
REPORT OF THE STRATEGIC DIRECTOR FOR PLACE
TO THE PROPERTY / REGENERATION BRIEFING
ON
8th AUGUST 2022

TITLE: Holcombe Close Compulsory Purchase Order

RECOMMENDATIONS: The City Mayor is recommended to:

- (1) Agree that the acquisition of the Order Lands will facilitate the assembly of land for construction of the Pendleton Community Activity and Health Hub (PCAHH) which will make a very positive contribution to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area;
- (2) Authorise the making of a Compulsory Purchase Order (CPO) under the provisions of Section 226 of the Town and Country Planning Act 1990 to secure the acquisition of the land and interests within the sites shown edged red and shaded pink on the plan attached to this report at **Appendix 1**;
- (3) Authorise the Strategic Director for Place to seal the order and to take all necessary steps, including the publication and service of all statutory notices and presentation of the Council's case at public inquiry, to secure confirmation of the Compulsory Purchase order by the Secretary of State for Communities and Local Government and the vesting of the land in the City Council;
- (4) Authorise the Strategic Director for Place (in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order) to confirm the Order, if he is satisfied that it is appropriate to do so;
- (5) Authorise the Strategic Director for Place to approve agreements with the landowner setting out the terms of withdrawals of objections to the Order including where appropriate the exclusion of land from the Order;
- (6) Authorise the Strategic Director for Place to make deletions from, and minor amendments and modifications to the proposed Order and Order Plan or to agree to refrain from vesting any land included within the Order if appropriate;
- (7) Authorise the Strategic Director for Place to negotiate terms for the acquisition by agreement of any outstanding interests in the land within the Order prior to confirmation;
- (8) Agree the following re-housing and compensation arrangements for the displaced residential occupier of 14 Holcombe Close:

- a. Requests from owner-occupiers for disposal of their homes in advance of the confirmation of the Order will be dealt with quickly.
 - b. Compensation for owner-occupiers will be paid in accordance with the law on compulsory purchase and relocation assistance will be offered in accordance with the Allocations Policy (January 2021) currently in operation.
 - c. Discretionary Home Loss and Disturbance payments will be made available to all qualifying residents seeking relocation.
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EXECUTIVE SUMMARY:

The Order Lands are situated within the Creating a New Pendleton regeneration initiative area that has already seen 1253 houses refurbished, the demolition of 740 mainly council owned properties and the development of 344 new homes. A further 1215 new dwellings are anticipated to be constructed in the remaining phases of the initiative that include provision for new public open spaces to be created together with new and realigned roads, car parking and landscaping. Two new pocket parks have also been created within the Phase 1 development, alongside all required highway infrastructure.

The Order Lands are within the High Street housing estate, which comprised 566 Council houses and flats. 14 of these properties had been acquired by the tenants exercising their Right to Buy. Currently, 13 of the 14 properties have been re-acquired by the Council by agreement. Only 14 Holcombe Close remains in private ownership. The High Street site has been demolished apart from 14 Holcombe Close and the remaining five empty council properties that form the terrace.

In the opinion of the Council, there is a compelling case for compulsory purchase of the Order Land to facilitate the construction of a new Pendleton Community Activity and Health Hub (PCAHH) and comprehensive re-development of the area as part of the Creating a new Pendleton initiative. Pendleton remains one of the most deprived areas of the country and the construction of the new PCAHH will make a very positive contribution to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area.

The Council has taken considerable steps to reach an agreement for the acquisition of 14 Holcombe Close and it is now considered essential to for the City Council to initiate the formal procedure for Compulsory acquisition of the Order Lands. In pursuing this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land.

KEY DECISION: No

DETAILS:

1.0 The Order Lands

- 1.1 The Order Lands, 14 Holcombe Close, is a two-storey end terraced house, dating from the 1970s and is set within a block of five council owned empty properties. The property interlocks with the adjoining property with the bedroom of 14 Holcombe located over the hall of the adjacent empty council home. The property was acquired from the council by the current owner under the Right to Buy legislation. The Order Lands are shown edged red on the plan attached at

Appendix 1.

- 1.2 The Order Lands are situated within the former High Street housing estate, a cleared estate of 490 dwellings, which were built originally as local authority housing stock. Redevelopment of the area has commenced, and the High Street estate was demolished apart from the Order Lands and the remaining five empty council properties that form the Holcombe Close terrace.
- 1.3 14 privately owned properties on the High Street estate had previously been acquired by the tenants under Right to Buy legislation and all of these have been re-acquired by the council. Only 14 Holcombe Close now remains in private ownership.

2.0 Background and the council's purpose in seeking to acquire the land

- 2.1 The purpose of acquiring the Order Lands is to enable demolition of the existing housing, in order to facilitate the comprehensive re-development of the area with new build homes for sale and rent, new and improved public open space, parks and children's play facilities, improved public realm and active travel routes. The proposals also include a new Pendleton Community Activity and Health Hub (PCAHH) at the heart of Pendleton which is located in the most deprived ward in Salford. The PCAHH will replace the existing Clarendon Leisure Centre situated 370m south west of new PCAHH and house a relocated GP practice.
- 2.2 Pendleton has seen significant population loss and a long and gradual decline through the loss of public, civic and commercial institutions, the erosion of the retail centre and the collapse of its housing market. In response to these problems and challenges, the Council commenced a large scale housing led regeneration programme for the area. After lengthy consultations, a broad consensus was reached as to which housing should be retained and refurbished and which should be demolished. A preferred set of options was agreed to be included in the Pendleton Planning Guidance and the PFI Outline Business Case, which was submitted and approved by the Government in 2008. In 2012 Pendleton Together (the Developer) were selected to deliver the wider regeneration proposals.
- 2.3 The Order Lands are situated within the Creating a New Pendleton regeneration initiative area. The new PCAHH sits within the wider initiative that has seen 1253 houses refurbished, the demolition of 734 mainly council owned properties and the development of 344 new homes. A further 1215 new dwellings are anticipated to be constructed in the remaining phases of the initiative that include provision for new public open spaces to be created together with new and realigned roads, car parking and landscaping. Two new pocket parks have also been created within the Phase 1 development, alongside all required highway infrastructure.
- 2.4 The existing Clarendon Recreation Centre is 42 years old and has reached the end of its lifespan. The use of the leisure centre has fallen and despite investment and repurposing of parts of the building it is unable to generate sufficient income to cover the running costs. The surrounding park and all-weather pitch have become derelict and the condition of the building is in a poor state with plant reaching the end of its lifespan and deteriorating rapidly. There is limited parking and poor security. The pool is of a unique design that has shallow water at each end and a deep middle. This is both unpopular and limits the range of activities able to be run from the pool. Changing facilities are inadequate and

limit supervision creating safeguarding issues and restrictions in use.

- 2.5 The creation of a new indoor sports facility responds to the councils Indoor Sports Facilities Strategy which lays out the economic and social benefits of demolition of the existing Centre and replacement. The report considered improvement and retention of the existing centre and alternative locations in the Pendleton area, including partnership with Salford University. The conclusion of the report recommended demolition and relocation to a town centre site as the best option.
- 2.6 The inclusion of the 3G artificial sports pitch in close proximity to the new centre is a key part of the leisure offer. The Council in partnership with SCL, Sport England and the main pitch sport National Governing Bodies (NGB) produced an updated Playing Pitch Strategy (PPS) in 2018. The findings show that there are current deficiencies in youth football. A 9v9 sized facility will help alleviate some of the current and future shortfalls in football. Lessons learnt from the management of other artificial pitches within the city demonstrate the necessity to locate not only changing rooms in close proximity to the pitches but also find a design solution which addresses the management of access to the pitch with a strong visual connection to it. The design of the Centre and the location of the pitches addresses these requirements. The Centre's development requires the demolition of the terraced block where the Order lands are located as the access to the Order Lands (Holcombe Close) will lie under the 3G pitch and the front of the property is 6m from the pitch side. Retention of a dwelling this close to the pitch is not practical.
- 2.7 The delivery of the PCAHH including the new artificial pitch; its numerous social, economic health and environmental benefits and links to the overall regeneration objectives is impossible without obtaining vacant possession of the Order Land. It is not possible to begin to demolish the council owned properties on the terrace block due to the construction of the properties. The council properties are at the end of their economic life and to carry out works of refurbishment to bring them up to the required standard would be economically unviable

3.0 **Compulsory Purchase Powers**

- 3.1 The Order is made pursuant to section 226(1) (a) and section 226 (1A) of the Town and Country Planning Act 1990, which empowers local authorities to acquire land in order to facilitate development, redevelopment or improvement on, or in relation to that land provided that the local authority thinks that this will contribute to achieving the promotion or improvement of the economic, social or environmental well-being of their area.

4.0 **Steps the authority has taken to negotiate the acquisition of the land by agreement.**

- 4.1 The council has been successful in assembling most of the land required to bring forward the regeneration of the Pendleton area by voluntary agreement with private owners. The council established a relocation process to support residents through the change and maximise the choice of rehousing available. A dedicated team visited residents and provided advice and assistance on the relocation process.
- 4.2 All residents were entitled to Home Loss Payments and disturbance costs as part of the re-housing support on offer. For those owner occupiers wishing to remain in owner occupation the council had offered additional assistance in the form of

equity loans to give owners whose property values did not enable them to access accommodation in the local area the opportunity to buy a new home. This included access to new homes built in the first phase of redevelopment.

4.3 Of the 27 privately owned homes acquired by agreement, support for owners has ranged from help accessing affordable rented homes, acquiring private homes for sale, or accessing the council's relocation equity loan to acquire a new home in the first phase of redevelopment.

4.4 Since initial contact was made with the owner of the Order Lands the council has made continued attempts to reach agreement to acquire his property and provide assistance in finding a new home. This includes responding to requests for new or refurbished affordable rented accommodation in the area, offers of rented accommodation, and support for acquisition of a new or existing private home in the area including the support of the council relocation equity loan.

5.0 Policy Context

5.1 The policy framework which supports the making of this compulsory purchase order includes the National Planning Policy Framework (NPPF), saved policies of the City of Salford Unitary Development Plan (UDP), the Pendleton Planning Guidance, the emerging Local Plan for the Salford City Council, and Places for Everyone a joint development plan document being progressed by 9 of the Greater Manchester Authorities.

6.0 Proposals for the development of the land

6.1 The development of the land include for mixed tenure residential development and the PCAHH. The PCAHH comprises community physical activity and health provision. This includes the provision of a 25m x 6 lane swimming pool and learner pool (15m x10m) with moveable floor, 100 station fitness suite, fitness studios (2 x 30 person capacity); wet and dry changing rooms, community hall, active play zone and inclusive access changing rooms. A third generation (3G) nine v nine pitch is located adjacent to the building. The close proximity is essential to ensure active management of the pitch links directly to the operators in the building.

7.0 The need for Compulsory Purchase

7.1 For the reasons set out in this report and in the draft Statement of Reasons, it is considered that there is a compelling case in the public interest for the compulsory acquisition of the Order Lands. It is also anticipated that without the use of the Council's compulsory purchase powers the land required will not be assembled within a reasonable timeframe, or possibly at all. The council are committed to continuing negotiations with the remaining owner occupiers in parallel to the CPO process.

8.00 Delivery and Funding

8.1 The proposed PCAHH development is financially viable, with the approval for the capital investment in place. Clearance and acquisition of the majority of the site has already occurred and funding for the remaining acquisition has been approved.

8.2 Government approval to the Creating a new Pendleton Final Business Case was

secured in August 2013.

- 8.3 Funding has also been identified within the Capital Programme for any acquisition, demolition and compensation costs arising from the use of compulsory purchase powers.

9.0 Human Rights and the Case for Compulsory Acquisition

- 9.1 With respect to the compulsory purchase order, the issue of the applicability of the Human Rights Act 1998 (HRA) has been considered, and in particular, Article 1 of the First Protocol, which provides that “Every person is entitled to the peaceful enjoyment of his possessions” and “No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law”.

- 9.2 Article 8 of the Human Rights Act 1998 also provides that “Everyone has the right to respect for his private and family life and his home” and “There shall be no such interference with the exercise of this right except such as is in accordance with the law and necessary in a democratic society for the prevention of disorder or crime, for the protection of health and morals, or for the protection of the rights and freedom of others”.

- 9.3 When considering compulsory purchase order proposals, the local authority has to have regard to the impact the proposals may have in respect of the above Articles. It is expected that the “doctrine of proportionality” will be applied to ensure “that a measure imposes no greater restriction upon a Convention right than is absolutely necessary to achieve its objectives”. Simply put, the interference with the fundamental rights is no more than is reasonably necessary to achieve the legitimate aim being pursued.

- 9.4 It is acknowledged that the compulsory acquisition of the Order Lands will interfere with the rights of the owners of the properties under article 1 of the First Protocol of the Human Rights Act 1998. However, the purpose for acquiring the Order Lands and the benefits of the proposed scheme, as they have been described above outweighs the harm caused to those affected and creates a compelling case in the public interest. Those displaced by the Compulsory purchase Order will receive compensation for their loss of homes and disturbance.

10.0 Conclusion

- 10.1 Although good progress has been made in assembling all the land required to deliver the development and wider regeneration it is the officers’ view that it may not be possible to acquire the remaining Order Land needed to deliver the development by agreement within a reasonable timeframe, and therefore the use of compulsory purchase powers is required.

- 10.2 In pursuing this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with rights under the European Convention on Human Rights is considered by the Council to be justified, in order to secure the economic regeneration and environmental and public benefits which the redevelopment will bring.

- 10.3 The Council is satisfied that the acquisition of the Order Land to facilitate the

successful implementation of the PCAHH will have a positive impact on the social, environmental and economic wellbeing of the area, as the redevelopment will provide an overall improvement in the quality of life for local residents.

- 10.4 Due to the substantial public benefit which would arise from the implementation of the redevelopment, it is considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the Order. It is considered that the Order does not constitute any unlawful interference with individual property rights. The compulsory purchase process enables objections to be submitted and a Public Inquiry to be held to consider those objections. The parties directly affected by the Order will be entitled to compensation in accordance with the statutory compensation code.

KEY COUNCIL POLICIES:

- Housing and Regeneration

BACKGROUND DOCUMENTS:

- National Planning Policy Framework (NPPF)
- Unitary Development Plan (saved Policy ST1)
- Salford City Council Planning Guidance Pendleton (adopted 11th March 2009)
- Pendleton Area Action Plan: Preferred Options Report June 2007
- Planning Permission with ref.12/61953/HYBRID
- 2025 Salford: A Modern Global City
- Cabinet Report 14th February 2017 ' Indoor Sports Facilities improvement Strategy
- SCC Strategic Outcomes Planning Guidance Report 19/11/2020

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:

Local residents and stakeholders in the Pendleton Private Finance Initiative area have been fully consulted and engaged in the development of the proposals for the area which will include new family housing and apartments, with over 10,000 recorded consultation visits with residents. An EIA has been undertaken at the Outline Business Case stage of the PFI procurement process. This was strengthened with the completion of a full Community Impact Assessment to support the submission of the Final Business Case to the HCA.

ASSESSMENT OF RISK: medium. The council has been unable to acquire the remaining property by agreement. However, it is necessary to pursue a CPO to ensure the Council is able to build out the order lands. The council believes it has a compelling case in the public interest which justifies the interference with the rights of those who have an interest in the affected land by the CPO.

LEGAL IMPLICATIONS Supplied by: Juliet Mbam, Principal Solicitor, Planning & Infrastructure

Comments: The City Mayor report and the draft Statement of Reasons has been reviewed by the shared legal service in detail and section 226(1) (a) and section 226 (1A) of the Town

and Country Planning Act 1990 is considered to be the most appropriate power to use in this instance.

FINANCIAL IMPLICATIONS Supplied by: Chris Mee, Strategic Finance Manager 0434

Comments: There is a provision within the Capital Programme to cover the costs of acquisition, basic loss/disturbance, relocation assistance and demolition connected with these properties.

The staff costs of pursuing the Compulsory Purchase Order are covered by the Legal Services Management Fee. Should there be a need for a public inquiry; provision has been made within the capital programme to cover the costs associated.

PROCUREMENT IMPLICATIONS Supplied by: N/A

HR IMPLICATIONS Supplied by: N/A

OTHER DIRECTORATES CONSULTED: N/A

CONTACT OFFICERS: **TEL NO:**

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WARDS TO WHICH REPORT RELATES: Pendleton and Charlestown

APPENDICES:

Appendix 1: Map of the Order Lands
