



CABINET

10 July 2013

Subject Heading:

Harold Hill Library

Cabinet Member:

Cllr Curtin
Cllr S Kelly

CMT Lead:

Andrew Blake Herbert
Group Director -Resources

Report Author and contact details:

Mark Butler
Head of Asset Management
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Policy context:

Harold Hill Ambitions

Financial summary:

There is a £2.5m provision within the
Capital Programme for the new Harold Hill
Library

Is this a Key Decision?

No

Is this a Strategic Decision?

Yes

When should this matter be reviewed?

September 2014.

Reviewing OSC:

Value

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input checked="" type="checkbox"/>
Providing economic, social and cultural activity in thriving Towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

- 1.1 The report to Cabinet on 19th November 2008 gave broad authority to progress arrangements for the design and construction of a new library facility for Harold Hill. This report seeks formal authority to make a CPO to secure the remaining property interests required to facilitate the development in the event that existing negotiations were to fail, plus associated appropriation procedures.

RECOMMENDATIONS

That Cabinet approves:

- 2.1 the design and viability assessment for the new library.
- 2.2 the making of a Compulsory Purchase Order to acquire any further interests required for the new library
- 2.3 the delegation to the Property Strategy Manager and Assistant Director - Legal and Democratic Services to take whatever action is required under the CPO process, or other processes, to achieve vacant possession of remaining properties and temporary rights
- 2.4 the appropriation of the library site from commercial premises within the general fund to that of held for 'planning purposes', to include areas to the north and south of the library building that will be needed for the library construction process

REPORT DETAIL

- 3.1 The Cabinet Meeting of 19 November 2008 in respect of the Harold Hill Ambitions programme decided that -
- a) a new library be provided in Harold Hill to be funded from capital receipts from the Gooshays Drive disposal site and*
- b) that a detailed and costed feasibility study be undertaken on the initially preferred location for the Library in the East Dene Arcade between Farnham Road and*

Chippenham Gardens, to define costs, viability and the facilities to be provided as part of an expanded library service.

- 3.2 A number of design options have been explored with the Harold Hill Ambitions Programme Board for the proposed site and a detailed design with a costed feasibility study have now been completed in consultation with the Library service. Details of the design are set out in **Appendix 1** to this report. The proposed scheme will provide a 60% larger floor space than the current library including a large multi-use room which does not exist in the existing building. The two storey height of the structure provides scope to install a mezzanine floor at some later date, if required.
- 3.3 The cost plan accompanying the design indicates a project cost £2.3m (construction and fees but excluding site acquisition/CPO costs) which is within the budget allocation provided. Exchange of contracts for the sale of the Gooshays site took place last month and completion is set for September 2013.

Compulsory Purchase Order & temporary rights required

- 3.4 At a Cabinet Meeting on 13th October 2010, authority was given to compulsorily acquire leasehold interests of permanently affected leased shop units (being 13, 19, 21 & 23 East Dene Arcade on one side and shop units 14, 16/18/20 and 22/24 on the other side). In the meantime, vacant possessions have been secured by negotiation or expiration of lease in respect of all but one of the permanently affected units.
- 3.5 The Council is still in negotiations with the tenant of 22/24 East Dene Arcade, a double unit currently operating as a Chinese takeaway, to secure a relocation and surrender of the premises or, alternatively, a monetary settlement to surrender. It is proposed that this double unit is included in the Compulsory Purchase Order, in case negotiations fail.
- 3.6 It is recommended that this decision authorises that the proposed London Borough of Havering (Harold Hill Library) Compulsory Purchase Order 2010 includes such rights as may be necessary for the Council to temporarily close and occupy shop unit 65 Farnham Road, RM3 8ED, and temporarily erect scaffolding on the pavement outside the shop unit, obscuring, or partially obscuring, the retail window displays of the unit. It may be necessary to require this tenant, who is trading as a jeweller / pawnbroker, to remove his stock to a safe alternative place during the period of closure.
- 3.7 65 Farnham Road adjoins the library development site and will need to be closed temporarily for health & safety reasons, as part of the new library project, whilst asbestos investigations and any necessary asbestos removal works are undertaken and/or for the period when demolition works take place on the adjoining East Dene Arcade shop units for the library development site. Whilst contractual arrangements have been written into the Lease for a one off temporary closure for up to 21 days of shop unit 65 Farnham Road, at an agreed daily rate of compensation, and the erection of scaffolding on the adjoining Council pavement, legal advice obtained is that this unit should be included within the CPO in respect of temporary rights required by the Council, to be implemented as necessary. This is required in order to give certainty to the Council's new Harold Hill Library development scheme.

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- 3.8 It is likely that scaffolding will need to be erected on the Council pavement outside this shop unit for the period of the demolition and the construction works for the new Library. The shop unit on the opposite corner, 19 Farnham Road, is currently vacant having been repossessed by the Council on 16.11.2011 and it is the Council's intention not to let it for the time being, as our contractors are likely to require use of it during the period of the library building works.
- 3.9 The two shop units 19 Farnham Road & 65 Farnham Road, together with the Council pavement area in between the two shop units, is identified by blue edging on the attached sps1186/C dated February 2013 to be found at **Appendix 2**. The Plan also identifies (a) the existing Library in Hildene Avenue by green edging and, (b) the site of the proposed new Library in East Dene Arcade by red edging. The pavement area in between these two shop units has not been adopted as public highway by the Council.

Appropriation to 'planning purposes' the proposed new Harold Hill Library site at East Dene Arcade

- 3.10 Council owned land is held for a particular purpose and if its purpose changes over time, it is considered prudent to formally record this by a process known as 'appropriation'.
- 3.11 The East Dene Arcade is proposed for the site of the construction of the new Harold Hill Library and it is part of the process of proving that the Council's legal title in the land is clear and there are no legal obstacles to redevelopment, save as for planning consent and any known remaining interests such as the Lease for the double shop unit 22/24 East Dene Arcade.
- 3.12 Section 122 of the Local Government Act 1972, subject to a number of provisions, provides that "a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation...."
- 3.13 In this instance the land for the proposed library, edged red and the land immediately to the north and south edged blue on plan sps1728 at **Appendix 3** is currently held as commercial premises in the Council's General Fund. As it does not form part of 'open space' there is no requirement to first seek observations and objections from the general public by advertising such a proposed change in a local newspaper circulating in the area.
- 3.14 By formally appropriating the land for 'planning purposes' the Council, or any other person may, subject to obtaining an appropriate planning consent, develop the land in accordance with the planning permission and any conditions contained therein.
- 3.15 The Council should only propose to appropriate land for 'planning purposes' if it has an intention to see the land used for development which promotes or improves the economic, social or environmental well-being of its area, and believes that the appropriation is needed in order to facilitate or achieve those aims. In this instance, it is clear that the Council has a desire to see the site edged red on the plan developed as the new Harold Hill Library, and it considers that the development, if implemented, will be

of benefit to the well-being of the community, through much needed improved and enlarged library facilities which will promote an improvement in the social well-being in the area.

~~3.16~~ It is proposed that the land shown edged blue on the plan sps1728 is by this decision appropriated now to 'planning purposes' under s.122 of the Local Government Act 1972, that includes service yard areas to the north and south of the library site that will be needed to be used during the library construction process.

Other requirements to support delivery of the project

3.17 Prerequisite studies and consultation to support the planning application have been completed and the planning application itself is due to be considered by Regulatory Services Committee in the coming weeks. A separate application to address the pedestrian access which currently traverses the proposed construction area will be considered by Regulatory Services Committee.

REASONS AND OPTIONS

4. Reasons for the decision:

4.1 The compulsory purchase, appropriation and stopping up procedures are required to ensure delivery of the new library facility as a key component of the Harold Hill Ambitions programme delivering the Council's regeneration objectives for Harold Hill.

5. Other options considered:

5.1 In the evaluation process, a number of alternative sites have been considered for a site of the proposed new Harold Hill Library in, or near, the Hilledene Shopping Centre.

5.2 The preferred site option at East Dene Arcade is owned freehold by the Council, vacant possession has already been obtained for most of the site and the site is in the heart of the Hilledene shopping centre which will help draw increased footfall to both the new library, and to the shops in the Centre. Other site options did not offer this range of benefits.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report has recommendations including:-

Approval of the design and viability assessment for the new library.

The viability assessment is contained within the exempt Appendix 4. The budget available for this scheme is £2.5m, including the costs of the CPO.

Approvals and delegations in respect of the CPO

The costs associated with the CPO arising from this decision are likely to be compensation payments to any tenants of the permanently or temporarily affected shop units at the time of the sealing of the Order and all such parties' costs.

If the parties can not agree a negotiated settlement for compensation, under compulsory purchase legislation it would be a matter to be referred to the Upper Tribunal (Lands Chamber) to independently decide the financial issues.

There is provision in the Capital Budget for the initial estimated cost of securing vacant possession of the required shop units. Current costs are now included with the revised budget for the entire Library scheme detailed in the Summary of Detailed & Costed Viability and Facilities for the new Harold Library' at **Exempt Appendix 4** to this Report.

Appropriation of the site for planning purposes

The site is a General Fund one, and therefore there are no adverse financial implications.

Conway Mulcahy, Finance Business Partner

Legal implications and risks:

It is advised that these decisions need to be taken in accordance with the Constitution and formally recorded in order to progress the library scheme and obtain Secretary of State's consent for the proposed London Borough of Havering (Harold Hill Library) Compulsory Order 2010.

All rights of temporary closures and occupation of 65 Farnham Road and rights for the erection of scaffolding on the Council owned pavement area outside this retail unit temporarily obscuring, or partially obscuring, retail window displays should be included within the proposed Compulsory Purchase Order, as necessary when the Order is sealed to ensure certainty in the council being able to implement the proposed new Harold Hill Library development scheme and keep to a project timetable.

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Retail unit 19 Farnham Road is vacant having been repossessed by the Council on 16.11.2011 and is being held vacant for use during the period of the library building works and therefore does not need to be included in the Order

Robin Bloom, Principal Locum Lawyer (Contracts)

Human Resources implications and risks:

There are no HR issues arising from this proposal

Equalities implications and risks:

The Compulsory Purchase Order is needed in order to ensure that the new Harold Hill Library project can keep to a project timetable. The proposed new Harold Hill Library will cater for a wide spectrum of community needs.

Appendices

Disclosable Appendices

Appendix 1: Design proposals for the new Harold Hill Library

Appendix 2: New Harold Hill Library, The Arcade / Farnham Road, Harold Hill
Proposed CPO Plan – sps1186/C dated February 2013

Appendix 3: The Arcade (East), Harold Hill, Romford, RM3 8EH -
Proposed plan for appropriation to 'planning purposes'

Exempt Appendices (not for publication)

Appendix 4: Summary of detailed & costed viability and facilities for the new Harold Hill Library

BACKGROUND PAPERS

Report to Cabinet - 19th November 2008: Harold Hill Ambitions Plan – Agreement of proposals following community consultation

