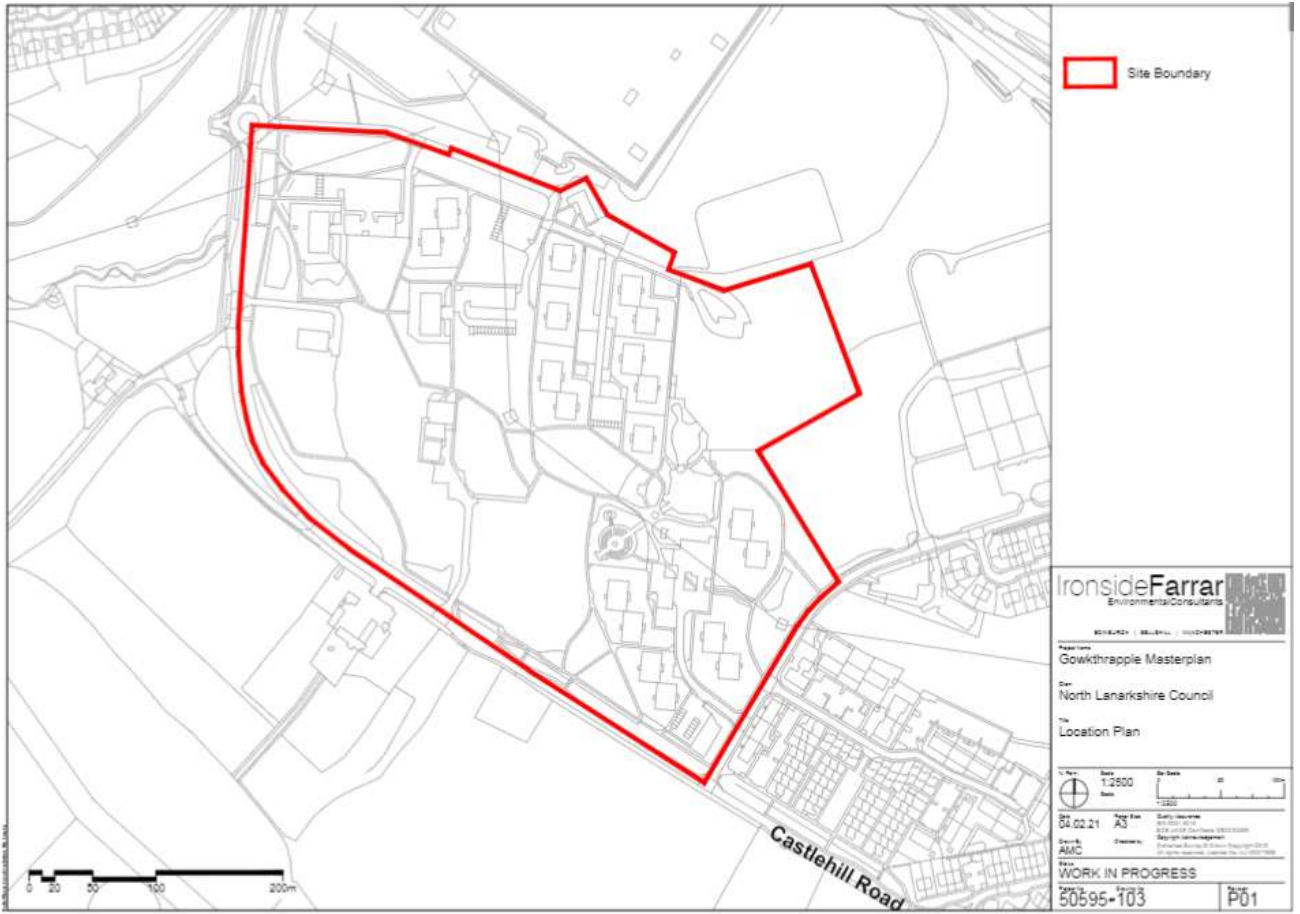
Is there a risk impact?

Yes  No


If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?

Without the ownership of the full block at Stanhope Place the re-provisioning programme will not be able to progress, this will have an adverse effect on the Gowthraple Masterplan and the local environment.

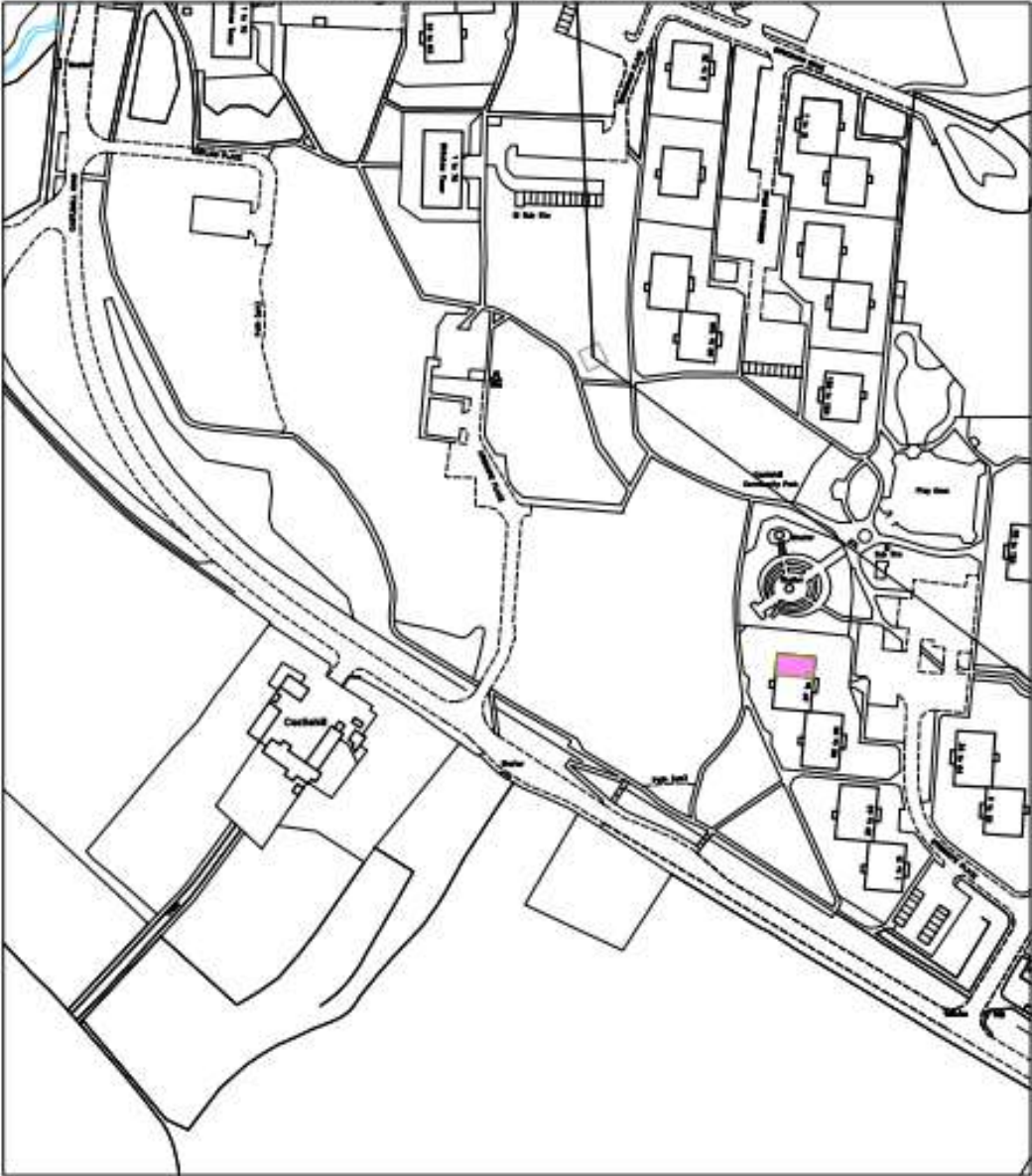
# Annex 1: Location Plan (Masterplan Site Boundary)



**Annex 2: Location Plan (99 Stanhope Place)**

<b>LOCATION PLAN - For Information Only</b>		
Title: Stanhope Place	Scale 1:nts	
Town: Wishaw	Date: 27.10.22	

**ENTERPRISE & COMMUNITIES**



**CARTOGRAPHIC & MAPPING SERVICES**

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## Annex 4: Masterplan Framework Phasing

### 7. Proposed Phasing and Capacities

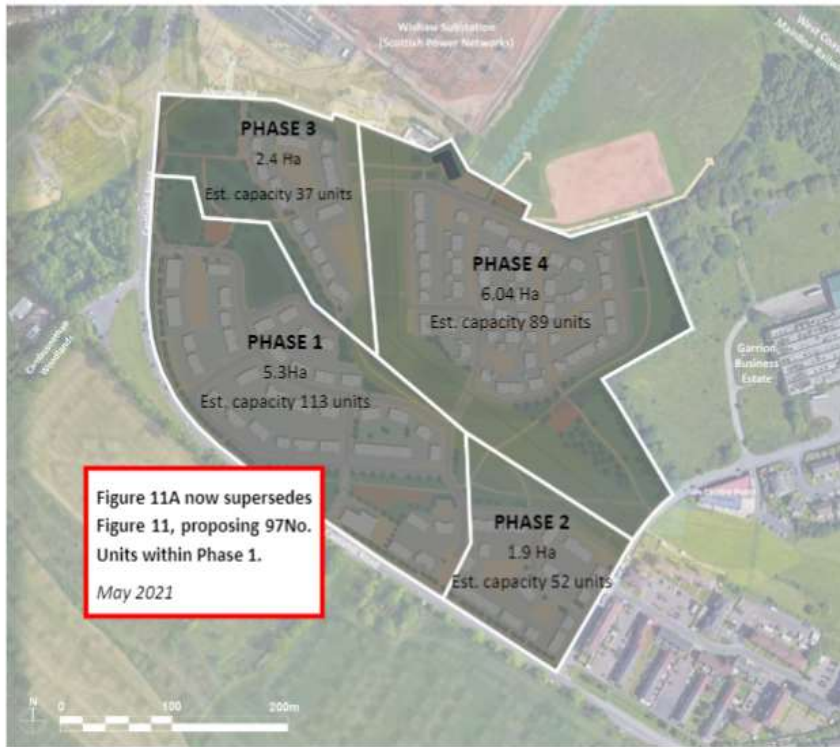


Figure 14 : Proposed Phasing and Estimated Housing Capacities

Annex 5: CPO Plan

