

**Manchester City Council  
Report for Resolution**

**Report to:** The Executive – 26 June 2019

**Subject:** Proposed City of Manchester (Ben Street) Compulsory Purchase Order 2019

**Report of:** Strategic Director (Development)

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**Summary**

To report to Executive on proposals for the compulsory purchase of land within the Ben Street neighbourhood shown edged red on the plan attached at Appendix 1 of this report which consists of two void terraced properties and the sites of 2 former terraced properties under the provisions of section 17 of the Housing Act 1985 for the purpose of providing housing accommodation (“the Order Lands”).

**Recommendations**

The Executive is asked to:

1. Authorise the making of the City of Manchester (Ben Street) Compulsory Purchase Order 2019 (“the Order”) under Section 17 of the Housing Act 1985, and the Acquisition of Land Act 1981 to acquire the Order Lands for housing purposes for the reasons set out in the Statement of Reasons (SoR) attached at Appendix 2 of this report.
2. Authorise the City Solicitor 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.
3. Authorise the Strategic Director Development (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 the Secretary of State is satisfied that it is appropriate to do so.
4. Authorise the Head of Development to approve agreements with landowners setting out the terms of withdrawals of objections to the Order including where appropriate the exclusion of land from the Order.
5. Authorise the Strategic Director Development and the City Solicitor to make deletions from, and/or minor amendments, and modifications to the proposed Order and Order Lands plan or to agree to refrain from vesting any land included within the Order should this be in their opinion appropriate.

6. Authorise the Head of Development to negotiate terms for the acquisition by agreement of any outstanding interests in the land within the Order prior to its confirmation.
7. Authorise the Strategic Director (Neighbourhoods) to take all necessary steps to secure the closure of all relevant highways, streets and alleyways which are required for development to proceed, if requested by the Director of Housing.
8. Agree that the resources of the City Council are sufficient to carry out the duties resulting from the making of the Order as outlined in this report

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**Wards Affected** Clayton and Openshaw

<b>Manchester Strategy outcomes</b>	<b>Summary of the contribution to the strategy</b>
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	The council has continued to work with partners to drive forward major development schemes that provide safe accommodation, stimulate economic growth and job creation.
Individual and collective self esteem – mutual respect	The well designed homes and area to be provided will improve the quality of life for local people.
A highly skilled city: world class and home grown talent sustaining the city's economic success.	The city aims to provide safe accommodation which encourages people worldwide to visit keeping those with the skills the city needs, keeping our home grown professionals
A progressive and equitable city: making a contribution by unlocking the potential of our communities.	Everyone will have the same opportunities and life chances no matter where they are born or live in safe accommodation. Voluntary and community groups will find new ways to reach those as yet untouched by Manchester's success to create resilient and vibrant communities
A liveable and low carbon city: a destination of choice to live visit and work	<p>The provision of these homes will increase housing choice within the city and contribute to the availability of neighbourhoods of choice.</p> <p>The right mix of quality accommodation is needed to support growth and ensure that our growing population can live and work within the city and enjoy a good quality of life</p>

A connected city: world class infrastructure and connectivity to drive growth	This approach recognises the importance a Balanced housing offer plays within a well-connected city and the neighbourhoods within it. It seeks to create neighbourhoods where residents will choose to live and their housing needs and aspirations are met
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**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

### **Financial Consequences –Revenue**

Set out in the restricted report presented to the meeting

### **Financial Consequences –Capital**

Set out in the restricted report presented to the meeting

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### **Background documents (available for public inspection):**

The following documents disclose important facts and these have been relied upon in preparing this report. Copies of the background documents are available up to 4

years after the date of the meeting. If you would like a copy please contact one of the contact officers above

### **General Documents**

1. East Manchester Strategic Regeneration Framework 2008-2018.
2. The Core Strategy Development Plan Document 2012-2027 (Core Strategy)
3. Strategic Housing Land Availability Assessment( SHLAA)
4. East Manchester Growth Priorities- January 2015

All of the above can be found at <http://www.manchester.gov.uk/planning>

### **Council Reports**

1. Report to Executive 16 January 2008 - Proposed City of Manchester (Alpine Street, Clayton) Compulsorily Purchase Order 2008.
2. Report to Executive 16 January 2008- Clayton Regeneration Priorities
3. Report to Executive 18 January 2012- Housing Investment and Mortgage Support within Manchester
4. Report to Executive 24 June 2014 - A Stimulus For Residential Growth
5. Report to Executive 18 March 2015 - Ben Street Investment Proposals

### **APPENDICES:**

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|-------------|--|
| Appendix 1. | Order Lands  |
| Appendix 2. | City of Manchester (Ben Street). Compulsory Purchase Order 2019.<br>Statement of Reasons |

## **1. Introduction**

- 1.1 The Ben Street neighbourhood is located in the Clayton ward in East Manchester. The area requires significant intervention to improve its sustainability and bring it up to a standard commensurate with the non-housing developments within its locality, particularly the National Cycling Centre and the Etihad Stadium. It is made up of **244** back of pavement terraced properties, a well performing primary school and a cleared development site. There are **67** owner occupied, **90** privately rented, **25** owned by registered social landlords and **62** terraced properties which are in public sector ownership. **75** of the properties are currently void. Officers have been working for several years now on options for regenerating the neighbourhood. Progressing any of the regeneration proposals has been difficult due to financial constraints and providing a scheme that would not only address the immediate problems with the terraced stock but would also result in a sustainable housing market within the wider neighbourhood.
- 1.2 Demand for housing in Manchester and Greater Manchester continues to increase due to household and population growth. Along with the forecast economic and employment growth in the city these factors will continue to generate further need for additional homes, and extended choice of housing type and tenure. Ensuring that the supply of housing meets the demands of a growing, mobile workforce and population is a fundamental requirement of the economic growth of the city. Lack of market access for first time buyers, and lack of finance for development continue to affect the house building industry across the UK.
- 1.3 In order to assist with meeting this increasing housing demand and attempt to address the long term sustainability of the area in 2015 progress was made in establishing a Regeneration Strategy for the area that sought to raise the quality and range of housing offer through new build, refurbishment of vacant stock environmental improvements to existing stock covering facelifts and streetscape enhancements. The City Council agreed to allocate £15.61million to enable the investment to proceed. The investment plans would also be underpinned by improving the neighbourhood management of the area, working in partnership with local residents, a bona fide registered housing provider and private landlords.
- 1.4 Individually the elements of work noted above may provide short term improvements to the neighbourhood, however, to be sure that the Ben Street neighbourhood becomes a thriving and sustainable neighbourhood for the future they need to be addressed and implemented collectively.
- 1.5 Given the history of the area, it is not considered likely that the owners of the Order Lands will come forward to negotiate the acquisition by the Council of their interest, or provide an undertaking to refurbish and return their void properties back to occupation. Therefore, compulsory purchase appears the most appropriate way to bring the Order Lands back into beneficial use. It is considered that, following acquisition of the Order Lands and implementation

of the works; there would be both a qualitative and a quantitative gain in housing provision.

## **2. Progress to date**

- 2.1 Since March 2015 officers, in partnership with key stakeholders and with ongoing consultation with local residents / home owners, have developed the details of the scheme that incorporates the following:-
1. Facelifts to 213 properties
  2. Streetscape works to 9 streets
  3. The comprehensive refurbishment of 62 voided properties;
  4. The proposed redevelopment of the Ilk St/ Alpine St site with new housing
- 2.2 In March 2017 the Council acquired 56 void properties from Guinness Partnership ("Guinness"). In January 2018 Wates Living Space were commissioned to undertake the facelifts, streetscape and refurbishment works. One Manchester were also appointed to manage the refurbished properties on behalf of the Council. As of May 2018 over 97% of property owners had signed up for the facelift improvements. Works have now been completed on the Facelift and Refurbishment works.
- 2.4 Whilst good progress has been made in respect of support for the scheme and facelifts in particular there is currently no guarantee that all the void properties within the area will be refurbished and brought back into residential use. There were **75** properties classed as voids and of this total **62** have been refurbished and brought back into use as part of the regeneration scheme. A further **5** have been acquired by One Manchester who will be refurbishing and bringing these back into use which leaves **8** properties in private ownership.
- 2.5 Positive dialogue with **6** of the private owners has secured sign up for facelift improvements and a commitment given to refurbish these **6** properties internally. The remaining **2** void properties on 36 and 38 Midlothian Street are of concern as contact with the owners has proved impossible. Therefore the Council is promoting the Order in order to secure the compulsory acquisition of these properties so as ensure that they are brought back into beneficial use.
- 2.6 In addition to the 2 properties on **36 and 38 Midlothian Street** that form part of the Order Lands it has also not been possible to make contact with the owners of two discrete parcels of land, sites of former terraced properties **22 Sheldon Street and 41 Heather Street** which are to be included within the streetscape proposals to tidy up these small areas of land.
- 2.7 Given the absence of owners and the previous history of the area, it is not considered likely that the absent owners will come forward to negotiate the sale of the Order Lands or provide agreement to undertake refurbishment works or in some cases agree to facelift works or streetscape works.

- 2.8 Therefore, compulsory purchase appears the most appropriate way to guarantee that the two voids will be brought back into beneficial use. It is considered that, following acquisition of the voids and implementation of the works, there would be both a qualitative and a quantitative gain in housing provision. The proposed Order will also provide the opportunity to acquire and improve two plots of land where streetscape works are planned.

### **3. Statement of Reasons Content**

- 3.1 The Statement of Reason (SoR) (**Appendix 2**) which has to be submitted with the Order has been prepared in compliance with section 11 of the revised guidance from the Department for Communities and Local Government on Compulsory Purchase process and the Crichel Down Rules (“the Guidance”).

- 3.2 The Guidance states that the SoR should include information on the following:

- (i) a brief description of the order land and its location, topographical features and present use;
- (ii) an explanation of the use of the particular enabling power;
- (iii) an outline of the authority’s purpose in seeking to acquire the land;
- (iv) a statement of the authority’s justification for compulsory purchase, including reference to how regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human rights, and Article 8 if appropriate;
- (v) a statement justifying the extent of the scheme to be disregarded for the purposes of assessing compensation in the ‘no scheme world ‘
- (vi) a description of the proposals for the use or development of the land;
- (vii) a statement about the planning position of the order site;
- (viii) information required in the light of Government policy statements where orders are made in certain circumstances;
- (ix) any special considerations affecting the order site, eg. ancient monument, listed building, conservation area, special category land, consecrated land, renewal area, etc;
- (x) if the mining code has been included, reasons for doing so.
- (xi) details of how the acquiring authority seeks to overcome any obstacle or prior consent needed before the order scheme can be implemented, eg. need for a waste management licence;
- (xii) details of any views which may have been expressed by a Government department about the proposed development of the order site;

- (xiii) What steps the authority has taken to negotiate for the acquisition of the land by agreement.
- (xiv) any other information which would be of interest to persons affected by the order, eg. proposals for re-housing displaced residents or for relocation of businesses.
- (xv) details of any related order, application or appeal which may require a coordinated decision by the confirming Minister, e.g. an order made under other powers, a planning appeal / application, road closure, listed building; and
- (xvi) if, in the event of an inquiry, the authority would intend to refer to or put in evidence any documents, including maps and plans, it would be helpful if the authority could provide a list of such documents, or at least a notice to explain that documents may be inspected at a stated time and place

#### **4. Conclusion / Recommendation**

- 4.1 Notwithstanding the acknowledged impact that the Order will have with regard to some aspects of the Human Rights Act 1998, the benefits identified in the Statement of Reasons present an overwhelming compelling case in the public interest for making the proposed Order and compensation will be payable under the statutory compensation code.
- 4.2 The Executive is therefore requested, having regard to the attached Statement of Reasons, to approve the recommendations outlined at the start of this report and authorise the use of compulsory purchase powers under the section 17 of the Housing Act 1985 to ensure that the full objectives of the proposals along with the future sustainability of the Ben Street neighbourhood can be achieved.

#### **5. Implications for Council Policies**

##### **Contributing to the Community Strategy**

- (a) **A thriving and sustainable city**  
The delivery of providing safe and improved accommodation will encourage, young people and graduates, to be attracted to apprenticeships and work placements
- (b) **A highly skilled city**  
Working families are a key target market of the new homes to be provided and this initiative will therefore help to attract and retain economically active individuals.



**(c) A progressive and equitable city**

The planning process of the scheme will encourage residents to get involved and influence decision making for providing safe and improved accommodation along with an improved streetscape

**(d) A liveable and low carbon city**

The acquisition and improvement of these homes will increase housing choice within the city and contribute to the availability of neighbourhoods of choice and support growth and ensure that our population can live and work in the city and enjoy a good quality of life.

**(e) A connected city**

This approach recognises the importance a balanced housing offer plays within a well-connected city and the neighbourhoods within it. It seeks to create neighbourhoods where residents will choose to live and their housing needs and aspirations are met.

## **6.0 Key Policies and Considerations**

### **(a) Equal Opportunities**

The scheme will bring a substantial amount of construction activity and supply chain management across Manchester, which in turn will create and retain a number of employment, skills and training opportunities for the City's residents.

### **(b) Risk Management**

The project governance will comply with the standards set out in the Manchester Method and thereby have robust risk management processes in place

## **7. Legal Considerations**

A representative from the City Solicitor's department has advised on legal aspects of the project to date and will sit on the project team and be the lead officer in progressing the CPO.

## Appendix One: The Order Lands



## **Appendix Two: The Statement Of Reasons**

**CITY OF MANCHESTER (BEN STREET, CLAYTON) COMPULSORY  
PURCHASE ORDER 2019**

**MANCHESTER CITY COUNCIL**

**THE HOUSING ACT 1985**

**THE ACQUISITION OF LAND ACT 1981**

**CITY OF MANCHESTER (BEN STREET, CLAYTON) COMPULSORY PURCHASE  
ORDER 2019**

**STATEMENT OF REASONS**

**1. Statement of Reasons for making the Order**

- 1.1 The purpose of this statement is to explain to those who may be affected the reasons why the Council of the City of Manchester (“the Council”) has made this compulsory purchase order under the provisions of Section 17 of the Housing Act 1985.

**2. Description of the Order Lands, location, topographical features, and present use**

- 2.1 The Order Lands consist of **2** void pre 1919, 2 bedroomed terraced properties on **36 and 38 Midlothian Street**, where the Council has been unable to trace the owners and the site of **2** former pre 1919 terraced properties on **22 Sheldon Street and 41 Heather Street** as detailed in the City of Manchester (Ben Street, Clayton) Compulsory Purchase Order 2019 (“the Order”).
- 2.2 The Order Lands are situated within the Ben Street neighbourhood (“the Neighbourhood”) located in the Clayton area of East Manchester and are shown edged red on the plan attached at **Appendix 1**. Spatially the Neighbourhood lies approximately 2.8 miles east of the City Centre, and is bounded by Tartan Street to the North, Ilford Street to the East, John Heywood Street to the South and Bank Street to the West and is shown edged red on the plan attached at Appendix 2.
- 2.3 The Neighbourhood requires significant intervention to improve its sustainability and to bring it up to a standard commensurate with the non-housing developments within the locality such as the National Cycling Centre, the Etihad Stadium, the MCFA and the investment undertaken in the wider Beswick Hub. The residential offer in the surrounding area is mainly social housing provided and managed by One Manchester, a Registered Provider of social housing.
- 2.4 The Neighbourhood is made up of **244** back of pavement terraced properties, a well performing primary school and a cleared adjacent housing site that has potential for new residential redevelopment. As at the 31 January 2018 the tenure breakdown of the terraced properties was as follows:-

<b>Tenure Information</b>	<b>Properties in use</b>	<b>No of Voids</b>	<b>Total</b>
Owner occupied	67	0	67
Private Rented	82	8	90
Registered Providers	20	5	25
Public Ownership (MCC)	0	62	62
<b>TOTAL</b>	<b>169</b>	<b>75</b>	<b>244</b>

**3. Use of enabling Power**

- 3.1 Under the provisions of Section 17 (1) (b) of the Housing Act 1985, the local housing authority may acquire houses, or buildings which may be made suitable as houses, together with any land occupied with the houses or buildings.

- 3.2 Under the provisions of Section 17(2), the local housing authority is empowered to acquire land for the purpose of disposing of houses provided, or to be provided, on the land or of disposing of the land to a person who intends to provide housing accommodation on it.
- 3.3 Section 17(3) allows the local housing authority to acquire land by agreement, or they may be authorised by the First Secretary of State to acquire it compulsorily.
- 3.4 Section 18 (1) of the Housing Act 1985 states that, where a local housing authority acquire a building which may be made suitable as a house, they shall forthwith proceed to secure that the building is so made suitable either by themselves executing any necessary works or by leasing or selling it to some person subject to conditions for securing that they will so make it suitable.

#### **4.0 Purpose for acquiring the land**

##### Local Context

- 4.1 Improvements to the wider Ben Street area were initially considered in 2000. However, residents / private landlords at the time supported a “Do Nothing” option that was not considered to be a long term sustainable solution to the problems that existed within the area.
- 4.2 It was clear from dialogue with residents from the area that there was a high level of commitment to retain the existing community and that bringing forward proposals for any demolition of properties at that time would be unacceptable. Whilst this was acknowledged, it was apparent that the poor property conditions, high levels of voids and a reluctance by residents to invest in their properties meant that there was an urgent need to bring forward a range of interventions to address these issues.
- 4.3 A number of interventions had already been undertaken:  
The redevelopment of Ravensbury Primary School on the existing site (£2.15m, DFEE)
- Street lighting improvements to Ravensbury Street (£7000, SRB funded)
  - Improvements to properties on Stuart Street East (both sides), primarily funded by Northern Counties Housing Association (NCHA) with an additional £55,000 capital programme (£40,000) and SRB (£15,000), to include privately owned properties.
- 4.4 Given the strength of local views at the time on retaining the existing residential offer it was not considered appropriate to bring forward more radical solutions to address problems in the area. The interventions listed below were proposed in order to provide the opportunity to work with residents and NCHA (now Guinness) to help to increase demand for the existing stock and to provide for low cost improvements that would benefit the area in the short to medium term:

- A programme of selective alleyway closures to improve security (£100,000 SRB funded)-completed
  - A 'facelift' scheme to provide low grade external improvements to properties on Bank Street and enhance the gateway to the area – completed
  - Continuation of proactive enforcement -ongoing
  - Continuation of responsive Home Repair Assistance Grants -ongoing
  - When and if demand improves on the above streets, a follow up facelift scheme for the remaining terraced streets - outstanding.
- 4.5 The subsequent economic downturn and the collapse of the housing market in 2007 necessitated the postponement as highlighted of some of these proposals.
- 4.6 In June 2014 the Council's Executive approved a city wide Residential Growth Strategy ("the Strategy") as a response to the challenging market conditions facing the residential development sector in the city. Finding ways of increasing the pace of new housing delivery is an important component of the city's overall strategy to encourage economic growth. The scale of ambition for growth is set out in the Strategy, including houses for open market sale and rent, alongside a package of measures to help to stimulate housing development and deliver attractive and successful neighbourhoods where increasing numbers of people would choose to live. Among the core principles of the Strategy is the important role of good quality, well managed accommodation to rent and the need to introduce new mechanisms to finance and build new housing. The Housing Investment Fund between the Greater Manchester Pension Fund and the city council is one of the examples of how this can be achieved.
- 4.7 Demand for housing in Manchester and Greater Manchester continues to increase due to household and population growth. Along with the forecast economic and employment growth in the city these factors will continue to generate further need for additional homes, and extended choice of housing type and tenure. Ensuring that the supply of housing meets the demands of a growing, mobile workforce and population is a fundamental requirement of the economic growth of the city. Lack of market access for first time buyers, and lack of finance for development continue to affect the house building industry across the UK.
- 4.8 It is because of these financial constraints that the Council is continuously developing alternative methods of residential delivery that reflects the increased demand for high quality private rented accommodation as part of a mixed tenure development. The proposal for the Ben Street Neighbourhood is an example of how this type of regeneration scheme can be delivered with the key aim of ensuring that the majority of long term voids, are brought back into effective use.
- 4.9 A significant proportion of the residential properties (**75**) in the Neighbourhood are vacant and in a very poor condition with over 20 properties deemed to be uninhabitable. The quality of the occupied stock is mixed given that there has

been some improvements to 31 properties on Bank Street and there are a number of owner occupied properties that are well maintained. Overall however the main visual impression of the Neighbourhood is of a “run down” residential area that has suffered from a lack of investment and low maintenance over a significant period of time. The area’s poor appearance is further exacerbated by poor back yard alleyway areas that suffer from fly-tipping/ waste management issues, overgrown vegetation that is also affecting the structural stability of a number of neighbouring properties and neighbouring walls.

- 4.10 Due to its run down appearance and high level of private rented properties the Neighbourhood also suffers from a higher level of transiency and social /community cohesion needs to be improved. The Neighbourhood suffers from a range of problems most clearly evidenced through the 2015 Index of Multiple Deprivation (IMD) which identifies the Super Output Area (SOA) that contains the Ben Street Neighbourhood as the 407th most deprived SOA out of the 32,482 SOA’s in England. These statistics are explored in more detail below.
- 4.11 Three of the properties within the Neighbourhood contain a commercial use (shops), these are 52 and 54 Bank Street and 46 Midlothian Street which is a chip shop and currently has no residential use.
- 4.12 A further property 1 Ravensbury Street is a building that is comprised of three dwellings one of which is occupied and contains some attractive architectural features and was previously known as the Cooperative Building. The building’s current condition both structurally and visually is very poor and in need of attention. The building is in private ownership with an extant planning permission to convert the premises into two apartments.
- 4.13 The Council have been working with the Guinness Partnership (“Guinness”) for several years on options for regenerating the Neighbourhood in consultation with local residents and landlords. Historically progressing regeneration proposals has been difficult due to financial constraints and providing a scheme that would also be responsive to local residents and landlord views.
- 4.14 In 2015 progress was made in establishing a regeneration strategy for the area that sought to raise the quality and range of housing offer through new build; refurbishment of vacant stock and environmental improvements to existing stock covering facelifts and streetscape enhancements. The Council agreed in March 2015 to allocate £15.61million to enable the investment to proceed. The investment plans would also be underpinned by improving the neighbourhood management of the area, working in partnership with local residents, a bona fide registered housing provider and private landlords.
- 4.15 The intended outcome will provide a range of improvements that not only address the immediate problems within the terraced stock but will also result in contributing to a sustainable housing market within the wider neighbourhood. The scheme will add value to limited investment that has

taken place on improving the visual appearance of properties on Bank St approximately 10 years ago.

- 4.16 To date **62** out of the **75** void properties are owned by the Council. **5** of the other void properties are owned by Registered Providers who have agreed to address the issues with their properties. The remaining **8** properties are privately owned. A dialogue with the owners of these properties was commenced and to date **6** of the owners have given a commitment to refurbish their properties and participate in the facelift scheme leaving **2** of the void properties to address.
- 4.17 The Council wish to acquire the Order Lands which consists of the **2** remaining void properties together with the vacant sites of **2** former terraced properties (**22 Sheldon Street and 41 Heather Street**) in order that the two void properties can be brought back into use and that improvement works to the vacant sites can be executed. The Council has been unable to trace the owners of the 2 void properties and vacant sites despite extensive investigation and recorded letters to their last known address.
- 4.18 There are outstanding charges from 2006 in respect of the two properties in respect of works carried out in default following the service of statutory notices in conjunction with substantial council tax debts which would suggest that the properties have been void for many years.
- 4.19 The **2** void properties in the Order Lands are in a very poor condition both aesthetically and structurally and should they remain vacant their poor condition and appearance will have a negative impact on the Neighbourhood and serve to dilute the impact of the refurbishment, facelift and streetscape works that have been ongoing in the area. This will severely affect the long term sustainability of the Neighbourhood and also place at risk the Council's substantial investment in the wider area thus far.
- 4.20 Should the Order be confirmed and any of the two remaining owners of the privately owned void properties agree to enter into a legal undertaking with the Council to renovate and return their properties back into occupation within a period of 6 months from confirmation then the Council will not vest their property.
- 4.21 Compulsory purchase appears the most appropriate way to bring these void properties back into beneficial use and allow improvement of the two sites to take place. It is considered that, following acquisition of these voids and implementation of the required refurbishment works, there would be both a qualitative and a quantitative gain in housing provision in the Neighbourhood.

## **5. Justification for compulsory purchase**

- 5.1 With respect to the compulsory purchase order, the Council has considered the issue of the applicability of the Human Rights Act 1998 (HRA), 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”.

- 5.2 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 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”.
- 5.3 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.
- 5.4 Consideration has to be given to the balance between the rights of the absentee owner of the empty property and the rights of the owners and occupiers of neighbouring houses. To any owner of the empty house, the property merely represents an asset, which they appear content to neglect. Residents living in adjacent houses have suffered vandalism and general blight over a prolonged period.
- 5.5 Every effort has been made to contact and enter in to negotiations with the owners of the 2 privately owned long term void properties in order that they can provide an undertaking to either dispose of the property to the Council or refurbish their property and agree to the implementation of the facelift works.

Letters were sent to their last known address and any other historic addresses the council may hold

From the evidence to hand, it would appear that the owner(s) of the land have not made any effort, or have any proposals, to bring their void properties back into beneficial use.

- 5.6 Every effort will continue to be made to negotiate the improvement of the void properties or to acquire them on a voluntary acquisition basis should an owner come forward requesting this including payment of all reasonable legal and surveyor fees in relation to the voluntary acquisition. CPO powers are being used as a last resort in order to bring the void properties back into beneficial use. If compulsory purchase is agreed, the dispossessed owner(s) will receive market value compensation for their respective interests in the Order Lands.
- 5.7 Having regard to the above, it is considered, on balance, and in the public interest, that the compulsory purchase of the two problematic void properties and vacant plots of land within the Neighbourhood in Clayton is the most appropriate way forward.

**6. A statement justifying the extent of the scheme to be disregarded for the purposes of assessing compensation in the 'no scheme world'**

- 6.1 The Neighbourhood Planning Act 2017 (Commencement No.2) Regulations 2017 SI No 936 came into effect on 22<sup>nd</sup> September 2017. One of the key provisions of this was the amendment of the Land Compensation Act 1961, sections 6A to 6E. These sections deal with the concept of the 'no scheme world' in relation to valuations for the purposes of compulsory purchase compensation.
- 6.2 The basic 'no scheme' principal can be summarised in the following terms. For the purposes of the valuation, it is assumed that the scheme was cancelled on the relevant valuation date, thus creating the 'no scheme' world. Any increase or decrease in the value of the subject land or property which might be caused as a consequence of the scheme being undertaken – or the prospect of it - should be disregarded for the purposes of valuation.
- 6.3 In considering this particular scheme, we have been asked to assess what factors may have an effect on the value of the properties and what might therefore need to be disregarded for the purposes of valuation. These factors may have a positive or negative effect on the area and thus, possibly, on the value of the subject properties.
- 6.4 With this particular scheme, it is the intention of the Council to regenerate the housing market within the Ben Street area of Clayton. This regeneration will take the form of refurbishing and up-grading a number of properties within the area, many of which are currently void, as well as providing inducements to owners to upgrade their own properties, where necessary.
- 6.5 At the present time, many of the properties in and around the Ben Street area are in a poor state of repair. This will have an effect of generally lowering property values in the area over a period of time and making it less attractive to potential residents or investors. The area's declining property market has also caused a number of attendant social and environmental problems, which has led to a further decline in property values.
- 6.6 In considering the disregards for this scheme, the effects of the scheme on making an improvement in the area and the rise in property values that will accompany those improvements would have to be disregarded when assessing values of the Order Lands.
- 6.7 Given the nature and intention of the scheme, it is unlikely that there would be any potential detriment to existing values in the area that would need to be disregarded. There may be some inconvenience caused by the undertaking of various refurbishment works but these would be of a limited period and unlikely to have any effect upon the value of any subject properties.

**7. Description of Proposal**

- 7.1 As note above it is the Council's intention to bring back into use the **75** void properties in the Neighbourhood area. The Council already owned **6** properties and acquired **56** voided properties from Guinness in March 2017. Contractors, Wates Living Space, have been commissioned to undertake comprehensive refurbishment works to these **62** properties which included new roofs, windows, doors, kitchen, bathrooms and rewiring.
- 7.2 This works commenced in January 2018 and have now been completed. On completion of the refurbishment works the properties were leased for an initial 21 year period to One Manchester, a registered housing provider appointed by the Council to manage the housing stock. The properties are to be let at a market rent and will become available to prospective tenants in 2018/19.
- 7.3 Five of the other voids are owned by other Registered Providers who have agreed to carry out the refurbishment works to their properties. This leaves **8** privately owned properties, of which 6 owners have indicated their commitment to refurbish their properties leaving **2** void properties both of which comprise the Order Lands along with the vacant plots of two former terrace houses (**22 Sheldon Street and 41 Heather Street**).
- 7.4 Facelift works are proposed to 213 properties which includes new windows and doors, new rainwater goods, brick cleaning and repointing to the front of the property. The facelift scheme commenced in January 2018 with the support of local residents and private landlords and is being fully funded by the Council. These works are now nearing completion.
- 7.5 Streetscape works involving resurfacing works to roads and pavements and the planting of trees will be introduced in key locations along with street bollards and road narrowing in key locations to improve pedestrian safety. There is also the proposal to create a car parking area consisting of 19 spaces. The two vacant sites included within the Order are required in order that improvement works to these sites can be executed and maintained to complement the streetscape works. The streetscape works are also now nearing completion.
- 7.6 Collectively the above work streams will help to transform the appearance of the area and will serve to secure a thriving and sustainable neighbourhood. However to ensure delivery of the full objectives of the scheme it is necessary that the Order Lands are acquired.

## **8. Planning and policy position**

- 8.1 The Development Plan comprises:
1. The Manchester Core Strategy Development Plan Document 2012 - 2027 ("the Core Strategy") (Adopted July 2012); and
  2. The remaining extant policies of the Unitary Development for the City of Manchester ("UDP") (Adopted 1995).

- 8.2 The Core Strategy is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the UDP as the document that sets out the long term strategic planning policies for Manchester's future development.

### **The Manchester Core Strategy (2012)**

- 8.3 Policy SP1 '*Spatial Principles*' (p.31) outlines the key spatial principles which will guide strategic development in Manchester to 2027. In particular, the policy places emphasis on the creation of neighbourhoods of choice with the majority of new residential development being accommodated within the regeneration areas of North, East and Central Manchester.
- 8.4 The requirement to upgrade the housing within the Ben Street area is an objective supported by policy SP1 of the Core Strategy. This area of Manchester in particular is identified as being part of a regeneration area within policy SP1, and as such all development should have regard to the character, issues and strategy for that area as described in the corresponding Strategic Regeneration Framework.
- 8.5 Policy SP1 goes on to state that development in all parts of the City should:-

Make a positive contribution to neighbourhoods including:-

- Creating well designed places that enhance or create character;
- Making a positive contribution to the health, safety and wellbeing of residents;
- Considering the needs of all members of the community;
- Protect and enhance the built and natural environment;
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible; and
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

- 8.6 Responding to the need for, and supporting, housing growth, including creating the right type of development to provide housing choice, is also reflected in Objective SO3 and policy H1 '*Overall Housing Provision*'. (p.97 and following pages). Prioritising previously developed land (p.99), along with re-using vacant housing, is a priority within policy H1 as is ensuring the right type, size and tenure of the housing.
- 8.7 Policy H1 states that proposals for new residential development should take account of the need to:
- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
  - Reflect the identified spatial distribution which supports growth on previously developed sites in sustainable locations and which takes into account the availability of developable sites in these areas;
  - Contribute to the design principles of Manchester's Local Development Framework, including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space, including in high density development (in which this could be in the form of balconies, as well as shared open spaces such as green roofs). Schemes should make provision for parking cars and bicycles (in line with policy T2); and the need for appropriate levels of sound insulation.
  - Address any existing deficiencies in physical, social or green infrastructure, or future deficiencies that would arise as a result of the development, through developer contributions or on site provision;
  - Prioritise sites which are in close proximity to centres or high frequency public transport routes.
  - Take account of any environmental constraints on a site's development (e.g. flood risk)
  - Be designed to give privacy to both its residents and neighbours.
- 8.8 Policy H4 '*East Manchester*' (p.109) states that East Manchester , over the lifetime of the Core Strategy will accommodate around 30% of new residential development , and that priority will be given to family housing and other high value, high quality development where this can be sustained.
- 8.9 The objectives of policies SP1, H1, and H4 of the Core Strategy seek to support new housing development and improve the quality of the external environment.
- 8.10 EN1 '*Design Principles and Strategic Character Areas*' (page 164) - All development in Manchester will be expected to follow the seven principles of urban design listed below and have regard to the strategic character area in which the development is located:
- Character: a place with its own identity
  - Continuity and enclosure: a place where public and private places are clearly distinguished

- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes. Design and Access Statements submitted with proposals for new development must clearly detail how the proposed development addresses the design principles, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategy Strategic Objectives.

8.11 Policy EN19 '*Waste*' (page 209) requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how waste will be minimised and recycled on site and the sustainable waste management needs of the end user will be met.

8.12 In terms of design principles which should be adopted by all developments in the City, policy DM1 (p.216) outlines the following specific issues:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise;
- Community safety and crime prevention.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.

- 8.13 At the heart of the regeneration strategy for the Ben Street area is the need to promote good urban design and a high quality environment and public realm whilst protecting residential amenity is also key. This is promoted within policy DM1 where effects on amenity are required to be considered along with appropriate siting, scale, form, massing and materials and the effect the design has on the local area.

## **OTHER MATERIAL PLANNING CONSIDERATIONS**

### **a) Providing for Housing Choice SPD and Planning Guidance (2008)**

- 8.14 The document was adopted on the 2<sup>nd</sup> September 2008, and supports the work being carried out within the Ben Street neighbourhood. It provides that everyone should have the opportunity to live in a decent home; a home they can afford, in an area they want to live in. However large increases in house prices in the city have made it much more difficult for many households to get a foot on the housing ladder. The Affordable Housing strategy is one way of tackling the problem. It means making homes available to people who would otherwise find it hard to buy or rent. It includes housing rented from a public landlord like the council or a not-profit housing association or trust, as well as 'shared ownership' schemes.

### **b) The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)**

- 8.15 This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability. Sections of relevance are as follows.
- 8.16 Chapter 2 'Design' – outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment;
- Paragraph 2.7 states that encouragement for "the most appropriate form of development to enliven neighbourhoods and sustain local facilities. The layout of the scheme and the design, scale, massing and orientation of its buildings should achieve a unified form which blends in with, and links to, adjacent areas.
  - Paragraph 2.8 suggests that in areas of significant change or regeneration, the future role of the area will determine the character and design of both new development and open spaces. It will be important to ensure that the development of new buildings and surrounding landscape relates well to, and helps to enhance, areas that are likely to be retained and contribute to the creation of a positive identity.

- Paragraph 2.14 advises that new development should have an appropriate height having regard to the location, character of the area and specific site circumstances. Although a street can successfully accommodate buildings of differing heights, extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations.
  - Paragraph 2.17 states that vistas enable people to locate key buildings and to move confidently between different parts of the neighbourhood or from one area to another. The primary face of buildings should lead the eye along important vistas. Views to important buildings, spaces and landmarks, should be promoted in new developments and enhanced by alterations to existing buildings where the opportunity arises.
  -
- 8.17 Chapter 8 ‘Community Safety and Crime Prevention’ – The aim of this chapter is to ensure that developments design out crime and adopt the standards of Secured by Design.
- 8.18 Chapter 11 ‘The City’s Character Areas’ – the aim of this chapter is to ensure that new developments fit comfortably into, and enhance the character of an area of the City, particularly adding to and enhancing the sense of place.

**c) Manchester Residential Quality Guidance (2016)**

- 8.19 The City Council’s Executive has recently endorsed the Manchester Residential Quality Guidance. As such, the document is now a material planning consideration in the determination of planning applications and weight should be given to this document in decision making. The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live.
- 8.20 The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:
- Make it Manchester;
  - Make it bring people together;
  - Make it animate street and spaces;
  - Make it easy to get around;
  - Make it work with the landscape;
  - Make it practical;
  - Make it future proof;
  - Make it a home; and
  - Make it happen.



**d) National Planning Policy Framework (NPPF) February 2019**

- 8.21 The latest revised NPPF was adopted in February 2019. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). In order to achieve sustainable development, the NPPF states that the planning system has three overarching objectives – economic, social and environmental (paragraph 8).
- 8.22 Section 5 'Delivering a sufficient supply of new homes' states that in order to support the Government's objective of significantly boosting the supply of homes, 'it is important 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' (paragraph 59). With regards to affordable housing, paragraph 64 states that where major developments are proposed involving the provision of housing, planning policies and decisions should expect at least 10% of homes to be available for affordable homeownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 8.23 Section 8 'Promoting Healthy and Safe Communities' states that planning policies and decisions should aim to achieve healthy, inclusive and safe places (paragraph 91).
- 8.24 Section 9 'Promoting Sustainable Transport' states that 'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health' (paragraph 103). Developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109). Within this context, applications for development should:
- a. give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b. address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c. create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- d. allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e. be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations (paragraph 110).

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 111).

- 8.25 Section 11 'Making effective use of land' states that 'planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions' (paragraph 117). Decisions should support development that makes efficient use of land, taking into account:

- a. the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b. local market conditions and viability;
- c. the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d. the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e. the importance of securing well-designed, attractive and healthy places. (paragraph 122).

Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

- 8.26 Paragraph 123 (c) states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the NPPF. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

- 8.27 Section 12 'Achieving Well Designed Places' states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this' (paragraph 124). Planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

- 8.28 The NPPF is clear that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). (paragraph 130).
- 8.29 In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings (paragraph 131).
- 8.30 Section 14 'Meeting the challenge of climate change, flooding and coastal change' states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 148).
- 8.31 Section 15 'Conserving and Enhancing the natural environment' states that planning decision should contribute and enhance the natural and local environment by protecting valued landscapes, minimising impacts on and providing net gains for biodiversity, preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability and remediating contaminated land (paragraph 170).
- 8.32 Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

## **Planning History**

### **121089/FO/2018**

Provision of 19 car parking spaces on vacant land to the south of Ranelagh Street

Vacant site off pedestrian road adjacent to John Heywood Street

accessed by vehicles via Ranelagh Street  
Approved subject to conditions on 24<sup>th</sup> December 2018

**120191/FO/2018**

Refurbishment of the roof and associated replacement rainwater goods to 5 vacant properties located on Sheldon Street and Ranelagh Street.  
23, 31 And 35 Sheldon Street And 74 And 75 Ranelagh Street  
Approved subject to conditions on 12<sup>th</sup> July 2018

**119275/FO/2018**

Change of use from resource centre/offices to a Class C3 dwelling house and demolition of existing single storey outrigger at rear.  
5 Heather Street  
Approved subject to conditions on 17<sup>th</sup> May 2018

**119274/FO/2018**

Refurbishment of the roof and associated replacement rainwater goods to 62 vacant properties located on Midlothian Street, Heather Street and Ben Street.  
2, 18, 22-24, 32 & 40-44 (even) And 3-27 & 35-37 (odd) Midlothian Street & 2, 10-16, 20-26 & 30-42 (even) And 5, 17, 29-31 & 37 (odd) Heather Street And 6, 12, 18-24, 28-30, 36 & 40 (even) And 1-5, 9, 23, 33 & 39 (odd) Ben Street Manchester.  
Approved subject to conditions on 16<sup>th</sup> May 2018

**099989/FO/2012/N2**

Part retrospective application for the removal of existing steel cantilevered canopy and installation of new wall mounted canopy with roller shutters to rear of school building.  
Ravensbury Community School, Tartan Street  
Approved 27.09.2012

**063168/FO/NORTH2/01**

Environmental improvements and gating of alleyways with 2.4 high metre gates behind 2/42, Heather St., 1/41 & 2/42 Ben St, 21/41 Sheldon St, 2/16, Stockholme St, and Pioneer St.  
Heather Street, Ben Street, Sheldon Street, Stockholme Street and Pioneer Street, Clayton.  
Approved 02.11.2001

**9. Information required in light of Government policies**

- 9.1 As of April 2019 there were 230,896 dwellings in the Manchester local authority district. Of these, around 30% are Social Housing and 70% are privately owned. Between 2001 and 2011 the population grew by 19%. The most recent estimate (ONS Mid-Year Estimate 2017) indicates that there are now over 545,000 people living in the city in approximately 222,000 households (including multi occupied and student properties).

- 9.2 Manchester has undergone a period of transformational change and a continued economic growth establishing itself as the most important economy in the UK outside London. The city's ambitions are to build on its track record of regeneration and growth and the population is expected to increase, with the Manchester City Council Forecasting Model (MCCFM) predicting that the total population will exceed 615,000 by 2023. The city will need to continue to provide a housing offer that meets the needs of residents who live and work in Manchester and addresses the current and future diversity of the city. The Councils Residential Growth Strategy identifies a need for at least 25,000 new homes over the next ten years including more family housing across a range of prices to help us sustain popular neighbourhoods which meet the needs of families and provide larger accommodation to meet the increase in family size.
- 9.3 Demand for all types of accommodation has increased, and the city has seen a large reduction in the number of empty homes from 7% to less than 4% in the past ten years with less than 0.5% being empty long term. The housing stock tends towards smaller property types, around 65% of homes in Manchester are either terraced houses or flats compared with a figure of 47% nationally, therefore limiting choices for larger families choosing to live in the city.
- 9.4 There are currently over 14,000 applicants on the Housing Register awaiting rehousing and around 3,000 properties become available for let each year. There are 1,873 social housing units in this area and currently approximately 4,000 applicants queuing for a home in the Clayton rehousing area of which over 1,100 require 3 or more bedrooms. The availability of family type housing is extremely low in many parts of East Manchester.
- 9.5 The Ben Street area suffers from a range of problems most clearly evidenced through the 2015 Index of Multiple Deprivation (IMD) which identifies the Super Output Area (SOA) that contains the Ben Street area as the 1,143rd most deprived SOA out of the 32,844 SOA's in England.
- 9.6 During the 2017-18 financial year, 1,222 households were accepted as homeless and in priority need in Manchester and 1,483 were accommodated in temporary accommodation at the end of the financial year.
- 1 Manchester City Council Forecasting Model, W2015  
2 The Manchester Residential Growth Strategy and Action Plan 2016/17  
3 Manchester Move Website  
4 Land Registry Price Paid Data  
5 Home.co.uk]

**10. Special Consideration applying to the Order Lands**

There are no special considerations affecting the Order Lands

**11. Mining code**

The mining code has not been included.

**12. Any obstacles or prior consents required**

In conjunction with the refurbishment of the acquired void properties and facelifts works the approved works for the Ben street neighbourhood involves extensive streetscape works which may require the closure/diversion of a number of roads/rights of way within the Order Lands to deliver the environmental streetscape works. Applications (using the appropriate power) will in due course be made for the closure or alterations of the highways within the Order Lands as required.

**13. Government Views**

There are no Government views about the proposed development of the Order Lands.

**14. Negotiations with interested parties within the Order Lands**

The Council have been unable to trace the owners of the Order Lands. However if the absent owners come forward prior to confirmation of the Order, the Council will seek to negotiate the purchase of their property by agreement or ask that they enter into an undertaking with the Council to refurbish and then either occupy or let the properties. The promotion of this Order will not interfere with this process.

**15. Consultation with residents and businesses in respect of relocation**

- 15.1 The Council has been engaging with residents and homeowners in the area since 2000 on how the area could be improved. Following some initial consultation with local residents the latest regeneration strategy was approved by the Executive in March 2015. Following approval the Council has engaged on a regular basis with all stakeholders up to the present date, including local residents, tenants, landlords, the local school, local ward members and delivery partners. A chronology of all activity can be summarised as follows:

Activity	Date	Comments/ Feedback
Ben St Drop In Consultation 2- 7pm at National Cycling Centre	30th June 2015	Over 50 attendee's feedback wide ranging, general support for the scheme including facelifts, key concerns on waste management & ASB, parking issues.
Ben St Drop In Consultation 2- 7pm at National Cycling Centre	27th June 2016	30 attendees, majority of feedback was favourable and residents wanted to sign up for the facelift works, key issues included delay with implementation, neighbourhood management and parking.
Ben St Drop In Consultation 3- 8pm at Ravensbury Primary School	29th March 2017	47 attendees, majority of feedback was favourable and wanted scheme to start and received some facelift consents, concerns over parking / loss of parking on streetscape works.
Facelift Promotional Work with onsite engagement.	27th June 2017	On site at 36 Ben Street to promote facelifts and sign up consents.
Communication Updates (via letter / e-mail)	Between March 2016 to May 2018	General update/advice letters (14) to residents and homeowners on progress with the scheme and timetable, invitation to drop-in events, facelift sign up correspondence. Support on home owner loans and advice on neighbourhood management/waste management issues. General help and advice contact details have been provided. A Resident Liaison officer from the contractor Wates is in place and this support will continue and be the main contact in respect of all communications with residents and home owners.
Promoting the Scheme	Between February 2018 to December 2018	Wates living Space (the main contractors for the scheme) commissioned a video to capture the scheme. Filming took place on three different dates across the duration of the scheme in order to capture the transformation of the area.
Letters sent to owners of the 8 privately owned properties asking what their intentions were and if they wished to dispose of their property to the city council	09 October 2018	

- 15.2 Throughout the consultation process the City council have responded to representations about the scheme and modified the proposals where feasible. Officers have met residents and landlords on a one to one basis to explain the proposals and answer any questions. Since May 2017 a Resident Liaison Officer has maintained a presence in the area to promote the work and encourage facelift sign ups and explain how the works will be undertaken. Separate briefings have been given to the head teacher at the local primary school, local ward members and information updates have been forwarded to the local MP.
- 15.3 Attempts to trace owners of vacant properties and vacant land plots have been made, however there has been no success in making contact. Overall the impact from the consultation approach has provided stakeholders with several opportunities to be informed and engaged with the proposals. As at 30<sup>th</sup> May 2018 owners from over 97% of the properties have given consent for the facelift improvements.

**16. Public Sector Equality Duty under section 149 OF The Equality Act 2010(PSED)**

Throughout the consultation and delivery process, officers have sought to identify those residents who may require an interpreter or any of the newsletters, letters etc. translating, including if necessary documents translated into braille for those with sight problems, the appointment of an advocate for those people with learning difficulties to ensure that equality of opportunity is provided to all residents affected by the proposals. Specific referral has been made in respect of one property where the resident does not wish to engage due to a history of mental health issues.

**17. Related orders, applications, or appeals etc. made under other powers**

There are no related orders, applications or appeals in connection with this compulsory purchase order.

**18. Documents, maps, plans or other relevant information in the event of a Local Inquiry**

- 18.1 If objections are lodged against the Order and a local inquiry is to be held, any relevant information will be provided in due course and arrangements will be made for them to be available for public inspection.
- 18.2 This Statement of Reasons is intended to fulfil the Council's non-statutory obligations in accordance with the updated guidance issued in February 2018. It is not intended to be the statement referred to in rule 7 of the Compulsory Purchase (Inquiries Procedures) Rules 2007 and a further statement of case and accompanying information will be forwarded at the appropriate time to all persons who object to the Order. However, in the event of a Local Inquiry being necessary the Council reserves the right to add to or supplement the information contained herein as may be necessary and / or to respond to any objections that may be made.



- 18.3 Potential objectors are advised to seek independent legal advice with regard to any matter set out in this Statement of Reasons.

**19. Inquiry Costs**

- 19.1 If objections are lodged against the Order and a local inquiry is to be held, any award of costs shall be considered and determined in accordance with the advice given Planning Practice Guidance – the award of costs and compulsory purchase and analogous orders.
- 19.2 A successful objector who satisfies the criteria set out in the above mentioned planning guidance will receive an award of costs unless there are exceptional reasons for not doing so. A successful objector may, however, where they have acted unreasonably, have their award of costs reduced. A potential objector should, however, be aware that a dispute over the valuation of their property, or other compensation connected with the CPO, is not a matter for a Local Inquiry. Such a dispute will be dealt with by the Lands Tribunal.

**20. Financial ability of the Council and/or the developer to carry out the proposed development of the Order Lands**

The Council has identified sufficient funds from its own resources, to meet the costs associated with acquiring the Order Lands and other compensable interests within the Order Lands.

**21. Conclusion**

The Council believes that for the reasons set out in this Statement of Reasons there is a compelling case in the public interest to justify the making of this Order.

## Appendix 1 Order Lands Plan





[illegible]