

# SOUTHAMPTON CITY COUNCIL (TOWNHILL PARK PLOT 9) COMPULSORY PURCHASE ORDER 2022

## DRAFT STATEMENT OF REASONS

### 1. INTRODUCTION

- 1.1 Southampton City Council (the “**Council**”) has made the Southampton City Council (Townhill Park Plot 9) Compulsory Purchase Order 2022 (the “**Order**”) under Section 226(1)(a) of the Town and Country Planning Act 1990 and Section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976. This document is the non-statutory Statement of Reasons (the “**Statement**”) prepared in accordance with the “Guidance on Compulsory Purchase process and the Crichel Down Rules” (the “**CPO Guidance**”).
- 1.2 The Council has made the Order in relation to Plot 9 of the Townhill Park Regeneration area (the “**Order Land**”) as shown on the plan accompanying the Order (the “**Order Map**”) to secure the right to acquire compulsorily the outstanding interests within the Order Land which are needed to facilitate the regeneration of the Order Land as detailed in Section 4 below.
- 1.3 The Order has been submitted to the Secretary of State for Levelling Up, Housing, and Communities for confirmation.
- 1.4 A copy of this Statement, the Order and Order Map together with background documents, are available for inspection at Southampton City Council, One Guildhall Square, Southampton, SO14 7FP between the hours of 0930 and 1630.
- 1.5 The Statement of Reasons, Order and Order Map are also available to view on the following website [Landmark estate regeneration of Townhill Park \(southampton.gov.uk\)](https://www.southampton.gov.uk/landmark-estate-regeneration-of-townhill-park)

### 2. ENABLING POWERS

- 2.1 By virtue of section 226(1)(a) of the Town and Country Planning Act 1990 the Council has the power to acquire land compulsorily if it “thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land”. The Council must not exercise this power unless it thinks that the development, re-development or improvements are likely to contribute to the promotion of the economic, social or environmental well-being of its area.
- 2.2 The Council consider that the use of section 226(1)(a) is appropriate having regard to the aims sought to be achieved by the redevelopment of Plot 9 Townhill Park Regeneration (the “**Site**”) which forms the Order Land. The Council is satisfied that the use of the powers

contained in section 226(1)(a) will contribute to the development, redevelopment or improvement of the Order Land. The Council is further satisfied that the redevelopment of the Site that includes the Order Land will contribute to the achievement of the improvement of the economic and social wellbeing of the Townhill Park area of Southampton through the enhanced residential offering.

2.3 The redevelopment of the Site that includes the Order Land will also contribute to the environmental and social wellbeing of the area as a consequence of the higher energy performance and modern standards of the new homes intended to be constructed. Full details of the benefits of the redevelopment of the Order Land are at Section 3 below.

2.4 Under section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976 the Council has the power to compulsorily acquire new rights over land. The rights which are sought are specified in the Schedule to the Order and summarised in Section 4 below.

2.5 The Scheme for which the CPO is being utilised consists of:

*“enhancement and part-redevelopment of the Townhill Park Estate with 665 new dwellings following demolition, associated parking and replacement public open space”* of which Plot 9 forms part.

The justification for which is established in local policy as is further described in section 6 of this statement.

### **3. THE DEVELOPMENT PROPOSALS**

3.1 On 11<sup>th</sup> September 2015 Southampton City Council (**SCC**), the freehold owner of all of the land to deliver that part of the Scheme comprised in Plot 9 envisaged by the Order, submitted a planning application (ref 15/01856/OUT) for:

*“Enhancement and part-redevelopment of the Townhill Park Estate with 665 new dwellings following demolition, associated parking and replacement public open space. Hybrid planning application with a fully detailed phase 1 comprising the erection of 276 dwellings in buildings of up to 7 storeys, and subsequent phases in outline comprising the erection of 389 dwellings with Access, Layout and Scale submitted for approval with External Appearance and Landscaping reserved, and the erection of a retail store (up to 500 sq.m) with all matters reserved. Application seeks to extinguish/stop up existing Rights of Way and enhance the existing highway network – Description amended following a reduction in height (and the loss of 2 flats) to Plot 5 and the removal of Plot 14 (8 houses) from the scheme.”*

Plot 9 forms part of the overall regeneration area for which the planning application (ref 15/01856/OUT) was made.

- 3.2 The Council's Planning and Rights of Way Panel (West) considered the application and, in accordance with the officer recommendation, delegated to the Planning & Development Manager to conditional approve the outline planning application. Planning permission was then granted on 5<sup>th</sup> May 2016. It was considered that the regeneration scheme was acceptable taking into account the policies and proposals of the Development Plan (as is further explored in this Section 3 and in Section 7).
- 3.3 The Scheme relates to the redevelopment of the Council owned blocks of Townhill Park Estate, which is primarily accessed from Meggeson Avenue. The regeneration scheme area has a gross area of 10.7 hectares and is formed by a number of separate plots/phases that are pepper-potted throughout the Estate. The wider estate has an area of some 30 hectares. In total 14 separate plots were identified for redevelopment. This Order relates to Plot 9 of the regeneration scheme.
- 3.4 Following the grant of the planning permission for the redevelopment proposals SCC applied to the Secretary of State and had confirmed a number of stopping up orders relation to Phase 1 of the Scheme. Phase 1 of the regeneration scheme reached practical completion on 5<sup>th</sup> April 2019.
- 3.5 The overall regeneration scheme with outline consent for 665 new dwellings, associated parking and replacement open space means that a total of 426 existing flats will be demolished to make way for a net increase of 239 dwellings (a 56% increase). The Scheme includes the introduction of a new local park green and other infrastructure improvements that have already been delivered, partly funded by Housing Infrastructure Funding.
- 3.6 The Plot 9 site currently comprises 3 flatted blocks running north to south, each with 5 stores of residential accommodation. Two of the blocks provide an additional ground floor level of garaged parking making use of the change in levels across the site. A total of 66 flats currently exist within Plot 9.
- 3.7 The new Rowlands Walk design is for a total of 51 dwellings arranged in two terraced rows of houses running parallel to Kingsdown Way and Rowlands Walk with a 4 storey apartment block facing on to Ozier Road and the new park, Townhill Green. The size of the homes are all to Nationally Described Space Standards. The apartments have a central parking courtyard to their rear, with access from Rowlands Walk. The two terraces (of 2 and 3 storeys) running east-west have parking and landscaping provided to the front of each house, with private gardens to the rear. The materials will be a variety of contrasting brick

colours selected to add visual interest to the street elevations. The properties will be built to current energy efficiency standards as a minimum.

- 3.8 The existing blocks that form part of Plot 9 have poor energy efficiency, defective balconies, and have a poor relationship to their surrounding environment. The replacement homes on Plot 9 form part of a wider and comprehensive regeneration of the area and the new homes will be built to meet a minimum of current Building Regulation standards, offering far superior energy efficiency to that of the current homes.

#### **4. PLANNING JUSTIFICATION**

- 4.1 The CPO Guidance identifies at paragraph 106 the factors which the Secretary of State can be expected to consider when determining whether to confirm a compulsory purchase order and refers to Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended). These factors are:

- (a) whether the purpose for which the land is being acquired fits with the adopted Local Plan for the area, or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework (see Section 7 below);
- (b) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area (see this Section 3);
- (c) whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means (see Section 5 below); and
- (d) the potential financial viability of the scheme. A generation indication of funding intentions and any commitment from third parties will usually suffice (see Section 6 below).

- 4.2 Paragraph 8 of the National Planning Policy Framework document sets out the following:-

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.3 Paragraph 94 of the National Planning Policy Framework says:-

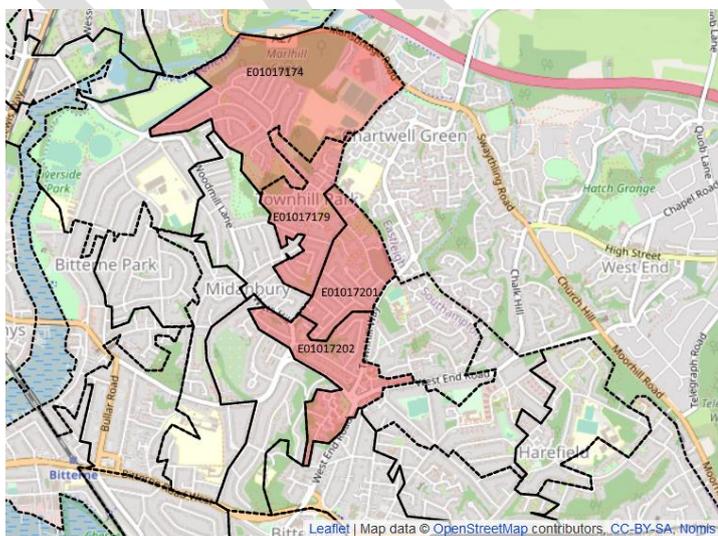
Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.

4.4 Development will significantly contribute to achieving and promoting the social, economic and environmental well-being of the area, for the reasons set out in this Section 3.

### **Social Benefits**

4.5 Townhill Park is in the North east of Bitterne Park and Harefield wards on the boundary edge in the east side of the city. It is represented by the Lower Level Super Output Areas (LSOA) E01017174, E01017179, E01017201 AND E01017202 as seen below.

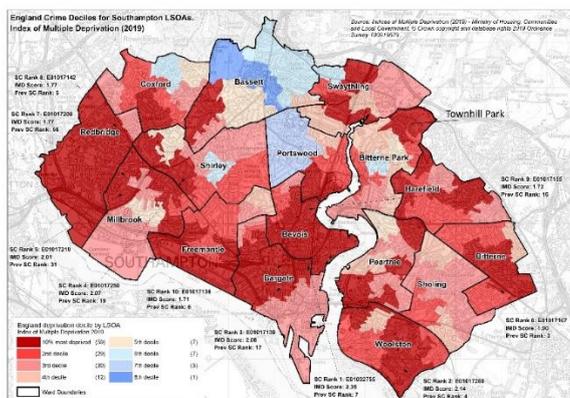
LSOA in Townhill Park



Townhill Park has high levels of deprivation in the Crime domain. In other domains and overall, Townhill Park is in the mid-range for deprivation by England deciles. LSOA E01017202 is higher deprivation in many domains when compared with the other LSOA's in Townhill Park, in particular Income deprivation affecting children index (IDACI), employment domain, health deprivation and disability domain and the education, skills and training domain.

Further information on LSOA E01017202 is available in the Neighbourhood Analysis of Need [https://data.southampton.gov.uk/images/neighbourhood-need-analysis-may%202021\\_tcm71-454135.pdf](https://data.southampton.gov.uk/images/neighbourhood-need-analysis-may%202021_tcm71-454135.pdf)

### Crime domain IMD 2019



More information on other domains is available on the Southampton Data Observatory <https://data.southampton.gov.uk/place/mapping/>

The regeneration scheme seeks to make improvements to the area with a view to improving the future IMD score.

- 4.6 The majority of current homes within the regeneration area are of Social Rented tenure. It is proposed that the new housing on Plot 9 offers all affordable accommodation of mixed tenure types. The proposal for new homes will include Affordable Rent, Social Rent and Shared Ownership tenures. These offer local people a more diverse mix of opportunities to occupy the new homes, including subsidised rents and part-rent/part-buy with the ability to 'staircase out' to full ownership. Affordable tenures provide housing units that are affordable by that section of society whose income is below the median household income. They offer security of tenure and therefore stability to local families.
- 4.7 The new homes on Plot 9 will be much more energy-efficient than the existing buildings. This will help to alleviate fuel poverty for the occupants.

- 4.8 The regeneration scheme delivers public realm improvements which offer community benefit, including a new open space 'Townhill Green' and other infrastructure improvements which have already been delivered. These improvements make a significant contribution to social benefits for Townhill Park but are set out in more detail in the Environmental Benefits section from paragraphs 3.21 to 3.25 below.

#### **Economic benefits**

- 4.9 The construction period of the scheme brings economic activity to the area and employment opportunities for local people and suppliers.
- 4.10 According to CBI research, every £1 spent on construction creates £2.92 of value to the UK ([Fine Margins Report, CBI, February 2020](#)).
- 4.11 Overall, the Townhill Park Regeneration scheme will generate a net increase in homes. This, in turn, generates additional rental and sales income.
- 4.12 The regeneration scheme at Townhill Park is an investment in the City's housing stock. Ageing property which has become increasingly expensive to maintain and doesn't meet modern standards will be replaced with brand new property. This increases the lifespan of the housing stock and reduces asset management costs going forwards.
- 4.13 There is a high need for housing in the City of Southampton based on the Government's standard method (26,496 dwellings over the local plan period from 2022 – 2040). The Townhill Park Regeneration scheme contributes towards addressing some of the current shortfall in addressing this level of need).

#### **Environmental benefits**

- 4.14 The homes proposed to be built on Plot 9 will be constructed to meet or exceed the current Building Regulation standards. They will provide superior accommodation and will be for affordable housing tenures. They will also be built to meet National Design Space Standards.
- 4.15 The current Energy Performance Certificate (EPC) ratings for the Rowlands Walk properties range from C to E. 95% of the new homes delivered as part of the Townhill Park Regeneration scheme already (on Plot 1) have EPC ratings of B, with the remaining 5% having a C rating. The new properties proposed to be delivered on Plot 9 are expected to deliver EPC ratings similar or better to those on Plot 1.
- 4.16 Better EPC ratings mean that the homes need less energy to run, thereby delivering greater energy efficiency and reduced carbon emissions.

- 4.17 Infrastructure improvements have already been carried out as part of the Townhill Park Regeneration scheme. These received grant from the Homes England (HE) Housing Infrastructure Fund (HIF). The improvements to Meggeson Avenue included, sub-base and drainage improvements to the carriageway including insertion of future service ducting, resurfacing of the carriageway and footpaths, traffic calming and junction improvements which included increasing pedestrian priority and slowing vehicular speeds. The aim of these was to create a safer, more pleasant environment with improvements for pedestrians, cyclists while still maintaining a busy bus route.
- 4.18 HE HIF also funded the delivery of a new community green space 'Townhill Green' in the heart of the Townhill Park neighbourhood. This project included:
- an inclusive children's play area for imaginative and socialising play
  - outdoor gym suitable for all levels of fitness from gentle exercise through to a high intensity work out
  - two community shelters for socialising and relaxation
  - a mosaic feature seating area
  - a large open space for recreational use and community events
  - a planted eco-wall to add colour and support wildlife
  - accessible parking along Ozier Road
  - provision for a concession stand along Ozier Road
  - sustainable drainage measures will be installed as part of the scheme to manage surface water run-off, and the soft landscaping includes new tree planting.
- 4.19 The local community and stakeholder group SO18 Big Local contributed to the development of the design and the naming of the new space. 'Townhill Green' was officially opened in a community open day at the end of May 2022 and has been a great success and well used by local residents.
- 4.20 By delivering extra homes in an urban area the Council is re-using previously developed land, protecting the countryside, and putting people in closer to proximity to public transport, jobs and services.

### **Conclusion**

- 4.21 The regeneration of Plot 9 is integral to the overall regeneration of Townhill Park. The scheme delivers significant improvements to this neighbourhood of Southampton. The new homes will be of higher quality and longevity than the existing housing stock, and set within

a more attractive environment. Townhill Park Regeneration will deliver a net gain of new homes compared to existing numbers.

## 5 HOUSING JUSTIFICATION

5.1 As at 12/10/22, there were 7,508 households registered and able to bid for accommodation in the City. The household accommodation size needs and waiting times are broken down as follows:-

Property Size	Numbers Waiting	Wait Times (with priority)	Wait Times (urgent priority)	Wait Times (no priority)
1 bed	4,220 (approx. 1,500 of which are waiting for age-designated accommodation)	1 year 4 months		3 years 10 months
2 bed	1,440	2 years 6 months		5 years
3 bed	1,523	9 years	7 months	11 years 5 months
4 bed +	325	8 years 9 months	5 months	11 years 2 months

The Council operates a choice-based lettings scheme, so does not record areas have indicated a preference for living in. This means that it is not possible to set out how many households have expressed a particular interest in living in the Townhill Park area. However, with the level of housing need in Southampton, there continues to be a need for additional affordable housing accommodation to be added to the stock across the city.

5.2 The Council is a stock holding authority with an existing portfolio of 17,446 units of accommodation (15,415 rented and 2,031 leasehold). Between 2012 – 2022 there was a loss of 1,148 affordable homes as of a result of right-to-buy sales outpacing delivery of new Affordable Housing.

- 5.3 The housing need determined by the Council indicated a requirement for 19,549 units of additional accommodation throughout the city of all tenure types (including private sale) between 2021 - 2040.
- 5.4 Existing land availability currently evidences capacity for the supply of 15,479 homes (based on current land identified). However, Southampton is one of the 20 most populated cities in England. In consequence of which the Government has implemented a 35% uplift in the housing need figure against the one determined by the Council, in a need of 26,391, leaving a shortfall of 10,912 properties between 2021 – 2040.
- 5.5 As a consequence, the Council has set an ambitious target to deliver 8,000 new affordable homes by 2040 using a mixture of direct delivery and an Affordable Housing Framework playing in key part in enabling this target to be achieved.
- 5.6 The Rowlands Walk blocks were built in the 1960s and have poor energy efficiency. It was also established that the balconies are defective and uneconomical to repair.
- 5.7 On its own, Plot 9 produces a net loss of units. However, Plot 9 is just a small part of the overall Scheme and must be seen in context. Together, Plots 2, 9 and 10 generate a net gain of Council homes. The overall Townhill Park regeneration scheme with outline consent for 665 new dwellings, associated parking and replacement open space means that a total of 426 existing flats will be demolished to make way for a net increase of 239 dwellings (a 56% increase).
- 5.8 The Scheme also drives a range of social, economic and environmental benefits which will delivery wider community benefit. More detail of these is set out in paragraphs 4.5 to 4.20 above.

## **6. LAND AND RIGHTS TO BE ACQUIRED**

- 6.1 In order to deliver the Development, both control over and the vacant possession of the entire Order Land as shown on the Order Map is required.
- 6.2 The Order Map identifies the extent of the interests to be acquired comprising:-
- (a) 57 Rowlands Walk – maisonette and associated rights over communal areas
  - (b) 77 Rowlands Walk – maisonette and associated rights over communal area

6.3 Acquisition of 57 and 77 Rowlands Walk is necessary to facilitate demolition of 1-131 (odds) Rowlands Walk to make way for the delivery of new homes on Plot 9 of the Townhill Park regeneration scheme.

## **7. EFFORTS TO ACQUIRE BY AGREEMENT**

7.1 Compulsory purchase is the last resort. However, the CPO Guidance (section 2) recognises that if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost and it is often sensible, given the amount of time required to complete the compulsory purchase process, to initiate compulsory purchase procedures concurrent with the negotiation process. The CPO Guidance recognises that this will help make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

7.2 It is considered that the Schedule to the Order is accurate.

### **57 Rowlands Walk**

7.3 57 Rowlands Walk is occupied by the leaseholder. The property was first inspected by the Council's valuer on 09/10/19. An offer at market value plus a Home Loss Payment at 10% was subsequently made to the leaseholder's Agent on 30/10/19. The offer was confirmed to the leaseholder by letter on 28/07/20 as their Agent was unable to get instructions. The offer was rejected in January 2021.

7.4 A subsequent offer plus a Home Loss Payment was made on 19/07/21, but this too was rejected. The leaseholder advised that they were only prepared to consider an offer at a specified higher sum.

7.5 The leaseholder had previously made a request to be allowed on to the Council's Housing Register. The leaseholder was ineligible to go on the Housing Register in accordance with the Council's Allocations Policy. They were then provided with an application form in August 2020, which was completed and submitted the completed in October 2020. The Allocations Manager considered the leaseholder's circumstances and decided to allow them on to the Housing Register for older persons accommodation as an exception to the Policy. In April 2021 the Allocations Team made a direct offer of a property at 69 Leaside Way to the leaseholder, who then viewed and signed up for the tenancy of that property on 24/05/21.

- 7.6 However, the leaseholder's Agent emailed the Council's Valuer to say that their client had rejected the property at 69 Leaside Way. The leaseholder did not move into the property and terminated the Council tenancy. The Council's view is that the property was not in a poor condition when let to the leaseholder.
- 7.7 The Council's Allocations Team has spoken to the leaseholder in order to explore how the Council could continue to provide support. The suggestion was that if they were willing to undertake a care assessment, they might be eligible for a care package. If so, it would increase the scope of properties for which they would be eligible. At that time, the leaseholder rejected this suggestion.
- 7.8 Since being accepted onto the Council waiting list in October 2021, the leaseholder has received both formal and informal offers of alternative accommodation:-
- (a) Formal
- 14/12/20 – 14 Churchill Close, Exford Avenue, Southampton, SO18 5RZ. A 1 bedroomed age-restricted 1<sup>st</sup> floor flat owned by Saxon Weald Housing Association with lift access and pets permitted.
  - 11/02/21 – 34 Jessamine Road, Southampton, SO16 6AL. A Council-owned 1 bedroom ground floor age-restricted flat, dog suitable.
  - 06/04/21 – 69 Leaside Way, Southampton (see paragraphs 5.5 and 5.6 above)
- (b) Informal
- 19/03/21 – 7 Odiham Close, Southampton. Offer made and declined verbally. A Council-owned 1 bedroom age-restricted ground floor flat, dog suitable.
  - December 2021 – 15 North East Close, Southampton. A Council-owned age-restricted 1 bedroom ground floor flat, dog suitable.
  - 17/03/22 – 66 Fritham Close, Southampton. A Council-owned 1 bedroom general needs ground floor flat, dog suitable.
  - May 2022 – a bungalow in April Close owned by Saxon Weald Housing Association. The leaseholder was contacted by 'phone to ask whether they would be interested in this property. They stated that it would not be suitable as it did not have a garage or a car port.

- 7.9 More recently, the leaseholder requested a medical assessment stating that they now required 2 bedroomed accommodation as they needed overnight care. They have subsequently been accepted as requiring 2 bedroomed accommodation.
- 7.10 It was agreed with the leaseholder that an independent valuation of 57 Rowlands Walk would be commissioned, and this was carried out by Primmer Olds on 28/04/22. This valuation resulted in a revised offer being sent to the leaseholder's representative at a higher market value than previously, plus a 10% additional home loss payment. The leaseholder rejected this offer in a letter forwarded by their representative on 5<sup>th</sup> August 2022, now stating that they required an offer at a specified higher level in order to agree to sell their maisonette.
- 7.11 Given the extensive history of negotiations and offers of alternative accommodation, the Council considers that seeking a CPO to acquire 57 Rowlands Walk is necessary to ensure the acquisition can be achieved.

#### **77 Rowlands Walk**

- 7.12 This maisonette is owned by a leaseholder, and was occupied by that leaseholder's tenant. The tenant moved out of the property in September 2022 and it is now vacant.
- 7.13 The leaseholder has accepted an offer to acquire the property at a specified sum, based on and independent valuation carried out by Primmer Olds, plus an agreed home loss payment.
- 7.14 Legals have been instructed and hopefully will be successfully concluded. Completion is currently anticipated during week commencing 17th October 2022.
- 7.15 However, 77 Rowlands Walk has been included within the Order Map as the acquisition has not yet reached completion. A CPO allows an acquisition to proceed in the event of a negotiated conclusion falling through.

#### **8. DELIVERABILITY AND FUNDING**

- 8.1 Southampton City Council has a budget of £60.5m set aside for the delivery of Townhill Park Plots 2, 9 and 10 in its Business Plan. There is also a regeneration budget which was set to cover the costs of decanting the properties. This latter budget allows for the potential cost of a CPO.
- 8.2 The Council has already invested in building 56 units on Plot 1 completed for general needs housing in 2019. The Scheme has already attracted Housing Infrastructure Fund (HIF) grant

funding to deliver infrastructure improvements to Meggeson Avenue in the Townhill Park regeneration area, and the new local park (known as Townhill Green).

- 8.3 It is anticipated that Plots 2, 9 and 10 will also attract Homes England (HE) grant funding. Conversations with Homes England are underway regarding this.
- 8.4 The Council holds Right to Buy receipts which are eligible to be allocated to the Townhill Park Regeneration scheme for the delivery of new affordable homes in the City.
- 8.5 Together, Plots 2, 9 and 10 generate a net gain of Council homes which will in turn generate a net gain in rental income stream for the Council once completed.
- 8.6 The new homes will have a higher capital value than the existing stock, and therefore boost the Council's asset holdings.
- 8.7 The Townhill Park Regeneration scheme already has outline planning consent (May 2016). A new full planning application for Plots 2, 9 and 10 is currently being developed in order that the proposals can reflect the most up-to-date housing requirements. The Council is now designing to National Design Space Standards and improved energy performance levels, both of which are improvements upon the 2016 outline consent indicative layouts.
- 8.8 The current planning application programme for plots 2, 9 and 10 is as follows:-
- |             |                              |
|-------------|------------------------------|
| Early 2023  | submission of application    |
| Spring 2023 | determination of application |
| Autumn 2023 | start on site                |
- However, the above dates are dependent upon the achievement of vacant possession.
- 8.8 1 – 131 (odds) Rowlands Walk cannot be demolished until the Council has vacant possession of all three blocks, and the demolition is clearly essential to deliverability of the new homes on Plot 9 of Townhill Park. This CPO is an essential element in ensuring the Council can achieve vacant possession. The Council already has planning consent to demolish these blocks (application number 22/00646/DPA).

## **9. COMPLIANCE WITH PLANNING POLICY**

- 9.1 Outline planning consent for the Development was issued on 5<sup>th</sup> May 2016 (application number 15/01856/OUT). This consent was subject of a non-material amendment on 7<sup>th</sup> May 2019 (19/00784/NMA) to provide clarification in respect of the submission of applications for Reserved Matters.

## **National Planning Policy Framework (NPPF) (2021)**

- 9.2 The NPPF explains that planning applications should deliver sustainable development which meets economic, social and environmental objectives. This includes support for strong, vibrant and healthy communities, by ensuring a sufficient number and range of homes can be provided, and by fostering well designed, beautiful and safe places with accessible services and open space; and making effective use of land (paras.8 and 9).
- 9.3 The Government's objective is to significantly boost the supply of homes and it is important that sufficient land [for housing] comes forward (para 60).  
Planning policies should assess and reflect the size, type and tenure of housing needed for different groups in the community (para 62)
- 9.4 Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and [generally] expect it to be met on site (para 63).
- 9.5 Provision of affordable housing should only be sought on major developments. To support the re-use of brownfield land, where vacant buildings are being redeveloped, any affordable housing contribution should be reduced by a proportionate amount (para 64). [Generally] at least 10% of homes on major sites should be for affordable home ownership.
- 9.6 Through the preparation of a strategic housing land availability assessment, planning policies should identify a sufficient supply and mix of sites for 5, 10 and where possible 15 years (para 68).
- 9.7 Planning policies and decisions should aim to achieve healthy, inclusive and safe places (para 92).
- 9.8 "Planning policies and decisions should consider the social, economic and environmental benefits of estates regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard". (para 94)
- 9.9 Access to a network of high quality open spaces is important to the health and well being of communities. Existing open spaces should be protected unless they are surplus to requirements, or would be replaced by equivalent or better provision. (paras 98 / 99).
- 9.10 Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions, making as much use as possible of brownfield land (para

119). Substantial weight should be given to the use of suitable brownfield land to meet the need for homes (para 120).

9.11 Local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable to meeting development needs, using the full range of powers available to them, supported where necessary by CPO powers, where this can bring more land forward or secure better outcomes (para 121)

9.12 Planning policies and decisions should support development that makes efficient use of land, taking account of various factors (para 124).

9.13 The creation of high quality, beautiful and sustainable buildings and places is fundamental (para 126).

### **Southampton Development Plan**

9.14 The relevant parts of the adopted development plan for this part of the city are the Core Strategy (adopted in 2010 and as amended in 2015) and the saved policies of the Local Plan (2006).

9.15 The Core Strategy

Strategic Objectives aim to create excellent sustainable neighbourhoods, deliver a mix of housing and affordable housing and create accessible high quality open spaces (S9, S10, S12).

9.16 The Spatial Strategy sets out the vision for suburban neighbourhoods, with reference to “The Council’s Estates Regeneration Programme will also provide additional homes in safe, attractive neighbourhoods, by redesigning parts of some Council owned housing estates” (page 20)

9.17 The key relevant policies are

**Policy CS4** (housing delivery) – requires an additional 16,300 homes to be provided within the city between 2006 and 2026.

**Policy CS5** (density) – supports appropriate densities

**Policy CS13** (fundamentals of design) – requires redevelopment proposals to meet the robust design process which should be analysis based, context driven and innovative.

**Policy CS15** (affordable housing) – seeks the provision of 35% of affordable housing.

**Policy CS16** (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 CS21** (protecting and enhancing open space) – the Council will retain the quantity and improve the quality of open spaces by protecting key open spaces, and replacing or reconfiguring open spaces to achieve wider community benefits such as improving the quality of the space.

9.18 Saved Local Plan (2006)

The saved local plan includes a range of policies, for example on the quality of development, urban design principles, and the protection of open space.

9.19 The emerging Southampton City Vision Local Plan

Cabinet approval will be sought in November 2022 to consult on a draft new Local Plan. At this stage only limited weight can be attached to this draft plan.

9.20 However, this will address the housing need for the city, as set out in established Government policy, to which significant weight can be attached. Based on the Government's standard method, there is a need to plan for 1,472 dwellings per annum, which equates to 26,496 dwellings over the local plan period from 2022 – 2040.

9.21 The draft Plan indicates that supply has been identified for 17,050 homes over this period. The shortfall against the needs target indicates the importance of planning to deliver more homes within the city. The supply figure in the draft local plan is informed by a draft Strategic Land Availability Assessment (to be published when public consultation commences in November). This supply figure includes the outstanding dwellings to be provided at Townhill Park.

**10. SPECIAL CONSIDERATIONS**

10.1 Townhill Park was built on land which once belonged to the house known as Townhill Park. Before the original housing scheme was built, the land was mainly used for farming. The outline planning consent contains conditions in relation to Archaeological Investigation and possible further archaeological work (see conditions 21 – 24 of outline consent number 15/01856/OUT).

10.2 The Itchen Valley Conservation Area lies adjacent to the Townhill Park Regeneration area.

10.3 There are no listed buildings or scheduled monuments within the Townhill Park Regeneration area.

## **11. HUMAN RIGHTS**

11.1 The Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. The Council has considered the impact on the human rights of those affected by the Order. In particular, the Council had regard to the right to the peaceful enjoyment of possessions (Article 1). It is considered that any interference with Article 1, or any other Convention rights, is justified and proportionate in the wider public interest in order to secure the economic, social, physical and environmental regeneration of Townhill Park.

11.2 In relation to Article 1 of the First Protocol of the European Convention which provides a right for the peaceful enjoyment of possessions, a fair balance is required to be struck between the public interest and private rights in relation to possessions/property. Article 8 is not an absolute but a qualified right, such that any interference with the right to respect for a person's private and family life and home must be proportionate to any legitimate aims, such as promoting regeneration for the wellbeing of the area. Article 6(1) is engaged because the compulsory purchase process involves determinations as to third party rights of individuals, as to which they have the right to a fair hearing. Similarly to Article 9, the Article 6(1) rights are also qualified and some restrictions may be justified to pursue legitimate aims and provided that they are proportionate.

11.3 Potentially affected individuals have had the opportunity to date to object to the Development through the planning process. Individuals whose human rights could potentially be interfered with as a result of the Order, can object to the validity of the Order and such objections would be considered at an independent public inquiry, which would afford the objectors a fair hearing of their concerns. Failing agreement on the compensation arising from the Order, any affected individuals have the right to pursue a claim for compensation in the Lands Tribunal. It is deemed that the process affords affected individuals' sufficient opportunity to a right to a fair hearing.

## **12. PUBLIC SECTOR EQUALITY DUTY**

12.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Section 149 of the Equality Act 2010 places the Council, as a public authority, under a legal duty (“the Public Sector Equality Duty”), in the exercise of all its functions, to have due regard to the need to:

12.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;

12.1.2 advance equality of opportunity between persons who share a “relevant protected characteristic” (i.e. the characteristics referred to above other than marriage and civil partnership) and persons who do not share it; and

12.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**13.** The Council do not have any concerns about the Development or the Order having any negative impact on its ability to perform the Public Sector Equality Duty. The Council prepared an Equality and Safety Impact Assessment of the CPO and the Development dated xx.xx.xx which found that there were no negative equality and safety impacts.

**14. COMPELLING CASE IN THE PUBLIC INTEREST**

14.1 The Council is satisfied that there is a compelling case in the public interest to make the Order and for it to be confirmed by the Secretary of State, in particular having regard to paragraph 106 of the Guidance:

14.2 As is detailed above, the purpose for which the land the subject of the Order is being acquired, fits with the adopted Local Plan. The Development has been granted outline planning permission further confirming its compliance with the Council’s local policy.

14.3 As detailed above, the Development will contribute to the achievement of the economic, social and environmental wellbeing of the area. The housing development provided as part of the Scheme, including Plot 9, will provide qualitative housing net gain for the City of Southampton (please see paragraphs 5.1 – 5.8 above for further details).

14.4 The land being acquired by the Order comprises up to two maisonettes within 1 – 131 (odds) Rowlands Walk. The Council otherwise controls all of the land required to deliver the Development of Plot 9 of the Townhill Park Regeneration scheme, accordingly there are no alternative proposals to be considered in order to secure the redevelopment of this regeneration area.

**15. CONCLUSION**

- 15.1 The Development will meet important local policy objectives for the Council, facilitating the regeneration of the Townhill Park area of the city. To facilitate this, the assembly of the Order Land is required. It is considered that compulsory acquisition is appropriate and the Order, if confirmed, will be implemented within a reasonably timeframe.
- 15.2 The Council is satisfied that overall economic, social and environmental benefits which will directly flow from the Development will be significant and accordingly that there is a compelling need in the public interest for compulsory powers to be utilised. The Council has made the Order and respectfully requests the Secretary of State confirm the Order.

**INSERT DATE**

DRAFT