**THE BIRMINGHAM CITY COUNCIL**

**(POOL FARM ESTATE KINGS NORTON)**

**COMPULSORY PURCHASE ORDER 2021**

**STATEMENT OF REASONS FOR MAKING THE ORDER**

**SECTION 17 HOUSING ACT 1985**

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**(POOL FARM ESTATE KINGS NORTON)**

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**STATEMENT OF REASONS FOR MAKING THE ORDER**

**Enabling Powers for the Compulsory Purchase Order**

The Order is made under Section 17 of the Housing Act 1985 (“the Act”) to facilitate the carrying out of a new housing development and to enable the demolition of outdated and financially unviable properties and which will deliver qualitative housing gain and support the ongoing regeneration of the Pool Farm estate.

1. **Introduction**
	1. This document is the Statement of Reasons of the Council for making a compulsory purchase order entitled the ‘The Birmingham City Council (Pool Farm Estate Kings Norton) Compulsory Purchase Order 2021’ (“the Order”).
	2. In this Statement of Reasons, Birmingham City Council is referred to as “the Council” and the land included in the Order is referred to as “the Order Lands”.
	3. This Statement of Reasons has been prepared in compliance with the Ministry of Housing, Communities and Local Government “Guidance on Compulsory purchase process and The Crichel Down Rules” dated July 2019.
	4. The Order has been made by the Council to support the housing development of an area known as the Pool Farm Estate and Shannon Road. The proposal includes the clearance of 418 properties comprising low rise flats and houses on the Pool Farm estate and 4 tower blocks on Shannon Road and the redevelopment of the sites with new housing. The Order Lands subject to this Order comprise 7 leasehold residential properties and 1 freehold property situated across the Pool Farm estate.
	5. The demolition of the Pool Farm and Shannon Road properties form part of the final phase of the regeneration of the wider housing area that is known as the ‘Three Estates’, of which Pool Farm forms part along with the Hawksley and Primrose estates. Although geographically linked, the regeneration of each of the Three Estates has been progressed separately but within the context of the overriding regeneration and planning framework. The clearance proposals were set out in a report entitled ‘Housing Clearance Programme’ (BCC4) that was approved by the Cabinet of the Council at its meeting held on 14 February 2017 and this authorised the use of compulsory purchase powers to acquire land as necessary to facilitate the development and regeneration of the estate.
	6. Proposals for the estate have been set out in local planning and housing policy for some time and have been subject to significant local consultation. The overall regeneration programme will take 20 years and involve approximately £150 million of investment. More recently, planning applications have been approved for the proposed Pool Farm development areas and these are detailed under section 7 below.
	7. The necessary funding is available to deliver the redevelopment proposals. This is set out in detail in Section 9.
	8. This statement describes the Order Lands in detail in Section 2. Sections 3 – 8 describe the development proposals, the Case for compulsory purchase, the planning and other policy considerations, and consultation details. Other matters referred to in this statement include special considerations and human rights in section 10-17 and provides further information about who to contact about the development proposals and compulsory purchase process.
	9. The Order is being made and submitted to the Ministry of Housing, Communities and Local Government (“the Secretary of State”) for confirmation.
2. **Description of the Order Land, location, and current use.**
	1. The Pool Farm estate is located on the southern edge of Birmingham in the Kings Norton Ward of the Northfield constituency approximately 9 km from the city centre. It is situated to the east of the A441 Redditch Road, the main vehicular connection between the area, the city centre to the north and the M42 motorway to the south of the city. It is around 2km from Kings Norton railway station which lies to the north west. Kings Norton centre is located around 1km to the north west. The area is in a very accessible and sustainable location with a wide range of local amenities close by and good transport connections for travel locally and further afield.

* 1. The Pool Farm estate forms part of an area of housing collectively referred to as ‘The Three Estates” - an area of mainly municipal housing developed in phases between the 1950s and 1970s as part of the rapid post war expansion and development of the city. The types of property on the estate are typical of much of the municipal housing built at that time. The Order Lands are located across the Pool Farm estate and comprise housing that was built by the Council, but which was subsequently sold under Right to Buy legislation.
	2. The majority of the estate is in the freehold ownership of the Council, although there are a number of owner occupied houses which do not form part of the redevelopment and which include a mix of bungalows and two-storey dwellings that are being retained as part of the overall proposals. The retained properties were previously considered as part of a wider proposals for regeneration in Kings Norton but were not included in the Cabinet Clearance Report where properties were selected based on their condition, financial viability and their failure to meet modern standards.
	3. Included in the Order land are the privately-owned residential properties located at:

59 Gildas Avenue – 2 storey 4 bedroom semi-detached house

90 Sisefield Road – first floor 3 bedroom flat

92 Sisefield Road – ground floor 3 bedroom flat

37 Hillmeads Road –first floor 3 bedroom flat

63 Hillmeads Road – first floor 3 bedroom flat

7 Arrow Walk – ground floor 3 bedroom flat

1 Hillmeads Road – first floor 3 bedroom flat

105 Walkers Heath Road – first floor 3 bedroom flat

* 1. Full details of the order land are given in the Order Schedule and Order Map BCC2 and BCC3.
	2. The 8 properties were originally built and managed by the Council but are now owned privately or by the sitting tenants who have exercised the Right to Buy. All the properties are low rise flats apart from 59 Gildas Avenue which is a single dwelling four-bedroom house. Photographs of the order properties are contained in BCC 22.
	3. The 2017 Clearance report approved the demolition of 240 Low Rise flats and houses including 11 owner occupied properties on the Pool Farm estate. These properties were identified as being financially unviable as they are of non-traditional construction with them suffering the structural issues associated with this type of construction. The four tower blocks situated on Shannon Road housing 167 tenants have been identified as being Large Panel System Blocks (LPS). These LPS blocks are potentially structurally defective and may require expensive investment works to remedy such structural issues as are identified.
	4. In addition to the structural issues and the significant investment needed in order to bring them up to reasonable living standards their layout and situation do not meet the modern expectations and aspirations of residents. There are indications of management issues, for example: ongoing problems with abandoned vehicles, dumped rubbish, and anti-social behaviour. These issues are a constant drain of various council services and resources.
	5. The estate layout is now considered to be poor in urban design terms, with unsatisfactory relationships between the housing, parking and amenity space. This creates a lack of ownership resulting in the misuse of the environment and a feeling of dereliction & reduced personal safety. There are a number of interconnecting walkways between roads which are enclosed and not well lit which encourages criminal activity.
	6. The estate is within walking and cycling distance of a range of local services and facilities including schools, medical facilities and food stores. The estate has access to frequent and high-quality bus services to Kings Norton and Birmingham city centre. The surrounding land uses are mainly residential, with predominantly open countryside to the east which lies within Worcestershire.
	7. Situated off Sisefield Road is St Pauls Catholic Primary School and off Shannon Road is the Ark Academy secondary school for 11-18 year olds. The site is surrounded by various schools including nursery, primary, secondary and sixth forms. Kings Norton Nursery is situated in Arrow Walk. Broadmeadow Infant and Nursery School, Bells Farm Primary School and Kings Norton Primary School are all within walking distance of the estate. Cadbury Sixth Form College is also close by.
	8. An Aldi supermarket has recently been opened on the Redditch Road (A441) as part of the adjacent Primrose estate regeneration but there are also supermarkets other shops and services, food outlets, banks, surgeries and pharmacies in the neighbouring areas of Kings Norton centre, Cotteridge, Druids Heath and Kings Heath.
	9. There is some new formal public open space with play equipment being constructed as part of the Primrose regeneration situated off Shannon Road. Also located in close proximity are Walkers Heath Park and Kings Norton Park.
1. **Background to the Order**
	1. As referred to above, the redevelopment of the Pool Farm Estate forms the final element of the regeneration of the wider area collectively known as the Three Estates. Work across the area commenced in 2000 under the then Government’s New Deal for Communities Programme, which focussed on significant local consultation on the future of the estates and opportunities for improvement. A Planning for Real exercise with the local community and a subsequent Development Study (BCC20) helped identify the areas for intervention, which set out a preferred approach of large-scale redevelopment and change. The Kings Norton Planning Framework (BCC16 and 17) was prepared and adopted by the Council in 2010 and this set out the detailed proposals for clearance and redevelopment and the wider consideration of community needs and environmental improvement.
	2. Clearance and development have since been undertaken on a number of sites across the Three Estates area:
* Brooklea Grove, Pool Farm – BMHT development of 43 houses for social rent.
* Owens Croft, Pool Farm – BMHT Development of 49 homes, 23 for social rent and 26 sale properties.
* Stockmans Close, Hawkesley – BMHT development of 44 homes, 20 for social rent and 24 sale properties
* Primrose estate – BMHT development of 292 homes, 147 for social rent and 145 sale properties.
* As per the current clearance programme the rehousing and clearance of 62 properties has been completed
	1. Further details of the consultation undertaken with respect to the regeneration programme are set out under section 8 of this Statement.
1. **The development proposals**
	1. The estate is located within the established residential area of Kings Norton. Birmingham Municipal Housing Trust (BMHT), the housebuilding arm of the Council, propose to develop the cleared sites across the Pool Farm estate and Shannon Road to provide 267 new homes. This will consist of 163 homes for social rent including 66 two-bedroom houses, 25 three-bedroom houses, 24 four-bedroom houses, 8 five-bedroom houses and 16 one-bedroom apartments and 24 two-bedroom apartments. In addition to this it is proposed to provide 104 homes for open market sale consisting of 46 two-bedroom houses, 54 three-bedroom houses and 4 four-bedroom houses. This is in accordance with the planning permissions (2020/08312/PA and 2020/08270/PA (BCC5 to BCC10). The scheme also includes associated parking and landscaping.
	2. The construction of new homes will be phased with the first phase being the sections of Gildas Avenue and Bentmead Grove where rehousing and demolitions have been completed. As further sites are made available through clearance and demolition, they will form part of later phases of development.
	3. The existing road layout will be largely unchanged as it serves retained houses and the new properties will largely follow the existing building line, however on the Pool Farm estate some existing roads will be extended or some small cul-de-sacs will be created. There will be new roads serving the new homes proposed to be built on the Shannon Road site. The proposed redevelopment follows established principles of good urban design with the creation of secure perimeter blocks with building frontages facing public streets along with secure private gardens. The creation of stronger more coherent building lines will be achieved along with improved street enclosure, natural surveillance and better definition of private and public space. A more positive sense of place will be created through the grouping of houses, treatment of corner plots and full consideration of trees and landscaping within the development.
	4. The proposed new housing will be of traditional construction with quality brickwork which continue the approach adopted in other recent infill developments in the area. As well as lifting the visual quality, brickwork also provides longevity and will require minimal maintenance.
	5. Where feasible the trees have been retained in the plans for Pool Farm and Shannon Road. Due to the site constraints (i.e. topography, development platforms) some tree removal has been unavoidable however those trees identified for removal are not protected by Tree Preservation Orders. Public realm landscaping is proposed together with replacement trees being provided. New boundary treatments would be a combination of railings, brick walls and fencing along street frontages and 1.8-metre-high close boarded fencing to the rear boundaries of the properties.
	6. Subject to a successful procurement process the Council intends to appoint and enter into contract with a development contractor in 2021 with a projected start on site date in early 2022. It is anticipated that the contract will run until October 2026
	7. The project has been fully costed and a Financial Business Case has been agreed in the Birmingham City Council Cabinet Report – ‘Building Homes on the Pool Farm Estate and Shannon Road site 9th February 2021 (BCC12).

Details regarding the order properties and how they relate to the plans for the estate are as follows:

**59 Gildas Avenue**

The property lies on the east side of Gildas Avenue. The surrounding properties have been demolished and the resultant sites have been fenced.

The property lies on the outside bend of the road, and forms part of a pair of two storey semi-detached houses. To the south of the pair of houses is a public footpath that leads up to Little Hill Grove and to the south of an area where further two storey flats were located slightly elevated from the road and set back behind trees. The front garden to the order property is overgrown and the boundary wall between it and the adjoining flats has collapsed. There is no front boundary wall or fence to the front garden or drive.

The order property lies within a significant area of proposed clearance and redevelopment which includes properties in Gildas Avenue, Little Hall Grove and parts of Barratts Road and Sisefield Road. The redevelopment proposals for this area are included in the planning application 2020/08312/PA which proposes the delivery of 117 houses for social rent including a range of detached, semi-detached and short terraces of houses. The area occupied by the order property, between the adjoining properties being retained in Barratts Road and the foot path to Little Hall Grove will be developed with 5 new properties – two pairs of 2 bed 4 person houses and one detached 4 bed 7-person house. These will be arranged in a gentle curve, reflecting the existing bend in the road.

The retention of the order property would prevent these properties from being delivered. Retaining the property in isolation would not be appropriate given its appearance, the need for accommodation works and the impact that it would subsequently have on the street scene.

**90 and 92 Sisefield Road**

These properties form a two-storey block at the corner of Sisefield Road and Barratts Road and back onto a similar block that is also identified for clearance.  The properties adjoin more recent infill housing that is not affected by redevelopment.

The site also falls within the area of the planning application 2020/08312/PA that includes the area of Gildas Avenue. The site of the flats and the similar block to the rear will be developed with 5 new properties – two detached 5 bed 7 person houses, two semi-detached 2 bed 4 person houses and one detached 4 bed 7-person house. The new properties will be developed to provide active frontages to all elevations and include both private in-curtilage, and on street visitor parking bays.

The retention of the order properties would prevent these new properties from being delivered. Retaining the block in isolation would not be appropriate given its poor condition and appearance and the visual impact that it would subsequently have on the street scene given recent and proposed new development.

Terms have been agreed with the owners of the properties with respect to their acquisition by the Council and these have been passed to solicitors to finalise the completions. The properties have been included within the compulsory purchase order to ensure that acquisition can be achieved should the voluntary acquisitions not be completed.

**7 Arrow Walk**

7 Arrow Walk is a ground floor flat located within a two-storey block of four flats fronting a pedestrian path that leads from the north of Arrow walk and which connects with Hillmeads Road. The block is surrounded by other blocks that have been identified for clearance and which are in the Councils ownership and awaiting demolition.

The site falls within the area of the planning application 2020/08270/PA that covers the clearance areas of Hillmeads Road and the area of tower blocks along Shannon Road. The acquisition and clearance of the block will facilitate the residential redevelopment of the area and enable the delivery of new housing and a new access mews off Arrow Walk that will allow the development of additional new properties on a current back land site that may have provided communal garden space to the surrounding blocks. The site of the block which houses the order property will provide three new properties – two 2 bed 4-person semi-detached houses and one 3 bed 5 person detached house.

Failure to acquire the order property would prevent a number of new properties from being constructed. Retaining the property in isolation would not be appropriate given its location within a block of four flats, with the other flats already being in the ownership of the Council) and the general condition and appearance of it in relation to the regeneration proposals.

**37 Hillmeads Road**

37 Hillmeads Road comprises a first floor flat located within a two-storey block of four flats fronting Hillmeads Road. It is adjacent to blocks of three – storey flats that are also identified for clearance and redevelopment.

The site falls within the area of the planning application 2020/08270/PA that covers the clearance areas of Hillmeads Road and the area of tower blocks along Shannon Road. Once acquired and demolished the site will allow the construction of new properties, including the creation of a new cul-de-sac courtyard.

The retention of the order property would not be appropriate as it would prevent this part of the redevelopment from proceeding, including the construction of the access road serving the cul-de-sac and a number of the new properties.

**63 Hillmeads Road**

63 Hillmeads Road comprises a first floor flat located within a two-storey block of four flats fronting Hillmeads Road. It is adjacent on one side to a block of three – storey flats and on the other side more blocks of two 2 storey flats all of which have been identified for clearance and redevelopment.

The site falls within the area of the planning application 2020/08270/PA that covers the clearance areas of Hillmeads Road and the area of tower blocks along Shannon Road. Once acquired and demolished the site will allow the construction of new properties.

**1 Hillmeads Road and 105 Walkers Heath Road**

1 Hillmeads Road and 105 Walkers Heath Road are both situated in the same two-storey block of four flats situated at the junction of the two roads. The other two flats in the block are Council owned.

The site falls within the areas of the planning application 2020/08270/PA that covers the clearance areas in Hillmeads Road and the tower blocks along Shannon Road. Once acquired this site will allow the construction of 3 new houses.

1. **The Case for Compulsory Purchase**
	1. The Council has recognised for some time the need for the regeneration of the area and how this can be more appropriately and successfully achieved through a more comprehensive proposal that could deliver new housing and address the design and layout issues of the existing development. Proposals have followed significant consultation and considerable progress has been made with the redevelopment across the Three Estates over a number of years. The acquisition of the order properties will enable the implementation of the final elements of the overall proposals.
	2. The Council owned and privately-owned order properties identified for inclusion in the Clearance programme either suffer from inherent structural defects where it is not financially viable to address and /or they fail to meet residents’ aspirations as modern accommodation. This makes this type of property increasingly unpopular or difficult to manage and maintain.
	3. The regeneration of the estate addresses a number of design and layout issues – and many of the original properties are now considered to not provide appropriate housing in terms of estate layout, living environment or for safety and security. Given the scale of redevelopment, the location of the order properties is such that they could not be retained successfully within the proposed redevelopment schemes.
	4. The review of options and the decision reached to progress demolition and redevelopment over refurbishment was carefully considered in the report - Housing Clearance Programme which was approved by Cabinet on 14 February 2017. To not proceed with the proposed Clearance would put additional pressure on the Housing Revenue Account (HRA) as the properties identified require significantly more investment than would be gained from the rental income derived from them. This report also authorised the making of the CPO (BCC 4).
	5. It is the Council’s ambition to create a thriving and sustainable neighbourhood. This would be in accordance with the Birmingham Development Plan, The Kings Norton Planning Framework and would respond to guidance set out in associated adopted design advice. Planning permission for the development was granted by the Planning Committee of the City Council on 4th March 2021.
	6. The Council is in the best position to promote and secure new development and investment. It has a successful track record of enabling and delivering housing through its delivery vehicle Birmingham Municipal Housing Trust (BMHT). BMHT is the biggest house builder in Birmingham and has completed over 3,500 new properties for rent and sale since its inception in 2009. BMHT developments have developed a track record of providing high quality and popular housing choices and this has been recognised with a number of national awards. In a number of developments recently undertaken, many BMHT properties built for sale have been bought off plan.
	7. The freehold interest of most of the redevelopment area is with the Council; however, there are currently 6 leasehold interests and 1 freehold interest outstanding that are subject to the Order and these are distributed throughout the Pool Farm estate. The unification of the leasehold interests is necessary to progress the development opportunity in a timely manner. The distribution of this small number of outstanding interests across the Order Lands heightens the need for the order to be confirmed. The retention of individual properties would not be appropriate given their location and relationship to adjoining properties, the comprehensive nature of the redevelopment being promoted, and the objective to achieve the regeneration benefits of the wider proposals.
	8. While the Council is pursuing voluntary acquisition of the private interests across the Order Lands site, this Compulsory Purchase Order will be progressed to secure any that cannot be acquired by negotiation within a reasonable timescale.
	9. It is recognised that various residential occupiers are affected by the Order and these affected owners will be compensated and offered assistance with relocation. Where required, re-housing of residential owners/lawful occupants will be undertaken by an experienced dedicated officer within the Council’s Clearance Team.
	10. The Council, as acquiring authority, is committed to working with those affected, and will continue to facilitate engagement ahead of making the order, including pursuing early acquisitions.
	11. Council Officers will continue to work with freeholders, leaseholders and occupiers as the CPO progresses and Council officers have carried out inspections and valuations of all residential interests over a phased period since 2017.

* 1. The Council has written to all parties identified as being affected and offers of compensation made. Owners have also been advised about their options in respect of appointing an independent agent to act on their behalf in negotiations.
	2. Council officers have been engaging in negotiations, regarding the acquisition of the interests and any compensation payments due, either direct with the owner or through their appointed agents.

* 1. Engagement with affected residents:
* Agreements have been reached, subject to contract, with the leasehold owners of both 90 & 92 Sisefield Road.
* Negotiations are continuing in respect of leasehold properties at 7 Arrow Walk and 37 Hillmeads Road.
* Negotiations with the Freehold owner of 59 Gildas Avenue, have been continuing since 2017 and have yet to be concluded, despite continued engagement by Council officers.
* Negotiations have recently started with the owners of 63 Hillmeads Road, 1 Hillmeads Road and 105 Walkers Heath Road.

Although progress is being made with respect to the potential acquisitions, it is considered that the use of compulsory purchase powers is now required should the voluntary negotiations not be completed or if they cannot be completed within a reasonable timeframe.

1. **Housing supply and demand for Kings Norton, Birmingham**
	1. The housing needs analysis undertaken for the Kings Norton South Ward (2019/20) demonstrates the extent of the need for housing in Kings Norton especially for larger family homes. The below tables show the house types needed, the percentage of needs met, and also the notional waiting times:

**Table 1 Housing Need**:

| **Area** | **1 BEDS** | **2 BEDS** | **3 BEDS** | **4 BEDS** | **5BEDS** | **Total**  |
| --- | --- | --- | --- | --- | --- | --- |
| Birmingham | 3485.9 | 4710.0 | 4137.8 | 2107.3 | 595.2 | **15036.2** |
| Northfield Dist | 456.3 | 437.0 | 332.0 | 133.0 | 25.6 | **1383.8** |
| Kings Norton (S) | 45.7 | 55.8 | 45.3 | 14.7 | 3.7 | **165.2** |

**Table 2 Housing Need met**

| **Area** | **1 BEDS** | **2 BEDS** | **3 BEDS** | **4 BEDS** | **5 BEDS** | **Total**  |
| --- | --- | --- | --- | --- | --- | --- |
| Birmingham | 39.1% | 22.0% | 19.4% | 3.0% | 0.8% | **21.8%** |
| Northfield Dist | 55.7% | 45.8% | 50.6% | 8.3% | 11.7% | **46.0%** |
| Kings Norton (S) | 111.6% | 103.9% | 90.4% | 27.3% | 54.7% | **94.4%** |

*You will note that the percentage of need is generally being met for the bedroom sizes, but it is lower for larger family properties. The high figures are certainly as a result of the nearby BMHT Primrose development which by completion will have provided 292 new homes.*

**Table 3 The notional waiting time for property types:**

| **Area** | **1 BEDS** | **2 BEDS** | **3 BEDS** | **4 BEDS** | **5 BEDS** | **Total**  |
| --- | --- | --- | --- | --- | --- | --- |
| Birmingham | 2.6 | 4.5 | 5.2 | 33.4 | 118.4 | **4.6** |
| Northfield Dist | 1.8 | 2.2 | 2.0 | 12.1 | 8.5 | **2.2** |
| Kings Norton (S) | 0.9 | 1.0 | 1.1 | 3.7 | 1.8 | **1.1** |

*You will note that the notional waiting time for 1, 2, and 3 bedrooms is relatively short but higher for 4, and 5 bedroom properties, again this is due to the Primrose development which has gone a long way to meeting local demand in recent years.*

* 1. While it is clear that the BMHT Primrose development has assisted in meeting local demand there is still an issue with demand locally as can be demonstrated by the need data for the Kings Norton North ward.

 **Table 4 Housing Need**:

|  | **Bedrooms** |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Area** | **1** | **2** | **3** | **4** | **5+** | **Total** |
| Birmingham | 3485.9 | 4710.0 | 4137.8 | 2107.3 | 595.2 | 15036.2 |
| Northfield District | 456.3 | 437.0 | 332.0 | 133.0 | 25.6 | 1383.8 |
| Kings Norton(N) | 50.3 | 60.5 | 48.6 | 16.2 | 3.9 | 179.6 |

 **Table 5 Housing Need Met:**

|  | **Bedrooms** |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Area** | **1** | **2** | **3** | **4** | **5+** | **Total** |
| Birmingham | 39.1% | 22.0% | 19.4% | 3.0% | 0.8% | 21.8% |
| Northfield District | 55.7% | 45.8% | 50.6% | 8.3% | 11.7% | 46.0% |
| Kings Norton (N) | 47.7% | 11.6% | 24.7% | 0.0% | 0.0% | 23.9% |

*You will note that unlike Kings Norton South ward the percentage of need met is greatly reduced with none of the need for 4 and 5 bedroom properties met.*

 **Table 6 The notional waiting time for property types:**

|  | **Bedrooms** |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Area** | **1** | **2** | **3** | **4** | **5+** | **Total** |
| Birmingham | 2.6 | 4.5 | 5.2 | 33.4 | 118.4 | 4.6 |
| Northfield District | 1.8 | 2.2 | 2.0 | 12.1 | 8.5 | 2.2 |
| Kings Norton (N) | 2.1 | 8.6 | 4.0 | 100+ | 100+ | 4.2 |

*Waiting times for properties are also above Kings Norton South ward.*

* 1. This data demonstrates that while the Primrose development has gone some way to meet local demand there is still demand in the wider King Norton area for accommodation and in particular large family homes.
	2. To help support the housing need, as stated in the above tables the Council (via BMHT) has submitted two planning applications consisting of a full application for the Gildas Avenue, Bentmead Grove and Barratts Road area - Planning application reference: 2020/08312/PA and an outline application for the Hillmeads Road and Shannon Road areas - Planning application reference: 2020/08270/PA for new homes to be built on the Order Land. The applications were approved by Planning Committee on 4 March 2021. The development is summarised in the table below and comprises a mix of property sizes including larger family houses to support the need in the local area.

Accommodation Schedule – Gildas Avenue/Bentmead Grove/Barratts Road for Rent

| Dwelling Type | No. of Bedrooms | Total Number |
| --- | --- | --- |
| House  | 2 Bed (4 Person) | 61 |
| House | 3 Bed (5 Person) | 25 |
| House | 4 Bed (7 Person) | 24 |
| House | 5 Bed (8 Person) | 07 |
| HousesTotal |  | 117 |

 Accommodation Schedule – Hillmeads Road/Shannon Road for Rent

| Dwelling Type | No. of Bedrooms | Total Number |
| --- | --- | --- |
| House  | 2 Bed (4 Person) | 5 |
| House | 5 Bed (8 Person) | 1 |
| Apartment | 1 Bed (2 Person) | 16 |
| Apartment | 2 Bed (3 Person) | 8 |
| Apartment | 2 Bed (4 Person) | 16 |
| Total dwellings |  | 46 |

 Accommodation Schedule – Hillmeads Road/Shannon Road for Sale

| Dwelling Type | No. of Bedrooms | Total Number |
| --- | --- | --- |
| House  | 2 Bed (3 Person) | 46 |
| House | 3 Bed (5 Person) | 45 |
| House | 3 Bed (6 Person) | 9 |
| House | 4 Bed (8 Person) | 4 |
| Total |  | 104 |

* 1. Although the planning application shows a net reduction in the number of units being put back as compared to those that are proposed to be demolished, there will be a significant qualitative housing gain with the development of new, modern, high quality housing provision.
	2. No alternative proposals for the area have come forward and the Council is not aware of any alternative means to secure the proposed development. The Council is in the best position to facilitate and promote any new development and has a proven track record of house building across the City.
1. **Planning and other policy considerations**.

**National Planning Policy Framework**. (BCC 13)

* 1. The National Planning Policy Framework (NPPF) was published on 27th March 2012 and the latest revised version was published in July 2021.
	2. Section 2 of the Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, and that in doing this the planning system has three overriding interdependent objectives relating to economic, social and environmental matters.
	3. The redevelopment of the Three Estates is considered to be a sustainable approach to development in that the majority of development will take place on previously developed land. The proposals will deliver a number of economic, social and environmental benefits including the delivery of an improved housing stock and environment along with additional community facilities.
	4. Section 5 of the Framework sets out policies with respect to delivering a sufficient supply of homes. This includes ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
	5. The Council’s programme of estate regeneration contributes to the ongoing provision of quality new houses across the city. A particular focus of the development at Pool Farm is the diversification of housing mix from flats to family housing.
	6. Section 8 of the Framework deals with promoting healthy and safe communities and outlines that planning policies and decisions, amongst other things, should aim to achieve places that are safe and accessible. The planning framework also sets out the need to plan positively for the provision and use of shared spaces community facilities and other services. It also aims to guard against the unnecessary loss of valued facilities and services. Paragraph 93 sets out that 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.
	7. As well as delivering new housing a key element of the regeneration of the Three Estates has been the improvement of the design and layout of the estates and the creation of improved living environments that address community safety and design against crime issues.
	8. Section 11 deals with making effective use of land, which includes the promotion of the development of underutilised land and buildings.
	9. The estate regeneration primarily utilises previously developed land, providing a mix of tenures and property sizes that reflect the needs of local people.
	10. Section 12 deals with achieving well-designed places. This includes ensuring that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture and layout, are sympathetic to local character, establish a strong sense of place, and create places that are safe, inclusive and accessible.
	11. The Kings Norton Planning Framework set out land use and design principles for the regeneration and development of the Three Estates and these have, along with other adopted Council design guidance has helped shape the detailed proposals for the area. Key features of the Pool Farm redevelopment include the creation of more secure perimeter blocks, stronger building lines with improved street surveillance, a more positive creation of a sense of place through house groupings and treatment of corner plots and improved pedestrian routes. Particular regard has been given to the importance of topography, trees and landscaping.

**Local Planning Policy**

Birmingham Development Plan 2031. (BCC 14 and BCC 15)

* 1. The Birmingham Development Plan (BDP) 2031 was adopted by the Council on 10 January 2017. The BDP sets out a spatial vision and strategy for the sustainable growth of Birmingham for the period 2011 to 2031, and will be used to guide decisions on planning, development and regeneration.
	2. The BDP replaces the policies in the former Birmingham Unitary Development Plan 2005, with the exception of policies contained in chapter 8 (Additional City Wide Policies) and paragraphs 3.14 to 3.14D (The Design of New Development) of that plan, which will continue in force until the adoption of the council’s proposed Development Management in Birmingham Development Plan Document. The former Unitary Development plan made reference to the area having poor housing conditions, a poor environment and shortages of local open space. A specific development proposal for housing regeneration (HR 21) and paragraphs 5.15 - 5.19 sought to improve the local environment, including land for open space, community, health, education, training and new housing and identified the Three Estates as one such area. Paragraph 20.29 set out that the Three Estates would be the focus of attention to improve housing conditions and local employment opportunities
	3. The following BDP policies are of particular relevance to the Order and the proposed development.
	4. Chapter 3 of the Birmingham Plan sets out the vision for Birmingham in 2031. It also sets out a number of objectives including to develop Birmingham as a city of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character, to make provision for a significant increase in the city’s population and to create a prosperous, successful and enterprising economy with benefits felt by all. The Plan sets out that at the heart of the city's growth agenda will be the promotion of sustainable neighbourhoods as a means of supporting the city’s increasing and diverse population in the most sustainable way possible. This will include the provision of high quality local infrastructure and services including a thriving network of local centres that provide for the local population. High standards of design in new residential areas will be expected with a strong sense of place, environmental sustainability and climate proofing, attractive safe and multi-functional public spaces and effective longer-term management ensured. In delivering the principles of sustainable neighbourhoods a wide choice of housing sizes, types and tenures will be provided to meet the community needs including homes for families, the elderly and appropriate levels of affordable housing.
	5. **PG1** sets out the overall levels of growth within the city, which includes the delivery of 51,000 additional homes. The population of the city is predicted to increase by 156,000 by 2031 and the plan sets out a strategy to provide for this rise. This includes providing 45,000 new homes within the urban area, an urban extension at Langley in Sutton Coldfield and close working with neighbouring local authorities towards meeting the City’s housing requirements.
	6. **PG3** outlines policies with respect to Place making including criteria for all new development to demonstrate high design quality and contribute to a strong sense of place.
	7. The proposals for the estate reflect this policy criteria in that the proposed new development will create a positive sense of place and that the new environment will contribute to public safety through the revised design and layout of the development ensuring natural surveillance of the public realm and a greater demarcation between public and private space.
	8. The BDP also contains a number of Thematic Policies (TP) which is relevant to the Order. Key Policies include the following:
	9. **TP27** sets out criteria for the development of Sustainable Neighbourhoods. This includes providing a wide choice of housing sizes, types and tenures to ensure balanced communities, access to facilities such as shops, schools, leisure and work opportunities, convenient travel options, a strong sense of place, and attractive, safe and multifunctional public spaces. The redevelopment of the Three Estates, including Pool Farm, is recognised as being an appropriate location for new housing in line with this policy and development has been focussed on the principles set out in the plan.
	10. **TP28** outlines the criteria for the location of new housing. Proposals for the estate meet the criteria set out in this policy. The proposed housing is not within a flood zone, is served by appropriate infrastructure, is accessible by a range of modes of transport, and development does not conflict with other policies within the BDP. Although there is a loss of an area of amenity space, all the new houses will benefit from secure private gardens.
	11. **TP31** sets out the Council’s policies relating to affordable housing. The mix of new housing at Pool Farm comprises both properties for sale and social rent.
	12. **TP32** outlines how the regeneration and renewal of existing housing will be promoted to ensure that high quality accommodation and environments are provided in line with the principles of sustainable neighbourhoods. Kings Norton 3 Estates is identified as one of the areas for priority action. In addition to highlighting a number of estates that are identified for regeneration, this policy outlines that the Council will continue its policy of regeneration and renewal of housing estates and that some areas do not provide the quality of accommodation or environment that ensures a high quality of life for residents. In terms of the implementation of this policy measures including working in partnership, compulsory purchase, and the use of local plans and regeneration frameworks are identified.

**Section 10** of the BDP covers implementation issues including working in partnership with other delivery agencies, the private sector and landowners/developers, the use of compulsory purchase powers to assist with land assembly and the proactive use of the Council’s land holdings to assist delivery.

The 3 Estates are highlighted as an area of Housing Regeneration on the Birmingham Development Plan’s Policies Map (BCC 15)

The Kings Norton Planning Framework (March 2010) (BCC 16 and BCC 17)

* 1. The Kings Norton Planning Framework (March 2010) was adopted by the Council’s cabinet on 8th March 2010. It was prepared to guide the implementation of Proposal HR21 in the former Birmingham UDP and the then emerging Core Strategy – both of which have now been superseded by the Birmingham Development Plan. It was prepared and informed with extensive consultation with the local community and other stakeholders and was underpinned by a comprehensive and up-to-date evidence base. The planning framework set out that it will be the key instrument in guiding a 20-year, £150 million regeneration plan for the Pool Farm, Primrose and Hawkesley estates in Kings Norton, which are home to over 4000 households. It set out a coordinated approach to neighbourhood regeneration, involving both the council and selected development partners, which will see the development of 1400 new homes, enhanced housing opportunities for the people of the area, with a significant shift from unpopular flatted accommodation to traditional family houses, and greater housing tenure choice across all the types of housing.
	2. The framework sets out a range of objectives and a number of key design principles. It also includes a proposals plan that shows the areas where new and replacement housing will be constructed, the location of new retail development, improvements to open space and the environment, and proposed alterations to the highway network. All the order properties are located within the clearance redevelopment areas that are set out in the planning framework. The framework also includes a delivery plan and the majority of the Pool Farm estate falls within the final phase of redevelopment - Phase four and the time scale indicated is 2022+.
	3. Places for All and Places for Living Supplementary Planning Guidance BCC18 AND BCC19) encourage good quality accommodation in attractive environments. These documents contain a series of urban design principles and quantitative standards, with emphasis on new developments acknowledging and responding positively to context and local character.

 The key themes of the documents include:

* Creating places, not estates – including mixing house types and creating focal space
* Moving around easily – providing convenient routes and ensuring that they are overlooked by frontages.
* Safe places and private spaces – places must be safe and attractive with a clear division between public and private space.
	+ Build on local character – responding to local context and character.

The proposals for Pool Farm respond positively to this design guidance.

Planning Applications approved for the proposed development

* 1. A Full Planning Application for the redevelopment (Planning application reference: 2020/08312/PA) was approved by Birmingham City Council Planning Committee on 4th March 2021 for the development of the Gildas Avenue, Barratts Road and Bentmead Grove areas for the 117 new 2,3,4 and 5-bedroom houses and associated works. The application was submitted by the Birmingham Municipal Housing Trust – the house building arm of the City Council.
	2. An Outline Planning Application for the redevelopment (Planning application reference: 2020/08270/PA) was approved by Birmingham City Council Planning Committee on 4th March 2021 for the development of Hillmeads Road and Shannon Road for the erection of up to 150 units including 2,3 and 4-bedroom houses and 1 and 2 bedroom apartments. The application was also submitted by Birmingham Municipal Housing Trust.
	3. The reports to Planning Committee regarding these applications, the decision documents and extracts of site layouts are included as BCC5 to BCC10
	4. There have also been a number of applications for prior notification of proposed demolition of properties across the Pool Farm estate, including an application for Prior Notification of proposed demolition of a number of existing flats, houses and maisonette blocks –(Reference 2019/06477/PA ) – and relating to numbers 20 & 22, 24-30 (evens), 38 & 40, 57 & 59 , 37-47 (odds), 78 & 80, 96-102 (evens) Gildas Avenue; 59-65 (odds) Barratts Road; Blocks 1 (1-6), 3 (1-6), 5 (1-6) & 7 (1-6) Bentmead Grove; 25-31 (odds) & 40-46 (evens) Little Hill Grove; and 1-7 (odds) Sisefield Road – was submitted with Prior Approval Required and subsequently granted on 26 September 2019 subject to implementation of a precautionary approach regarding bats.

Birmingham Strategic Housing Market Assessment 2012

* 1. Birmingham’s Strategic Housing Market Assessment (SHMA) was published in 2012 and revised in January 2013. The SHMA meets the requirements of the National Planning Policy Framework (NPPF) March 2012 in that:

*“Local Planning Authorities should have a clear understanding of housing needs in their area. They should prepare a Strategic Housing market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas are across administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local populations is likely to need over the plan period (preferably over 15 years)”*

* 1. The SHMA was commissioned by the Council in March 2012 to:

*“Enable the Council to develop planning and housing policies and take decisions which encourage the provision of the most appropriate mix of housing (in terms of type, size, tenure and affordability)”*

* 1. The proposed mix particularly addresses the need for 2, 4- and 5-bedroom housing identified in the Councils Strategic Housing Market Assessment.

Links to Birmingham City Council priorities, plans, and strategies.

* 1. The proposal for housing development on the Order Lands is fully compliant with the Council’s priorities, plans, and objectives as follows:
* The development of new affordable housing within the city is in accordance with the objectives of the Housing Revenue Account (HRA) Business Plan 2020+ (BCC11).
* The proposed development of the Order Lands supports the delivery of the core objectives of the Birmingham Development Plan (BDP) which was adopted by the Council on 10 January 2017 key objectives of which was to support housing growth and the development of Birmingham as a city of sustainable neighbourhoods. A number of the Pool Farm sites are also included in the Council’s SHLAA 2019 (the Strategic Housing Land Availability Assessment) – although these generally refer to the clearance of properties and the loss of housing stock.
* The development of the Order Lands will make a direct contribution to both Corporate and Directorate outcomes including the following:
* *Birmingham is an aspirational city to grow up in*; new homes will be developed which will provide a safe, warm, sustainable and connected neighbourhood in which our children can thrive.
* *Birmingham is a great city to live in* - the Council is committed to the development of enough high-quality new homes to meet the needs of a growing city, and the proposals within this report will accelerate housing growth in the city by providing new homes for rent and sale on the proposed sites. New homes will help ease pressure on the housing waiting list that currently has approximately 10,500 households registered on it.
* *Birmingham is an entrepreneurial city to learn, work and invest in*; activity within the construction sector will create jobs and apprenticeships in the city, and activity within the supply chain industries, supporting the local economy through the Birmingham Charter for Social Responsibility.
* *Birmingham is a fulfilling city to age well in*; the links between health and housing are well recognised. New thermally efficient, economical to run new homes which are designed to high standards of quality and internal space standards will be more affordable for residents and will offer a higher quality of life leading to better health outcomes.
1. **Consultation**
	1. Over the past 20 years there has been significant and ongoing consultation with local residents and other interested parties with respect to the formulation of proposals for the Kings Norton 3 Estates.
	2. New Deal for Communities: In 2000, the three estates of Primrose, Pool Farm and Hawkesley were selected for inclusion in the Government’s New Deal for Communities (NDC) programme. In preparation for The Three Estates bid for NDC funding, a ‘planning for real’ consultation provided residents with the opportunity to express their needs and concerns and make suggestions for how the area could be improved. This proved to be the first of a number of consultation exercises seeking the views of local people on potential improvements to the area.
	3. The Kings Norton 3 Estates Development Study (BCC 20): In December 2003, John Thompson and Partners were commissioned by the Kings Norton Three Estates Community Development Trust and Birmingham City Council to carry out a Development Study for the three estates of Hawkesley, Pool Farm and Primrose. The active involvement of local residents was an important part of the Development Study Process. Their input informed the understanding of the existing strengths and weaknesses of the area and helped to identify the opportunities for improvement. Publicity for consultation events was achieved by various means which were designed to reach as many of the residents of the area as possible. The following methods were employed to keep residents and stakeholders aware of the consultation process and up to date with progress:
* Leaflets and Postcards;
* Newsletter;
* Bulletin;
* Direct Mailing;
* Website / Email address.
* Exhibitions;
* Hands-on-planning – a 'Planning for Real' event;
* Street Talk – A mobile exhibition venue;
* Development Study Bulletin – Posted to all the homes in the area;
* Comments sheets;
* Questionnaires;
* Freephone number;
* Freepost address.

The main conclusion to be drawn from the consultation was that there was a strong level of support for some form of radical change on the Three Estates. The preferred approach proposed large scale redevelopment through the construction of new housing, new shopping and leisure facilities and significant areas of public open space. It proposed that funding, generated by redevelopment, could enable significant improvements to be made to the retained housing stock and for environmental improvements to be carried out throughout the area. Improvements to sustainable forms of transport were proposed to create stronger linkages both inside and outside the area and help reinforce strategies for improved training and job creation for local people.

The final Kings Norton Three Estates Development Study was published by John Thompson & Partners in 2005.

* 1. In 2006, consultants Donaldson’s were appointed to review the Development Study and its recommendations and consider the way forward for the City. As a result of this work, major issues were identified in respect of the cost to the Housing Revenue Account. This highlighted the need for further work to be undertaken, and Tribal Consultants were appointed to undertake a study detailing the implications to the Housing Revenue Account. In addition, CBRE were commissioned to carry out a Retail Study in 2006.
	2. In 2007, further consultation was undertaken to confirm that local residents still supported the proposals. The Housing Department and the Kings Norton Three Estates Community Development Trust consulted on options for the area. Four options were developed and further public consultation was undertaken. Over 50% of local residents responded and over 90% supported the most radical option, referred to as the “Big Change”. Known as the new futures programme, this has now been refined to achieve a level of transformational change that will meet the aspirations of the local community, realise the New Deal For Communities vision and be affordable to the Housing Revenue Account.
	3. In 2009, consultants DTZ and AECOM were commissioned to prepare the Kings Norton Planning Framework. This document builds on the 2005 Development Study and the 2007 consultation. It sets out detailed planning policies and proposals and an indicative layout plan. In 2009, a consultation strategy was agreed that engaged with key stakeholders throughout the development of the Kings Norton Planning Framework and undertook a full public consultation at the draft stage. Stakeholder consultations were also held as the framework was drafted. Three full public consultation events were held on 9th, 10th and 11th September 2009, where residents were able to comment on the Planning Framework proposals. In addition, residents were updated by progress through newsletter articles and leaflets distributed to each household.
	4. The views of residents in the Pool Farm and Shannon Road blocks were sought on the clearance and demolition proposals in the 2017 Cabinet Report ‘Housing Clearance Programme’. A detailed and comprehensive programme of consultation was undertaken with residents potentially affected by the proposed clearance. This included door knocking, face to face and telephone interviews. Consultation events were held at Greaves Hall Community Centre and in the ground floor office of one of the Shannon Road blocks. 79% of residents of the tower blocks responded to the consultation and 94% were supportive of the clearance and demolitions plans. 74% of the residents of the Pool Farm low rise flats responded and 91% were supportive of the clearance and demolition plans.
	5. In July 2020 the views of residents in Pool Farm and Shannon Road areas were invited to make comments regarding the development plans for the area. No face to face consultation could be undertaken due to the Covid-19 pandemic. 1276 newsletters were sent to residents in the area informing them of plans for the area and directing them to the Councils Be Heard webpages where they could see detailed plans and complete a questionnaire recording their view on the proposals. Residents without internet access were provided with the opportunity to obtain paper copies of the plans and questionnaires which they could return in prepaid envelopes.

Consultation on the PAs:

* 1. Consultation was also undertaken on the recent planning applications that have been approved for the redevelopment of the Pool Farm estate. Site and press notices were posted and the local MP, Councillors, Residents’ Associations and the occupiers of nearby dwellings were notified of the applications. The local MP made a number of comments and there were only two comments received from local residents. Neither of these were residents of properties included within the order and did not raise objections to the proposals but sought more information about the scheme.
1. **Funding position**
	1. The report entitled ‘Housing Clearance Programme’ that was approved by the Cabinet of the City Council on 14 February 2017 set out the funding position with regard to the proposed clearance and demolition.
	2. In line with the Cabinet approval the total cost of rehousing, the Compulsory Purchase Order, acquisition and demolition is being funded from revenue expenditure, through HRA income and capital expenditure. This is funded from the overall Public Sector Housing Capital programme financing over the 7-year period of the programme.
	3. The Birmingham City Council Cabinet report entitled ‘Building Homes on the Pool Farm Estate and Shannon Road site’ - 9th February 2021 approved the procurement strategy for appointing a development contractor and provides delegated powers to appoint the successful tenderer. The approval is based on the full business case.
2. **Consideration of MHC&LG Guidance on Compulsory Purchase.**
	1. The proposed compulsory purchase order meets the advice set out in the Ministry of Housing, Communities and Local Government “Guidance on Compulsory purchase process and The Crichel Down Rules” (Revised 2019)
	2. There is a compelling case in the public interest – the proposed redevelopment will deliver significantly improved housing both in terms of the replacement housing stock but also the design and layout of the redeveloped areas of the Pool Farm estate.
	3. The Council has considered Human Rights and in taking a balanced view between the intentions of the acquiring authority, the concerns of those with an interest in the land and the wider public interest, the making of the order can be justified. Further details on Human Rights issues are set out under Section 13.
	4. There are clear proposals for the acquired property. Planning consent was obtained on 4th March 2021 for the residential development of the sites and adjoining land (planning application reference: 2020/08312/PA and 2020/08270/PA).
	5. The development proposals and the compulsory purchase order will deliver a significant qualitative housing gain.
	6. There is funding for the proposed development and an agreed development programme that will see the new properties, subject to the confirmation of the Order, delivered between 2022 and 2026.
	7. There are no known impediments to the development taking place other than for the acquisition of outstanding land interests and the successful rehousing of existing residents.
	8. The proposals are being brought forward within a clear strategic framework – both in terms of the Council’s response to the current housing conditions and the redevelopment proposals according with planning policy and guidance, including local consultation and the Kings Norton Planning Framework.
	9. The proposed redevelopment could not be achieved by any other means in that the Council has considered options for the existing properties in the Housing Clearance Report 14th February 2017 and is best placed to bring forward redevelopment proposals for the area. The Council has a successful track record in estate regeneration and delivering new housing – as demonstrated across the wider Three Estates area where significant progress has been made in delivering high quality new homes for local people. The Council has delivered a number of other successful housing regeneration schemes in south Birmingham including the Lyndhurst, Meadway and Primrose estates and many other schemes across the wider city. Examples of these developments are included at BCC21.
	10. The new properties will have better design, setting, layout and access arrangements which will contribute towards enhanced safety, security and general amenity. They will have more conveniently located and safe curtilage parking as well as secure, private garden space. They will also be built to higher energy efficiency standards and overall the development will achieve a significant qualitative housing gain.
3. **Special Considerations**
	1. The Order Lands are not within a conservation area, do not contain any ancient monuments, listed buildings or any consecrated land, or lie within an area of flood risk.
4. **Related Applications, Appeals, Orders etc**
	1. There are no related applications, appeals or orders which will require a coordinated decision by the Secretary of State
5. **Human Rights and Equalities**
	1. Section 6 Human Rights Act 1998 prohibits public authorities from acting in a way that is incompatible with the Convention on Human Rights.
	2. The main articles of the Convention which are of importance in circumstances where the Council is considering making a compulsory purchase order (CPO) are Article 8 – the right to respect for private and family life and his/her home and Article 1 of the First Protocol – the protection of property.
	3. The approach to be taken to give effect to rights under the Convention is also reflected in Ministry of Housing Communities and Local Government Guidance on Compulsory Purchase process and The Crichel Down Rules July 2019 paragraphs 12 and 13:

“*A Compulsory Purchase Order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which the Compulsory Purchase Order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention”.*

“*The Minister confirming the Order has to be able to take a balanced view between the intentions of the acquiring authority and, the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest”.*

* 1. The Council considers that after considering and balancing these various interests, the use of compulsory purchase powers in this case is justified.
	2. The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, i.e. compulsory purchase must be proportionate. Both public and private interests are to be taken into account in the exercise of the Council’s powers. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. proportionate. In pursuing a CPO, the Council has to carefully consider the balance to be struck between individual rights and the wider public interest having regard also to the availability of compensation for compulsory purchase.
	3. Article 8(1) provides that everyone has the right to respect for his/her property, but Article 8(2) allows the State to restrict the rights to respect for the property to the extent necessary in a democratic society and for certain listed public interest purposes e.g. public safety, economic well-being, protection of health and protection of the rights of others.
	4. In considering Article 8 in the context of a CPO it is necessary to consider the following questions:

1. Does a right protected by this article apply?

2. Has an interference with that right taken place or will take place as a result of the CPO being made?

* 1. Clearly Article 8 does apply and therefore it is necessary for the Council to consider the possible justifications for the interference (Article 8(2)) as follows:
* Is the interference in accordance with law? There is a clear legal basis for making the CPO under section 17 of the Housing Act 1985.
* Does the interference pursue a legitimate aim? The CPO is necessary to implement the Scheme, which seeks overall redevelopment of the Site in accordance with planning policy, local consultation and planning permission.
* Is the interference necessary in a democratic society? This requires a balanced judgement to be made between the public interest and the rights of individuals. The CPO is considered to be both necessary and proportionate in that the land to be acquired is the minimum to achieve this scheme’s objectives.
	1. The second relevant article is Article 1 of the First Protocol, which provides that:
* Every natural or legal person is entitled to the peaceful enjoyment of his possessions.
* No one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law.
	1. The Council has considered the effect of the above articles of the Human Rights Act and decided that on balance it is in the interest of the community to make the CPO over and above the interest of the individuals affected. Interference with Convention rights is considered by the Council to be justified for the reasons set out in this Statement of Reasons. The Council in making this order also had particular regard to the rights of the individuals to compensation and assistance that will be given with respect to rehousing.
	2. Article 6 also requires that those whose civil rights may be affected by a decision are given a fair hearing by an independent and impartial tribunal. This is secured by means of the CPO process, including the holding of an Inquiry into any objections which may be made, and the ability to challenge any CPO confirmation decision in the High Court.
	3. The opportunity has been given to landowners to make representations regarding the Council planning policies that underpin the proposed CPO and also during the consultation on the future of properties affected and the subsequent planning application for redevelopment. Objections may be made to the making of the CPO. Further representations can be made in the event of any Public Local Inquiry that the Secretary of State may decide to hold in connection with the CPO. Those directly affected by the CPO will be entitled to compensation under the compensation legislation, equivalent to the loss that they incur as a result of the acquisition.

Equalities

* 1. Paragraph 6 of the July 2019 Guidance provides that “…*acquiring authorities are bound by the Public Sector Equality Duty as set out in Section 149 of the Equality Act 2010. Throughout the compulsory purchase process acquiring authorities must have due regard to the need to: (a) eliminate unlawful discrimination, harassment, victimisation; (B) of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (C) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.…..As part of the Public Sector Equality Duty, acquiring authorities must have due regard to the need to promote equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it*
	2. The Council considers that making the CPO to bring forward redevelopment of the Pool Farm Estate and Shannon Road is justified and there is no unlawful discrimination.
	3. The Council can provide copies of this Statement of Reasons in braille, audio tape or in different languages. The Council has published all the CPO core documents on its website to make them as accessible and available as early as possible and copies of documents will be made available online and at a local venue specified below. It will also provide hard copies of CPO documents for those without access to the internet. Those affected by the CPO are encouraged to seek professional advice and the Council will meet professional fees in appropriate circumstances
	4. As the CPO progresses, should there be a need for a Public Local Inquiry, when choosing a venue, the Council will have regard to those with disabilities and will consider what other steps it can take in respect of eliminating/minimising discrimination for those with protected characteristics.
1. **Contacts for further Information**
	1. The following Council officers of can be contacted for further information:

General enquiries about housing and the overall development proposals:

Clive French

Principal Housing Development Officer

Birmingham City Council

PO Box 16572

Birmingham

B2 2GL

Email: clive.french@birmingham.gov.uk

OR

General enquiries about Planning and the Compulsory Purchase Order:

Richard Thomas

Principal Planning Officer

Planning and Development

PO Box 28

Birmingham

B1 1TU

Telephone 07517 536415

Email: richard.l.thomas@birmingham.gov.uk

The Council will make all efforts to assist business, community and residential occupiers with their relocation and rehousing requirements. Residential property owners should contact:

Allyson Marke-Wilson/ Dawn Smith

Valuations and Acquisitions

Birmingham Property Services

PO Box 16255

Woodcock Street

Birmingham

B2 2WT

Telephone 0121 303 3470 or 07594 509518

Email: Allyson.Marke.Wilson@birmingham.gov.uk

 Dawn.E.Smith@birmingham.gov.uk

Advice on rehousing opportunities can be obtained from:

Collette McCann

Head of Service

Housing Regeneration and Development

c/o 1 Lancaster Circus

2nd Floor / Zone 11

PO Box 16572

Birmingham

B2 2GL

Telephone 0121 675 3521

Email: collette.mccann@birmingham.gov.uk

Enquiries about legal issues:

Linda Brown

Legal Services

Birmingham City Council

P O Box 15992

Birmingham

B2 2UQ

Telephone 07885 236534

Email: CPOLegal@birmingham.gov.uk

Further Advice and Assistance.

Those served with notice of the CPO may wish to appoint a Surveyor or Solicitor to help understand how the CPO affects you and negotiate your compensation entitlement. The Council will pay reasonable surveyor / legal fees relating to the acquisition of property of those affected. Advice on appointing a surveyor can be found on The Royal Institution of Chartered Surveyors web site at: <http://www.rics.org/uk> Or <http://ricsfirms.com>

Advice on appointing a Solicitor can be found on the Law Society web site at <http://www.lawsociety.org.uk>

Councils and owners are being encouraged to use Alternative Dispute Resolution (ADR) as a way of reaching agreement in compulsory purchase order matters. ADR provides for parties to ask an independent qualified person to determine matters such as compensation or other disputes. The use of ADR techniques can save time and money and its relative speed and informality may help, for example, in clarifying concerns. Please let the Valuers know if you wish to proceed in this way.

1. **Inspection of Order Documents and Plans**
	1. Copies of the Order, plans and related documents can be inspected at the following offices during normal opening hours, in light of possible COVID restrictions please ring for opening hours of venues below:

Kings Norton Library,

278 Pershore Road South,

Birmingham, B30 3EU

Phone: 0121 464 1532

The Order and related documents can also be viewed on the Council’s website at

[www.bimingham.gov.uk/poolfarmcpo](http://www.bimingham.gov.uk/poolfarmcpo)

1. **Inquiries Procedure Rules**
	1. This Statement of Reasons is not intended to be a Statement of Case in accordance with the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990, but a list of documents which may be referred to at an Inquiry is attached.
2. **Background Documents**

| Ref | Document |
| --- | --- |
| BCC 1 | The Birmingham City Council (Pool Farm Estate, Kings Norton) compulsory purchase order 2021 Statement of Reasons |
| BCC 2 | The Compulsory Purchase Order  |
| BCC 3 | The Order Map sealed and dated |
| BCC 4 | Cabinet Report Housing Clearance Programme 14 February 2017  |
| BCC 5 | Planning Application (Full) 2020/08312/PA Report to Planning Committee 4 March 2021 (Gildas Avenue) |
| BCC 6 | Planning Application (Full) 2020/08312/PA Site layout |
| BCC 7 | Planning Application (Full) 2020/08312/PA Decision Document  |
| BCC 8 | Planning Application (Outline) 2020/08270/PA Report to Planning Committee 4 March 2021 (Hillmeads and Shannon Road) |
| BCC 9 | Planning Application (Outline) 2020/08270/PA Indicative site layout |
| BCC 10 | Planning Application (Outline) 2020/08270/PA Decision Document. |
| BCC 11 | Council Financial Plan 2020-24 - HRA |
| BCC 12 | Cabinet Report – ‘Building Homes on the Pool Farm Estate and Shannon Road site’ 9 February 2021 (Including Financial Business Case) |
| BCC 13 | The National Planning Policy Framework |
| BCC 14 | Birmingham Development Plan 2031 |
| BCC 15 | Birmingham Development Plan 2031 Proposals Map |
| BCC 16 | Kings Norton Planning Framework |
| BCC 17 | Kings Norton Planning Framework Proposals Map |
| BCC 18 | Places for Living |
| BCC 19 | Places for All |
| BCC 20 | The Kings Norton 3 Estates Development Study December 2003 |
| BCC 21 | Examples of recent BMHT developments |
| BCC 22 | Photographs of the Order Lands |