

CITY OF PLYMOUTH

Subject: Compulsory Purchase Order Resolutions for Council Housing Blocks in Devonport

Committee: Cabinet

Date: 19 January 2009

Cabinet Member: Councillor Fry

CMT Member: Director of Development and Regeneration

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Ref: Hsg/MN/DEV

Part: I

Executive Summary:

This report seeks approval to make Compulsory Purchase Orders (CPO), in the future, if necessary, as part of the final part of the Devonport housing regeneration project. It relates to the remaining housing blocks which are to be demolished, to ensure that the land ownership is unified and to enable clear title to be provided to developers who purchase them. The circumstances in which we would be making a Compulsory Purchase Order would include the failure to buy back a leasehold property by agreement, or the need to deal with covenants or secure other interests in the land. This request relates to the final 2 sites identified in the Implementation Plan Report that was approved by Cabinet at its meeting on 24 January 2006 and included in the Master Agreement with Devon & Cornwall Housing Association (DCHA) dated 18 May 2007 and assigned to Plymouth Community Homes (PCH) as part of the Housing Stock Transfer on 20 November 2009 . These are:

- a. 2 – 72 Granby Way; 11 – 37 Park Ave; 1 – 31 & 2 – 48 Granby Green; 1 – 47 St Aubyn Road (Granby Green Area) (Map at Appendix A)
- b. Granby Street (138 – 224 Evens) (Map at Appendix A)

Corporate Plan 2009-2012:

Devonport Regeneration contributes to a range of corporate priorities but most importantly CIP 5 to achieve better and more affordable housing. .

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Provision has been made within the Housing Stock Transfer Agreement to meet the costs of acquisition and associated home loss compensation, disturbance and legal costs.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

Project and risk management a form part of the Service level Agreement between Plymouth City Council and Plymouth Community Homes.

Recommendations & Reasons for recommended action:

It is recommended that the Cabinet :

make a Compulsory Purchase Order resolution (in the event that they are required) for the blocks of dwellings at:

- a. 2 – 72 Granby Way; 11 – 37 Park Ave; 1 – 31 & 2 – 48 Granby Green; 1 – 47 St Aubyn Road (Granby Green Area) (Map at Appendix A)
- b. Granby Street (138 – 224 Evens) (Map at Appendix A)

As follows:

Resolved that, 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 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, Compulsory Purchase Orders be made pursuant of S17 of the Housing Act 1985 in respect of the areas outlined in black on the plans submitted

Alternative options considered and reasons for recommended action:

There are no alternative options to be able to guarantee delivery of the regeneration of these areas in the programme if an interest cannot be acquired. A pre-condition of the legal agreement with Devon and Cornwall Housing Association is to provide them with vacant possession. Although every effort will be made to acquire this by agreement, the only option without CPO, if agreement cannot be reached, would be to abandon the redevelopment.

Background papers:

- *Devonport Development Framework – Dec 2003*
- *Cabinet Report – Devonport Housing Implementation Plan – 24 Jan 2006*
- *Cabinet Report – Compulsory Purchase Order Resolutions for Council Housing Blocks in Devonport – 28 Nov 2006*
- *Devonport Area Action Plan 2006-2021 – Adopted Aug 2007*
- *Housing Stock Transfer Agreement – Nov 2009*

Sign off:

Fin	SW CorS 900009	Leg	RW1083	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1. Introduction / Background

- 1.1 The Cabinet meeting on 24 January 2006 approved a number of recommendations to provide new impetus to the delivery of housing regeneration in Devonport including the identification of affected dwellings, outline timetable, revised delivery arrangements and funding commitment. These were primarily to address the changes set out in the *Devonport Development Framework*, particularly in relation to changing tenure mix from what was considered an over-dominance of council housing.
- 1.2 To support the original housing regeneration programme for Devonport set up in 2001, Compulsory Purchase Order resolutions were made on some of the sites included in the programme, including 2 – 98 Ker Street, 1 – 69 Monument Street (sometimes called the ‘Bullring’) and 1 – 121 Ker Street.
- 1.3 A further resolution, was made by Cabinet in November 2006 on the sites at 1.2 above to recognise the gap in time and the new development arrangements. Cabinet Minute 113, 2006/07:

Resolved that, 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 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, Compulsory Purchase Orders be made pursuant of S17 of the Housing Act 1985 in respect of the areas outlined in black on the plans submitted

- 1.4 To date, in the programme as a whole, 23 leasehold dwellings have been acquired by agreement and only one in Ker Street has gone through the whole CPO process and was confirmed by the Secretary of State for Communities and Local Government in June 2009.

2. Proposals

- 2.1 In order to ensure that land ownership can be unified for these sites, to be able to meet the redevelopment programme set out in the Implementation Plan approved by Cabinet on 24 January 2006, Legal Services have recommended that Compulsory Purchase Order resolutions are in place. As these dwellings have been transferred to PCH, the Council is required to carry out CPO, if needed, on their behalf.

2.2 Granby Green Area

A mix of poor quality flats and maisonettes, including 4 bungalows and a block of garages to the north side of Granby Green and bounded by Park Avenue and St Aubyn Road.

The properties included in this scheme are as follows:

2 – 72 Granby Way; 11 – 37 Park Ave; 1 – 31 & 2 – 48 Granby Green; 1 – 47 St Aubyn Road

2.3 Granby Street Evens

This block of 44 one-bed flats in poor condition is adjacent to the wall of Devonport Park close to the Frank Cowl House residential home.

The properties included in this scheme are as follows:

Granby Street (138 – 224 Evens)

3. Consultation

- 3.1 All households in these blocks of housing scheduled for demolition and redevelopment will have detailed one-to-one interviews about the redevelopment programme and to gather information about both housing aspirations and their future housing needs nearer to the programme date of Summer 2010. In addition, there has been much consultation in the area in the preparation of the Urban Village Framework Plan, the Devonport Development Framework and LDF Area Action Plan

- 3.2 There are 4 remaining leaseholders who are potentially affected by the proposal to use Compulsory Purchase Order in the future. These are situated in the *Granby Green Area* as set out at 2.2 above. The action being sought at this stage is to provide authority to pursue CPO if it becomes necessary, and negotiations with individual leaseholders are unsuccessful. It is very much a last resort and extensive efforts will be made to reach agreement. This happens in the vast majority of cases, but it would be prudent to ensure that the Council is able to use CPO as a final resort. The resolution that is requested also provides comfort to the Council's development partners that every measure will be taken, if necessary, to achieve the redevelopment in this programme.
- 3.3 Demolition Notices have been served to restrict the uptake of future Right to Buy in the Granby Green Area, but the possibility that demolition will be more than 5 years away for the Granby Street dwellings (2.3 above refers) means that there could still be successful applications by qualifying tenants to acquire.

4. Legal Basis

These CPOs are to be made under the provisions of S17 of the Housing Act 1985 to provide a quantitative or qualitative increase in housing provision and will follow the justification of the November 2006 resolution for properties in the same redevelopment programme.

The Council is also fully aware of its responsibilities under Human Rights legislation arising from the European Convention of Human Rights and of the need to address the rights of the individual in any action considered. The resolution copied at 1.3 above sets out the considerations that will be made in regard to interfering with the rights of the individual.

5. Conclusion

To ensure that the Council can enable the ambitious redevelopment plans for Devonport to go ahead as quickly as possible and to fulfil its obligations under the Legal Agreement, it is necessary to have the ability to use Compulsory Purchase should that be necessary. In making a resolution to be able to use these provisions under the 1985 Housing Act, the Council is ensuring that it is taking all necessary steps. The onus will remain on reaching agreement with Orders only being made as a last resort. Ultimately, the redevelopment of these housing blocks will vastly improve the quality of housing for local people in the future and act as a lynchpin for the multi-million pound regeneration activity in the Devonport community.



CORPORATE PROPERTY DEPARTMENT OF CORPORATE SUPPORT

Map reference: SX4554NW

Plan No. : MT/MK/CPO

Scale 1:2500

December 2009

TITLE Location Plan Appendix A - CPO for Housing Blocks in Devonport

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