

Southampton City Council
(222-252 Meggeson Avenue, Townhill Park)
Compulsory Purchase Order 2010

STATEMENT OF REASONS

The Order is made under Section 226 (1) (a) of the Town and County Planning Act 190 in respect of the acquisition of land:

1.0 Description of the Land, Location and Present Use

The Order covers 1 distinct area of land. The land contains one residential block, together with a car park to the rear, and open space surrounding the block. The land comprises 0.58 hectares (1.43 acres) edged red and numbered 4 on the attached map. The freehold of land which is the subject of this CPO is owned by the Council .

The residential block of flats is now largely vacant pending redevelopment.

222-252 Meggeson Avenue

The property occupies a large irregular shaped plot of land which currently accommodates a five storey purpose built block of flats, a car parking area, bin storage area and electricity sub-station. The Order provides for the acquisition of two residential properties occupied by secure tenants within the residential estate situated within 222-252 Meggeson Avenue . The Authority owns the freehold of the land on which all these premises are situated but the properties are subject to occupations granted by Lease or Tenancy Agreements. Full details of the properties to be acquired appear in the Schedule to the Order but in summary comprise:-

All interests except those already owned by the acquiring authority in the following council homes held under secure tenancies

232 Meggeson Avenue
236 Meggeson Avenue

The area is characterised by residential development and open space.

2.0 The Purpose of the Authority

The purpose of the Authority in making the Order is to assist in achieving the key Government housing policy goal of ensuring that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. Local planning authorities are advised to help achieve this by reusing land that has previously been developed and which is underused. The authority seeks to acquire the order land to redevelop the land as described in Section 3 below thereby regenerating the area and delivering a mixed tenure scheme of housing and defined public open space which will

create a distinctive character to the area relating well to its surroundings and will support a sense of local pride and civic identity. The council is satisfied that the scheme will improve the social, economic and environmental well being of the Harefield area.

Southampton City Councils Housing Strategy has been developed to deliver the Government's housing goals and has the following key objectives which the Meggeson Avenue Redevelopment will help to deliver:

- To build more affordable homes, with a target of 2000 by 2012.
- To bring decent housing within the reach of people on lower incomes.
- To improve the quality of new housing and of existing stock

On the 25th October 2010 Cabinet of the Authority resolved to authorise the making of a Compulsory Purchase order to acquire the Order land .

3.0 Proposals for the Land

The project is phase 2 in a series of estate renewal initiatives planned for Southampton known as the Meggeson Avenue regeneration. It comprises the redevelopment of a local residential block of flats and parking to provide much needed new family housing and modern apartments. The boundaries of the redevelopment are shown on the plan attached to this statement and marked Meggeson Redevelopment Plan

The project will see 31 dwellings built on the site, 48% for affordable housing and 52% for private sale.

The Townhill Park area is a part of the City with high levels of deprivation and lies on xxx boundary of the City.

This residential block lies on a main throughfare, and forms one of many similar blocks in the area. The existing building is in poor condition and the parking area is considered to be an under utilised space which could provide much needed family homes. Consultation with local residents has shown support for comprehensive redevelopment to deliver much needed family homes and affordable housing.

Consultation with the local community has played a major part in the redevelopment to date and will continue to do so. The consultation process started in June 2009 with over 138 residents filling in questionnaires and telling the council their ideas for the parades future. There was significant support for comprehensive redevelopment. An independent facilitator Solent Centre of Architecture and Design ran a design festival and feedback session in summer 2009 which informed the Development Brief for the scheme which was used in the procurement process.

In August/September 2010 the five designs shortlisted in the procurement process were shown to the community for comment and again nearly 42 people gave their opinions. The community is kept up to date with the project by newsletters and press releases.

There was good developer interest at the procurement stage with 12 initial proposals. Six bidders were invited to submit tenders. Following evaluation and further community consultation on the submissions, national house builder Lovells Partnership working with regional housing association First Wessex Group were selected as the preferred developer for the scheme and are preparing more detailed designs and undertaking further consultation in advance of a planning application submission in January/February 2011.

Whilst a detailed planning application has not yet been submitted, (it is expected to be submitted in January/February 2011), the Council considers that it is expedient to acquire ownership of the Order land in order to dispose of it to its appointed developer to ensure that an appropriate re development comes forward in a timely manner and, having regard to the provisions of the Development Plan, planning permission should be forthcoming provided the application accords with the above policies.

The site will be disposed of to the successful bidder; Lovell Partnership who will work in partnership with the First Wessex Group, a registered social landlord, to deliver the affordable housing.

4.0 Justification for CPO

The freehold of the land edged red on map 4 is required for the implementation of the scheme is already owned by the Council, but the implementation of the scheme requires the acquisition of outstanding leases as set out in Section 1. The Council has entered into discussions and negotiations with the holders of these land interests for their acquisition by agreement and will continue these negotiations.

Single ownership is required to enable redevelopment to proceed. Compulsory purchase will enable redevelopment to take place at an early date by providing certainty for programming and will enable the Council to achieve its objectives in a timely manner. Nevertheless the Council has attempted and will continue to attempt to purchase the order land by agreement. Residential secured council tenants have been dealt with under the Southampton City Council Lettings and Decants Policy 2010 where they have been granted additional housing points on their Homebid applications. Both Housing Officers and Tenant Liaison Officers are supporting the remaining tenants to bid for alternative premises in areas of the tenant's choice. The tenants have all been offered home loss compensation and disturbance allowance.

The individual leaseholders have been treated equally and have been offered compensation in accordance with the Land Compensation Act 1973 and the Planning Compensation Act 1991.

The Council is satisfied that the Order is necessary and in the public interest and that the Order Land is suitable and required in order to meet the pressing need for the Scheme, as described in Section 2.

The Council considers that Section 226 (1)(a) of the Act is the most appropriate power for compulsory acquisition of the Order land as it is a power of compulsory acquisition to be used where the Order making authority thinks that the acquisition of the land will facilitate the carrying out of redevelopment or the improvement on or in relation to the order land. In considering whether or not to acquire land under this section the Order making authority can only do so if they consider that the redevelopment or improvement is likely to contribute to the achievement of one or more of the objectives in section 226 (1) (a) of the Act. The Order making authority considers that the acquisition of the Order land will improve the social, economic and environmental well being of the Townhill Park area.

Mindful that it should not use a more general compulsory purchase power when a more specific one is available, the council consider that the section 226(1) (a) power is the most appropriate one.

The Council has considered whether the powers it seeks to exercise are compatible with the European Convention on Human rights, in particular Article 1 of the First Protocol of the Convention. It has concluded that there is a compelling case in the public interest for the acquisition of the land, as this will bring benefits to residents and businesses in the Harefield area of Southampton that could not be achieved by agreement, and this outweighs the loss that will be suffered by the existing land owners. This compulsory purchase order follows existing legislative provisions in respect of the making and confirming of CPOs and the payment of compensation and, as such, the Council considers these to be compatible with the Convention.

5.0 Planning Position

Government Policies

The proposed redevelopment is fully in accordance with relevant planning policies set out below.

National planning policy advises Local planning authorities to make effective use of land by reusing land that has previously been developed and to consider the scope for effective site assembly using their compulsory purchase powers, to ensure that suitable sites are brought forward for development, including sites that are underutilised, which could be redeveloped for mixed-use development.

Paragraph 26 (PPS3) which states that local planning authorities (LPAs) should plan for the full range of market housing. In particular, they should take account of the need to deliver low-cost market housing as part of the housing mix.

Paragraph 20 (PPS3) – Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and mix of different households.

There are no other relevant policy statements applicable to the Order

Following the abolition of the Regional Spatial Strategy (South East Plan) in the summer of 2010 the Development Plan for the city is comprised of the policies of the Local Development Framework Core Strategy Development Plan Document which was adopted in January 2010 and some preserved policies of the Southampton Local Plan review.

The City Council's **Local Development Framework Core Strategy** contains the following relevant policies:

Policy CS 4 (housing delivery) - requires an additional 16,300 homes to be provided within the City of Southampton between 2006 and 2026. The Secretary of State's letter abolishing the RSS confirmed that the evidence underlying the preparation of this figure remained valid and therefore the target of 16,300 homes remains within the development plan

Policy CS 13 (fundamentals of design) - requires redevelopment proposals to meet the robust design process which should be analysis-based, context driven and innovative.

Policy CS 15 (affordable housing) - requires the provision of 35% affordable housing.

Policy CS 16 (housing mix and type) - requires redevelopment proposals for the site to include at least 30% of new dwellings as family homes with a threshold of 15 dwellings (larger units with appropriate sized gardens or private amenity space).

Policy CS 20 (tackling and adapting to climate change) – specifies the requirements that must be achieved in relation to the Code for Sustainable Homes for residential development and BREEAM for non-residential development.

Policy CS21 (protecting and enhancing open space) – to retain the quantity and improve the quality and accessibility of the City's diverse and multi-functional open spaces and help deliver new open space both within and beyond the City to meet the needs of all age groups. This can be delivered through replacing or re-configuring other open spaces in order to achieve wider community benefits such as improving the quality of open space, or providing a more even distribution across the City. For estate regeneration schemes, selected amenity open spaces with little recreational, landscape or nature conservation value may be converted to other uses as part of this wider programme.

Whilst a detailed planning application has not yet been submitted, (it is expected to be submitted in January/February 2011), the Council considers that it is expedient to acquire ownership of the Order land in order to dispose of it to its appointed developer to ensure that an appropriate re development comes forward in a timely manner and, having regard to the provisions of the Development Plan, planning permission should be forthcoming as the application accords with the above policies.

6. Government Planning Statements

The governments planning policy statement are set out in section 5. the government housing aims are set out in section 2 above. There are no other relevant policy statements applicable to the Order.

7. Special Considerations

There are no ancient monuments or listed buildings within the Order land. The Order land is not in a conservation area. There are no issues concerning special category land, consecrated land, renewal area, etc.

All interests except those already owned by the acquiring authority in the Electricity Substation held on a lease from 16th July 1964 for a term of 60 years. Interest numbered on order map is the acquisition of the leasehold interest of Southern Electric PLC (formerly Southern Electricity Board) in sq metres of land known as Meggeson Avenue Electricity Sub Station ID s/s, Townhill Park , Southampton and which is operational land. The Acquiring Authority owns the freehold interest in this land. Southern Electric PLC is a statutory undertaker pursuant to section 8(1) (a)(iii) of the Acquisition of Land Act 1981 (the 1981 Act) being a holder of a licence under section 6 of the Electricity Act 1989 to generate, transmit or supply electricity. As such interest number ... is subject to the provisions of section 16 of the 1981 Act. The Acquiring Authority has entered into negotiations with Southern Electric PLC to relocate the substation on land owned by it.

8.0 Known obstacles to the redevelopment

The freehold title is not subject to easements and restrictive covenants. The footpaths and roads are subject to rights of way, rights of drainage and rights in respect of water, gas and electricity supply services. As the land is being acquired under planning act powers any subsequent redevelopment by Lovell Partnership Limited in accordance with a planning permission under part 3 of the Town and Country Planning Act 1990 will override these easements and restrictive covenants under section 237 of the 1990 Act.

The redevelopment is subject to the completion of a development agreement between the Acquiring Authority and Lovell Partnership Limited. The Agreement has not been completed; it is anticipated for completion at the end of 2010.

The redevelopment is also subject to the Lovell Partnership Limited securing full planning permission for the redevelopment. The application will be submitted in February/March 2011

9.0 Delivery

The Council has made huge steps towards enabling the redevelopment to happen, working closely with the local residents and community who are supportive of redevelopment and making available its land for the scheme at minimal return, together with relocating X% of residential tenants. A funding package has been assembled for this

project which has a value of approximately £4m with the majority of funding coming from the private developer, housing association and grant funding from the Homes & Communities Agency.

There is a pressing need for the scheme to go ahead, many residents have already moved out of their homes to facilitate the scheme, and it will provide important construction activity during the downturn and a range of regeneration benefits in a deprived area of the City once complete.

The Homes and Communities Agency supports this project: it has been consulted with at every phase of the development and the selection process for the successful developer.

10. Views of Government Departments

The Homes and Communities Agency supports this project: it has been consulted with at every phase of the development and was part of the selection process for the successful developer.

Further information can be obtained from the Authorities agent :
Capita Symonds
One Guildhall Square
Southampton

12. Related applications, Appeals, orders etc.

Other than mentioned previously there are no related planning applications. A stopping up order will be necessary to stop up the public footpaths and roads. A plan showing the public rights of way to be the subject of a separate stopping up order is annexed and marked stopping up plan.

13. Documents, Maps or Plans for the Public Inquiry

If a public inquiry is convened, a list of documents etc will be provided in due course and arrangements will be made for them to be available for public inspection.