

RECORD OF EXECUTIVE DECISION

Tuesday, 15 November 2022

Decision No: (CAB 22/23 35446)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	Cabinet Member for Housing and the Green Environment
SUBJECT:	Townhill Park Regeneration: Rowlands Walk Compulsory Purchase Order
AUTHOR:	Sue Jones

THE DECISION

- (i) To approve making a compulsory purchase order pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 and section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land and rights for the purposes of securing the regeneration and redevelopment of land within Plot 9 comprising the demolition of the Rowlands Walk blocks and the erection of new housing accommodation.
- (ii) To authorise the Executive Director for Communities, Culture and Homes following consultation with the Director of Legal and Business Services to carry out the functions set out in (c), (d), (g) and to authorise the Director for Legal and Business Services to carry out the functions set out in (a), (b), (e) and (f) below:
 - a. To take all steps to secure the making, confirmation, and implementation of the Compulsory Purchase Order (“Order”) including the publication and service of all notices and the promotion of the Council’s case at any public inquiry;
 - b. To make any amendments, deletions or additions to the land identified in this report to be subject to the Order (“Order Land”) as to include and describe all interests in land and rights required to facilitate the carrying out of the redevelopment and regeneration of Plot 9 of Townhill Park;
 - c. To identify and acquire interests and new rights required to facilitate delivery of the redevelopment and regeneration of Plot 9 Townhill Park either by agreement or compulsorily pursuant to the Order including conduct of negotiations, making provision for the payment of compensation;
 - d. To negotiate, agree terms and enter into agreements with interested parties including the withdrawal of objections to the Order and/or undertakings not to enforce the Order on specified terms, including where appropriate removing land or rights from the Order, making provision for the payment of compensation and/or relocation;
 - e. In the event the Order is confirmed by the Secretary of State, to advertise and give notice of confirmation and thereafter to take all steps to implement the Order;
 - f. To take all steps in relation to any legal proceedings relating to the Order including defending or settling claims referred to the Lands Tribunal and/or applications to the courts and any appeals; and
 - g. To retain and/or appoint external professional advisers and consultants to assist in

facilitating the promotion, confirmation and implementation of the Order, the settlement of compensation and any other claims or disputes.

REASONS FOR THE DECISION

The Council originally resolved to regenerate the Townhill Park in March 2012 (Decision Reference CAB 11/12 7817). Outline planning consent was granted in May 2016 (planning reference 15/01856/OUT/7069).

The purpose of this report is to facilitate the demolition of 1 – 131 (odd numbers) Rowlands Walk within the Townhill Park area and the development of 51 new homes on Plot 9 of Townhill Park. The Council needs to demolish the 3 blocks that make up Rowlands Walk and form Plot 9 of the regeneration scheme. The Scheme for which the Order 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*” (the “Scheme”) of which Plot 9 forms part and cannot do so until it has full ownership of all interests in the Order land.

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.

To date and despite ongoing negotiations with affected parties, the Council has been unable to acquire all of the outstanding third-party land interests in the proposed Order Land site through agreement and is unlikely to be able to do so without the use of the Order.

The justification for making the Order is set out in the draft Statement of Reasons at Appendix 2 of this report, but can be summarised briefly as follows:

a. The blocks are beyond economic repair and form a key part of the wider Townhill Park regeneration area for which outline planning consent is in place; b. Redevelopment of the Order Land will contribute to the improvement of the environmental, economic and social wellbeing of the area.

The confirmation of an Order can be protracted if the Order is challenged, which means the Council must therefore proceed with starting the Order process now in order to avoid any further delays. A number of further steps will need to be taken to make, confirm and implement the Order. In order to expedite this progress, Cabinet is also asked to grant delegated authority to the relevant officers identified in the Recommendations section of this report to undertake the actions required.

DETAILS OF ANY ALTERNATIVE OPTIONS

The Council gained outline planning consent to regenerate the Townhill Park area in 2016. The Council’s stock in the area was in poor condition and in need of wholesale regeneration. The Rowlands Walk blocks have been identified as having defective balconies which are beyond economic repair. Plot 9 forms an integral part of the Townhill Park regeneration masterplan, which in turn drives environmental economic and social benefits to the area and the City of Southampton.

The Council has attempted to reach a negotiated solution with the remaining leaseholders within these blocks, but this has not proved possible to date. It is therefore considered that whilst continuing to pursue a negotiated conclusion to acquiring the remaining external interests, making an Order is now the only option to ensure that the Council secures full ownership.

The Council could choose to make an offer for 57 Rowlands Walk in the sum that the leaseholder has indicated they would accept. However, this is considerably higher than the level of the independent valuation. From time to time, the council has no option but to pursue Compulsory Purchase Orders, and it is important that the Council follows it's own policies and legislation, and treats all people fairly using the same approach.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

None

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 15th November 2022

Decision Maker:
The Cabinet

Proper Officer:
Judy Cordell

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed <i>(if applicable)</i>
Call-in heard by <i>(if applicable)</i>
Results of Call-in <i>(if applicable)</i>