

Cabinet



Date of meeting: 10 March 2020
 Title of Report: **Compulsory Purchase Order Resolution for the Regeneration of Talbot Gardens**
 Lead Member: Councillor Chris Penberthy (Cabinet Member for Housing and Co-operative Development)
 Lead Strategic Director: Anthony Payne (Strategic Director for Place)
 Author: Paul Barnard
 Contact Email: Paul.barnard@plymouth.gov.uk
 Your Reference: Sanctuary – Barne Barton
 Key Decision: No
 Confidentiality: Part I - Official

Purpose of Report

This report seeks approval to make a Compulsory Purchase Order (CPO) in the future, if necessary, as part of the Barne Barton regeneration project.

Section 17 of the Housing Act 1985 empowers local housing authorities to compulsorily acquire land, houses or other properties for the provision of housing accommodation. Sanctuary Housing have approached the Council to ask it to use its CPO powers in the event that it is unable to secure the properties through negotiation in order to ensure that landownership within areas of the development is unified and clear title can be provided to the developer to enable the proposed redevelopment to take place. The circumstances in which the Council would be making a CPO would include the failure to purchase any private legal interests by agreement with the owner, or the need to deal with covenants or secure other interests in the land. This action would only be taken where all other negotiated approaches fail. Note that a similar resolution to make a CPO was approved by Cabinet for Phases 1, 2, 3, 4 and 5 of the North Prospect development, most recently on 16th January 2018, and in each case a CPO was not required as all properties were acquired by the landlord through negotiation.

Before making a CPO the Council would obtain an appropriate indemnity from Sanctuary Housing to cover all costs arising from the Council making the CPO. Before making a CPO the Council would also obtain detailed legal advice from Counsel regarding any CPO action and include detailed consideration of Equalities impact assessment on the individuals affected.

The properties that would fall within the boundaries of the CPO for Talbot Gardens, Barne Barton are located within the area shown on a plan in the report appendix I.

Recommendations and Reasons

It is recommended that Cabinet make a CPO resolution, in the event that it is required for properties within Talbot Gardens, Barne Barton as follows:

Having full regard to the rights of the individual to have a public and independent hearing if they object to the loss of their property, assets and rights under the compulsory purchase procedures and under the Human Rights Act 1998 and to the purposes for making the Compulsory Purchase Order (CPO)

sufficiently justifying the interference with the rights of those having an interest in the land affected under Articles 1 and 8 of the First Protocol to the European Convention on Human Rights, a Compulsory Purchase Order be made pursuant to section 17 of the Housing Act 1985 *in respect of the properties listed below which are within the areas outlined in red on the plan submitted (appendix one):*

List properties by road and number:

5 Talbot Gardens – PL5 IBU

6 Talbot Gardens – PL5 IBU

7 Talbot Gardens – PL5 IBU

8 Talbot Gardens – PL5 IBU

9 Talbot Gardens – PL5 IBU

10 Talbot Gardens - PL5 IBU

11 Talbot Gardens – PL5 IBU

12 Talbot Gardens – PL5 IBU

27 Talbot Gardens – PL5 IBU

29 Talbot Gardens – PL5 IBU

30 Talbot Gardens – PL5 IBU

31 Talbot Gardens – PL5 IBU

32 Talbot Gardens – PL5 IBU

33 Talbot Gardens – PL5 IBU

34 Talbot Gardens – PL5 IBU

35 Talbot Gardens – PL5 IBU

37 Talbot Gardens – PL5 IBU

38 Talbot Gardens – PL5 IBU

39 Talbot Gardens – PL5 IBU

41 Talbot Gardens - PL5 IBU

42 Talbot Gardens – PL5 IBU

43 Talbot Gardens – PL5 IBU

44 Talbot Gardens – PL5 IBU

45 Talbot Gardens – PL5 IBU

46 Talbot Gardens – PL5 IBU

47 Talbot Gardens – PL5 IBU

48 Talbot Gardens - PL5 IBU

104 Savage Road – PL5 IBT

108 Savage Road – PL5 IBT

116 Savage Road – PL5 IBT

119 Savage Road – PL5 IBT

121 Savage Road – PL5 IBT

122 Savage Road - PL5 1BT

123 Savage Road – PL5 1BT

124 Savage Road – PL5 1BT

125 Savage Road – PL5 1BT

126 Savage Road – PL5 1BT

Alternative options considered and rejected

It is considered that there is no alternative option to CPO that would guarantee delivery of the regeneration in a timely manner, should the situation arise where an interest in the land cannot be acquired by agreement. Although every effort will be made to achieve a negotiated outcome to the acquisition of a property, the redevelopment cannot proceed unless the option of making a CPO is available in the event that it is needed

Relevance to the Corporate Plan and/or the Plymouth Plan

The regeneration of Barne Barton contributes to a number of the Council's corporate priorities, most specifically Growing Plymouth and Confident Plymouth. This is being achieved by demolishing existing properties that are thermally inefficient /in poor repair and by building a range of new properties for affordable home ownership sale and rent. This is likely to improve both the quality of life and the health of the residents living in the improved houses, as well as reducing fuel poverty and lowering carbon demands from energy use within these new homes.

Implications for the Medium Term Financial Plan and Resource Implications:

Sanctuary Housing have indicated that they would meet the costs of acquisition and associated home-loss compensation, disturbance and all legal costs associated with purchasing a replacement property or any future CPO action that might be required. Before making a CPO the Council would enter into a formal indemnity agreement with Sanctuary Housing so there is no direct cost implication for the Council.

Carbon Footprint (Environmental) Implications:

The existing Talbot Gardens flat blocks were built in the 1960s. Options for refurbishment have been considered, however Sanctuary have advised that building surveys confirm the need for redevelopment to modern Building Regulations Standards. Delivering a new build Regeneration scheme would significantly improve the thermal efficiency in new dwellings and help to reduce fuel poverty for residents. The redevelopment would also be subject to new Low Carbon/ Renewables Joint Local Plan policy in design terms, which would also secure improvements to address the carbon footprint/environmental implications of the Regeneration scheme.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

The regeneration of Barne Barton will have the long term effect of reducing rates of child poverty within the neighbourhood by replacing older housing which is expensive to heat with modern, energy efficient homes. This will result in more affordable utility bills for residents and also help improve the health of occupants by reducing the occurrence of illnesses linked to cold and damp housing. In addition changing the tenure mix of the neighbourhood by introducing new homes for affordable homeownership will help raise levels of aspiration for all residents in this area.

Community safety is also being improved by designing new houses in line with the Secured by Design principles.

The project and risk management form part of the governance arrangements between Plymouth City Council, Sanctuary Housing and Homes England, and are discussed at regular meetings of these partners.

An Equality Impact Assessment has been undertaken – Appendix 3

Detailed information relating to the remaining private owners in Talbot Gardens regeneration project will be considered before taking any CPO action. Cabinet will be given the opportunity to further consider the impact of any CPO decision on groups with protected characteristics, such as are identified in the Equalities Impact Assessment.

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
1	Briefing report – Talbot Gardens Regeneration							
2	Talbot Gardens Plan – Blocks 1 – 10							
3	Equalities Impact Assessment							

Background papers:

**Add rows as required to box below*

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

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Originating Senior Leadership Team member: Paul Barnard, Service Director for Strategic Planning and Infrastructure											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 27/02/2020											
Cabinet Member approval: Councillor Penberthy, Cabinet Member for Housing and Co-operative Development agreed verbally Date approved: 27/02/2020											