

**CABINET**

**COUNCILLOR MARTIN TENNANT  
MAJOR PROJECTS & PROPERTY  
PORTFOLIO HOLDER**

**21 AUGUST 2018**

**KEY DECISION: NO**

**REPORT NO. LEG1808**

## **VOYAGER BUILDING – CPO APPROVAL OF ORDER**

### **SUMMARY AND RECOMMENDATIONS:**

This report provides an update on the proposed acquisition of the Voyager Building, Apollo Rise, Southwood Business Park, Farnborough to deliver, in partnership with the North East Hampshire and Farnham Clinical Commissioning Group (CCG), an Integrated Care Centre for the Farnborough locality.

The report relates to the updated Statement of Reasons and Order for approval referred to in the Cabinet report of 6 March 2018.

#### **Recommendation(s)**

That Cabinet approves

- the updated Statement of Reasons for making the Order in Appendix 1; and
- the Compulsory Purchase Order and map in Appendix 2

## **1. INTRODUCTION**

- 1.1 Cabinet will recall that on the 14<sup>th</sup> November 2017 it considered report No.LEG1719 and resolved, subject to a number of initial matters, to make a Compulsory Purchase Order to acquire the Voyager Building (previously known as Voyager House) to deliver an Integrated Care Centre in partnership with the CCG. A full set of delegations was given to the Solicitor to the Council to enable all steps in the compulsory acquisition to be progressed.
- 1.2 On the 6 March 2018 Cabinet considered a further report LEG1803 which set out an update from the North East Hampshire and Farnham Clinical Commissioning Group on the provision of primary and community health care within the West Farnborough locality. The Report described how the position had been worsening progressively. This meant that the acquisition of the Voyager Building, to provide a local health facility, was becoming more urgent.

## **2. PROGRESS UPDATE**

- 2.1 Since these reports, the Council has engaged with its professional advisors to negotiate with the owners of the Voyager Building to seek to acquire the

premises by agreement without the need to resort to the serving of a Compulsory Purchase Order (the Order). This has included making an offer to acquire the freehold of the premises and, as an alternative, the CCG offered the owner equivalent lease terms to those which the council has agreed with the CCG should the order be made and confirmed. The owner has declined the leasehold offer and has declined the freehold offer. Negotiations will continue after the Order has been made to try to agree terms for the acquisition.

### **3. DETAILS OF THE PROPOSAL**

#### **Statement of Reasons**

- 3.1 The Statement of Reasons, which details the reasons for serving the CPO, has been updated.
- 3.2 The position on negotiations to acquire the Voyager Building has been reported above. Whilst the reasons for making the order have not changed it should be noted that the situation with the provision of health care in the Farnborough locality continues to progressively worsen. The situation is particularly difficult in the Southwood area. The Southwood Practice and the Milestone Practice have decided to merge to form a new larger practice which is planned to operate from the proposed Integrated Care Centre in the Voyager Building if the Compulsory Purchase Order is confirmed. These two practices are currently working between their two sites in an attempt to mitigate the impacts of increases in demand versus the shortage of clinical space. It should also be noted that the situation is worsening due to the implementation of the planning permission for Southwood Crescent (160 new homes) and the grant of consent for Hartland Park (1500 new homes) both of which developments are within the catchment area of the Southwood Practice.
- 3.3 Paragraphs 5.2.8 and 5.2.9 also update the publication consultation that has been undertaken by the Practices and Patient Participation Groups and the Federation of Local Practices on the proposed Integrated Care Centre.
- 3.4 Paragraph 5.2.14 provides an update on the site search for suitable premises. In particular it addresses why Ferneberga House, also owned by the freeholder of the Voyager Building and offered to the CCG, subject to contract, on leasehold commercial terms, will not meet the existing need in the Farnborough locality.

#### **Compulsory Purchase Order**

- 3.5 The Compulsory Purchase Order and order map is attached as Appendix 2

#### **Alternative Options**

- 3.6 The CCG have instructed commercial agents to monitor the market for alternative premises and, to date, have been unable to find any which meet

their operational requirements within the required geographical area. Even were suitable premises to be found in the Southwood area, the CCG would need to revisit their investment case, resulting in likely delay to bringing forward the Integrated Care Centre at a time when the health care situation is progressively worsening.

#### **4. IMPLICATIONS**

##### **Risks**

- 4.1 There is a risk that the CPO may not be confirmed if the Council cannot show that there is a compelling public need for the Integrated Care Centre. This is being mitigated by working with an appropriate professional team and obtaining counsel advice in promoting the Order.

##### **Financial and Resource Implications**

- 4.2 The financial implications in connection with acquiring by agreement have been previously report to cabinet in November 2017 and will be the subject of a further report to cabinet in due course should the costs change beyond those already agreed in the cabinet reports of the 14<sup>th</sup> November 2017 and the 6<sup>th</sup> March 2018.

##### **Legal Implications**

- 4.3 These remain as stated in the previous Cabinet reports.

##### **Equalities Impact Implications**

- 4.4 These remain as stated in the previous Cabinet reports.

#### **CONCLUSIONS**

- 5.1 The need for the facility remains compelling and is growing.
- 5.2 To date it has not been possible to reach agreement on the acquisition of the Voyager Building and therefore it is necessary to proceed with the making of the Order. Once the Order has been made the Council will continue to endeavour to reach agreement with the freeholder on the terms for the acquisition.

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#### **BACKGROUND DOCUMENTS:**

14<sup>th</sup> November 2017: Exempt Report LEG 1718  
14<sup>th</sup> November 2017: Report LEG1719  
5<sup>th</sup> March 2018: Report LEG1803

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**THE BOROUGH OF RUSHMOOR**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**AND ACQUISITION OF LAND ACT 1981**  
**THE BOROUGH OF RUSHMOOR (APOLLO RISE) COMPULSORY PURCHASE**  
**ORDER 2018**

## **Statement of Reasons for making the Order**

### **1. Introduction**

1.1 This is the Council's Statement of Reasons for making the Borough of Rushmoor (Apollo Rise) Compulsory Purchase Order 2018 to acquire the land comprising registered title HP 763383 ("the Order Land"). This is a non-statutory statement provided in compliance with paragraph 24 and section 11 of the Ministry of Housing, Communities and Local Government *Guidance on Compulsory Purchase Process and the Crichel Down Rules* issued in October 2015 and updated on 28<sup>th</sup> February 2018

1.2 This Compulsory Purchase Order ("the CPO") was made pursuant to the provisions of section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981.

### **2. Description of the Order Land**

2.1 The Order Land comprises the said title land and includes a building ("the Building") known as the Voyager Building, 2 Apollo Rise, Southwood Business Park, Farnborough and shown coloured pink and edged red on the Order Plan

2.2 The Order Land is to the west of Farnborough on Apollo Rise, part of the Southwood Business Park, which in turn connects to the A327 Summit Avenue, approximately 1.5 miles from junction 4a of the M3 and 1.5 miles from Farnborough Town Centre. Morrisons superstore is on the opposite side of Summit Avenue.

2.3 The said Building is a self-contained modern office building of circa. 1,323sq m (14,240 sq ft) constructed around a steel frame with brick cladding underneath a pitched profiled steel sheet roof arranged over ground and first floors. The Building is set in its own curtilage, with 75 parking spaces. The Building had previously been unused as offices for over 18 months, but following a change in ownership in August 2017, has been converted for use as serviced offices with occupations, under licences, commencing from the week commencing the 18<sup>th</sup> December 2017 and with 14 office suites currently (August 2017) being occupied under licence.

### **3. Enabling Power**

3.1 The Council, as the acquiring authority (“the Acquiring Authority”), can be, and is, empowered to acquire the Land under section 226(1)(a) of the Town and Country Planning Act 1990. This is the only available power for the particular purpose of the acquisition of the Order Land.

3.2 The Council believes that the acquisition will facilitate the carrying out of development for the change of use of Voyager Building to use as an Integrated Care Centre facility, and which is to be operated by the North East Hampshire and Farnham Clinical Commissioning Group (“CCG”) to deliver much needed and pressing healthcare in Farnborough, which development is likely to contribute to the improvement of the social well-being of the Council’s area (“the Scheme”). The Council is satisfied that the power to ensure the delivery of the Scheme is the most specific, and only, power available for the purpose because Section 25(4) and Schedule 4, paragraph 27(1) of the National Health Service Act 2006 is unavailable to the CCG.

### **4. The Acquiring Authority’s Purpose in seeking to acquire the Land**

4.1 The Council is working in partnership with the CCG. The CCG is the statutory body responsible for procuring quality and accessible primary, community, and secondary health care services for local populations, which includes residents of the Farnborough area of the borough, to enable that provision of those services through an Integrated Care Centre facility for the locality and by which many of the needs for health care of local inhabitants can be satisfied.

4.2 The Integrated Care Centre facility will ensure that the growing primary care need is satisfied and will support the CCGs objectives of developing and delivering new models of integrated, multi-disciplined care that extend the range and effectiveness of care services to local populations in community settings, and closer to people’s homes. Without the Integrated Care Centre, and with need growing at a faster rate than available resources, the current form of addressing that need is unsustainable both in respect of clinical resources and of the physical suitability and capacity of premises. The CCG supports 5 localities (including Farnborough) in designing, procuring and delivering care services and Farnborough is the only locality without an existing dedicated community health care facility.

4.3 The Scheme for delivery of the facility involves a change of use of the existing Order Land and its building (with some internal and minor works) from offices to an Integrated Care Centre providing primary and community care locally. The facility will be fitted out with specialist health facilities in accordance with the preliminary Schedule of Accommodation prepared by the CCG (Appendix 1). Little alteration to

the building structure or envelope is required as the building allows flexible internal sub-division with non-load-bearing partitions and fixtures/ fittings. The drawings forming part of the planning application (Appendix 2) showed the original layout and configuration of the building. These have been revised following the conversion of the building to serviced offices and Appendix 3 shows the revised layout and configuration of the building.

4.4 The largely internal conversion works to adapt the building suitable for healthcare uses will commence immediately following the vesting of the Order Land (and so the Building) in the Acquiring Authority, as the necessary works have been planned and designed and will be finalised, procured and completed using the Hampshire Lift Framework.

4.5 Given the pressing and growing need for improvements in care services in Farnborough, the CCG has appointed architectural and engineering service designers, at risk, to progress with design development of the clinical fit out works required in order to reduce the time risk and delays in bringing forward the Integrated Care Centre.

## **5. Justification for CPO**

### **5.1 The National Context**

5.1.1 There is need, and a compelling need, for the acquisition of the Order Land in the public interest so as to ensure that appropriate healthcare provision can be made by the CCG in the Farnborough Locality of the NHS area that falls in the administrative area of the Acquiring Authority. The CCG is part of the wider NHS. In terms of the national context the increasing demand for health care is a national challenge as long-term conditions take up now nearly 70% of the NHS budget. Pressure is continuing to mount on the funding for health services, with widening gaps in health and wellbeing, care and quality. The NHS Five Year Forward View recognises such challenges and articulates a clear direction for the NHS, showing why change is necessary. It calls for organisations to work together creatively to resolve the funding, quality and demographic issues facing the health system.

5.1.2 Recent studies showed a national increase in the number of GP consultations from 300 million to 340 million a year while the number of GP's has remained stagnant (NHS England, 2013; BMA, 2015). Between 2011 and 2015 there has been a 13% increase in face to face consultations and a 63% increase in telephone consultations. Patients report experiencing disjointed and uncoordinated care and express a desire for care to be better coordinated, delivered closer to home with better ease of access.

5.1.3 Within the NHS, the North East Hampshire and Farnham health system overlaps with the administrative district of the Acquiring Authority. The North East Hampshire and Farnham health system faces a potential cumulative £47 million gap between available resources and projected funding requirements by 2018/19 if demand and service models remain as they have been over recent years. Across the North East Hampshire and Farnham Clinical Commissioning area 50% of GP appointments relate to people with one or more long term conditions requiring greater levels of support. Cancer, circulatory disease and respiratory disease account for 70% of deaths.

5.1.4. Total emergency admissions are up by 4% on the same period in year 2016. This includes a 7% increase in Ambulatory Care Sensitive Admission i.e. admissions in which effective management and treatment in the community may prevent admission to hospital. There has been a 10% increase in admissions for falls/fractured neck of femur. The execution of the development of the Integrated Care Centre will address this increasing demand.

## **5.2 Local context**

5.2.1 Within the North East Hampshire and Farnham health system of the CCG lie 5 localities. Within the 5 localities, the Farnborough locality has a population of over 60,000 with very scattered pattern of high levels of high deprivation and disability throughout its locality. Farnborough currently has a large proportion of working age adults and a relatively small elderly population thus its health needs differ from other parts of Hampshire. Projections suggest an increasingly elderly population over the coming decade, with the number of 65-84 year olds projected to increase by 18.1%, and the number of over 85 year olds increasing by 48.4%. This will change the demands for health and social care in the locality with a likely increase in the burden placed on each. This is contrasted with a decrease of 2.1% of working aged adults by 2020.

5.2.2 Healthcare is currently delivered at this level by individual General Practitioner Practices ("GPPs") which operate from surgery facilities in the discharge of their obligations. There were seven such Practices within the Farnborough Locality as listed below.

<b>Practice</b>	<b>List size</b>
Milestone Surgery	11,567
Alexander House Surgery	9,123
Southwood Surgery	6,957
Giffard Drive Surgery	8,928
North Camp Surgery	5,130
Jenner House Surgery	9,225
Mayfield Surgery	<u>9,304</u>
	<b>60,234</b>



The Southwood Practice and the Milestone Practice have decided to merge and have completed the first stage of their merger, forming a new larger practice which is planned to operate from the proposed Integrated Care Centre upon the Order Land if the Order is confirmed. Currently, these practices are having to work differently within their current locations, split between their two sites in an attempt to mitigate the impacts of increases in demand versus shortage of clinical space.

5.2.3 These practices and the CCG realise that the current provision of primary care is unsustainable and that need is growing at a faster rate than available resources. This mismatch engenders a need for the proposed Integrated Care Centre, a need that increases as time passes. The Farnborough Locality is the largest locality (population) in the North East Hampshire and Farnham heath care system. In terms of NHS estate utilisation, Farnborough has some of the poorest (as in, suitability and capacity) practice building stock. For example, the premises of four practices have been identified as being considerably too small to address the numbers of patients on their list (they are undersized for their list size).

5.2.4 Of the seven, shortly to be six, GPPs in the Farnborough locality ("the Farnborough Locality") many are already running at, or close to, clinical (as in staff) and spatial (as in physical) capacity with some failing, already, to meet the Care Quality Commissions targets on some aspects of Premises suitability and sufficiency. Some of these constraints are not immediately addressable due to site and / building constraints and terms of tenure. These result, in practical terms, in the Practices being unable to deliver the required quantity and quality of health care to satisfy their prevailing lists and increasing lists.

5.2.5 The situation regarding ongoing increased pressures and simultaneous progressive reduction in capacity is a very real problem facing all GPPs in the Farnborough Locality, and some more than others; the situation has been particularly difficult in the Southwood local practice which led to the decision to merge with Milestone practice with a view to relocating the newly formed practice to the proposed Integrated Care Centre on Order Land. If delivery is not made of additional suitable infrastructure to redress this imbalance, then the situation will very soon reach the point where there is no further capacity within the Farnborough Locality. In such a situation, a GPP may apply to the CCG to close their list to more patients. .

5.2.6 This increasing lack of available capacity and flexibility in accommodating additional care services is already having repercussions for actual delivery of healthcare. Within the Farnborough Locality, in West Farnborough there is recent evidence of Practices making applications to the CCG to "close their lists". This means that those Practices can, and would, elect to not accept any new patients onto practice registers due to the capacity and suitability constraints. This would result in a failure to deliver health care and also mean that the health care needs of

patients seeking such care would have to go unsatisfied in that part of the Farnborough Locality. However, do nothing is not an option for existing and new patients.

5.2.7 For these capacity reasons, as the Commissioner of healthcare provision, the CCG is having to ensure that it can satisfy healthcare needs by objecting to planning applications for new housing development in the Locality and in neighbouring district of Hart on the grounds that there is insufficient / inadequate local health care infrastructure. Despite objections on these grounds Planning Permissions have been granted for the redevelopment of Hartland Park for 1500 new homes, located approximately half a mile from Southwood, and for the Southwood Crescent site which is in close proximity to the Order Land, for 160 residential units. Both sites are within the catchment area of the Southwood Practice (one of the most pressurised practices), which practice together with the existing Milestone Practice will co-locate and move to the new Integrated Care Centre on the Order Land if the Order is confirmed. The planning permission at Southwood Crescent has been implemented and work has commenced to build out.

5.2.8 The CCG is also addressing this increasing resource capacity situation through a new model of health care delivery. In policy terms the NEHF CCG Local Estate Strategy and the NEHF CCG Farnborough Locality Plan seeks to address the need for healthcare provision by establishing a new model of health delivery by the development of a suitable facility by the CCG to accommodate an Integrated Care Centre within the borough, allowing a wider review of general practice premises in Farnborough. The Farnborough Locality Plan has been conceived, and compiled, by the Federation of Local Practices ("Salus Medical Services"), the CCG, and other Local Providers of acute and community services and it sets out how delivery of primary and community care will be achieved in Farnborough, through this more integrated new model.

5.2.9 The CCG, Practices and Patient Participation Groups (PPG) are necessarily commencing wider public consultation and surveys about access to services if the Order is confirmed on the Order Land to gather intelligence about the legacy of patients who may not transfer their list to the proposed Integrated Care Centre and will need to be accommodated in other locality practices.

5.2.10 In line with the Farnborough Locality Plan, the acquisition of the Order Land will allow the development and operation of a much needed Integrated Care Centre to deliver primary care to patients in the Farnborough Locality; to strengthen out of hospital care of patients; to provide more localised delivery of care to patients; and thus produce a better experience and outcomes for such patients.

5.2.11 The acquisition of the Order Land, to implement the delivery and operation of the Farnborough Locality Plan, through the provision of an Integrated Care Centre facility is expected to:

- Deliver primary care working at scale to manage on the day demand;
- Implement an enhanced out of hospital care model which includes developing the Integrated Care Team;
- Develop and expand the skill mix of Primary Care Teams to include paramedics, physiotherapists, nurse practitioners and clinical pharmacists;
- Set up a safe haven to meet the needs of local residents with mental health issues.

5.2.12 The delivery of the facility will result in the following benefits for the residents of the borough and those of the adjoining borough (Hart):

- Improved access to GP services resulting in reduce A&E attendances;
- Improved patient experience and satisfaction through a more integrated primary care service;
- Enhanced recruitment and retention of the primary care workforce;
- Reduced referrals to secondary care;
- Improvements in the quality of prescribing;
- Reduction in non-elective admissions and length of hospital stay;
- Provision of a cost-effective service to help mitigate the continually rising costs of the local health service by reducing referrals to secondary care; Reducing A&E admissions;
- Reducing unplanned admissions and lengths of hospital stays and improving clinical services at practice level to achieve financial savings.

5.2.13 The compelling need for the delivery of this Integrated Care Centre on the Order Land is further strengthened by the recent and extensive site search (“the Site Search”) undertaken by the CCG of the estate and careful consideration of other accommodation options in Farnborough based on the criteria of accessibility; availability; suitability; sufficiency and affordability. This Site Search concluded that the Order Land most closely met the target criteria (Appendix 2, Planning Statement).

5.2.14 Within the Sites Search the alternative sites analysis has been subject to sensitivity testing (Appendix 3). The other options considered were:-

- Expansion of Existing GP premises- Currently the seven, soon to be six, general practice premises across the Farnborough locality and the

community, mental health and social care service providers have limited integration between services. This option will not allow for the provision of an Integrated Care Centre as existing premises comprise inadequate buildings with no room for expansion for future growth leading to a failure to be able to deliver the above requirements.

- Civic Quarter, Farnborough- Dialogue about the delivery of this option has been ongoing since 2015, with the CCG specifying their requirements in early 2016 to be undertaken as part of the Civic Quarter Masterplan. It became apparent during 2017 that the site would be unable to deliver a facility of the size required because of the need to provide for other competing uses. Further delivery of any scheme would be 3 or more years away, and thus unable and unsuitable to address the existing urgent infrastructure issues through the delivery of the Integrated Care Centre.
- Briarwood, Sorrel Close, Farnborough- This site and facility was considered by local care practitioners and the CCG but this not considered as a desirable or preferred option - discounted largely on grounds of accessibility, suitability, and capacity and in need of significant adaptation to get close to the accommodation requirements. The site has been sold and is likely to come forward for residential consent subject to suitable SANGs capacity being available.
- Hartland Park Housing Development to provide 1500 homes in Hart Borough, increasing the demand upon health care provision. This major housing development is to be approximately half a mile from the Southwood GP premises. Consent has been granted but the scale of the scheme, being at least 3 years from delivery, will not support the delivery of an Integrated Care Centre. Following an objection by the CCG to this planning application on grounds of inadequate health care infrastructure, a planning obligation has been entered into which will contribute towards increasing capacity in the local health infrastructure supporting the delivery of the Integrated Care Centre on the Order Land. Discussions are also underway with the developers concerning the improvement of bus routes and potential improvement to bus services between Farnborough Town centre and Fleet along the A327, passing the junction with Apollo Rise where the Order Land is situate.
- Jenner House General Practice premises – involving further adaptation / reconfiguration of existing practice premises, and although this building has recently undergone extension and improvement, is not large enough or well configured to accommodate the preferred resources or service delivery model. The site is also too constrained for the required car parking demand.
- Southwood Community Centre adjacent to Southwood Surgery, in the Morrisons campus. The Council are holding over under the terms of a previous lease with longer-term occupants of the centre including a Baptist

Church, community use hiring's and a play group. One room is currently occupied by Frimley Health (Community Nurses). This scheme was a strong contender and the runner-up as far as preferred options were concerned, benefiting from a good community location and proximity to the existing surgery which could have potentially been incorporated into redesign solutions. However, the site is owned by Morrisons and the existing uses would need to be relocated (which could be politically and logistically challenging) and the existing building significantly altered / improved to meet the accommodation brief, all subject to Landlords consents. In any event, the existing building was considered to be not be large enough to accommodate the requirements, with further assessments needed on scale of provision and available space.

- Ferneberga House, Alexandra Road Farnborough. These serviced offices are owned by the freehold of the Voyager Building having been the former town hall. In July 2018 it was suggested that Pure Offices may be prepared to consider commercial terms for a long lease with the CCG as a replacement for the Voyager Building. A preliminary assessment has been made of this building by the CCG based on the information that was available ranking it against the other alternative sites. This is attached as Appendix4. No information was available about the scale or cost of alteration works on this partly listed building necessary to adapt the building for clinical purpose or whether Pure Offices would be prepared to fund such works. Whilst the building is slightly larger, it is less flexible and the CCG would need to revisit their investment case leading to a further loss of time in providing the much needed Integrated Care Centre. The location is less favourable as it is situate on the other side of the town when the capacity pressures are coming from the Southwood area with large residential developments such as Hartland Park. The building is also over 3 floors with less car parking and there is no current information provided on running costs.

5.2.15 By contrast, the Integrated Care Centre through a prompt conversion and fit out of the existing office building on the Order Land will provide:-

- An accessible site, with accessibility for service users with disabilities and/ or special needs, well served by public transport with ample car parking either directly on site or within easy walking distance;
- An appropriate urban setting which can accommodate frequent traffic movements, but is nearby to other public amenities such as shops and cafes
- A safe and secure environment within a modern building with a clear (ideally individual) sense of identity with an image compatible with quality care delivery

- A clear, welcoming and accessible Main Entrance and reception
- Adequate passenger lifts / stairs
- Flexible internal space providing a combination of clinical (cellular) rooms, e.g. comprising: Consulting / examination rooms; Treatment rooms; Interview rooms; Utility rooms; Secure storage (e.g. for equipment) ;
- Non- clinical /administrative /support spaces comprising waiting and sub-waiting and circulation areas; open-plan offices and administrative areas, for call handling, Care Administration teams, Community Nursing teams and visiting practitioners-paramedics, physiotherapists;
- Meeting spaces – formal / informal / break-out
- Secure storage (e.g. for patient records)
- Ability to ‘designate’ specific areas for patient services (types) – e.g. GP Primary care, a possible future Urgent Care suite, Community services etc.
- Accessible and sufficient staff and patient welfare facilities / amenities
- Spaces for operational plant and service infrastructure including IT hub, Waste handling
- Potential / capacity to accommodate future growth

### **5.3 Attempts to secure the Order Land otherwise than through compulsory acquisition**

5.3.1 The CCG was interested in purchasing the Order Land before it was purchased by its current owner. However, the current owner acquired the Order Land before the CCG could execute a purchase. The current owner is not a public authority nor subject to public law obligations to which the CCG or the Council is subject. The Council then attempted to acquire the Order Land by agreement immediately after the owners purchase in August 2017. However, whilst owner proposed a sale, the price at which the Order Land was offered to the CCG did not represent good use of public funds and the CCG, as a public body, was unable to purchase the Order Land. The CCG is also a public body and so its status as a landowner is acceptable to a GPP. Consequently, there is now a need for the use of compulsory acquisition powers to acquire the Order Land.

5.3.2 The Council continues to seek agreement with the current owner given the increasingly limited healthcare resources currently available in the Farnborough Locality and the need to bring forward an Integrated Care Centre, but at this time there remains no agreement. Consequently, there is a need to acquire the Order Land. The Council has made an offer to acquire the freehold of the Owner but the offer was rejected and no counter offer has been received from the Owner. At the request of the Owner, the CCG also offered to lease the premises from the Owner upon the basis that the Owner provides equivalent heads of terms to those being offered to the CCG by the Council. This leasehold offer has also been declined by

the Owner. In the ongoing absence of a negotiated sale, the use of compulsory acquisition powers to acquire the Order Land was, and remains, necessary. The Council will continue to negotiate with the Owner for the acquisition of the Order Land.

#### **5.4 Alternative Sites**

5.4.1 There is a need for the proposed facility, a need that is urgent and is only increasing with the passage of time, and a need that is in the public interest. The Sites Search has shown that there are no alternative appropriate and available sites for the facility other than the Order Land. There is, overall, a compelling and urgent need in the public interest therefore for the acquisition of the Order Land to provide an Integrated Care Centre. Compulsory purchase will enable the Council to acquire the freehold ownership of the Land and to grant a lease to the CCG to allow the Integrated Care Centre to be implemented in a timely fashion in order to derive the wider public benefits.

#### **5.5. Absence of Alternatives**

5.5.1 In the absence of suitable and available alternative sites for the proposed facility, the progressively increasingly limited availability of healthcare capacity in the Farnborough Locality, and the absence of agreement to acquire the Order Land, the Council has, and will continue to make, meaningful attempts to negotiate to acquire the Land by agreement but is mindful that if negotiations do not proceed successfully, then valuable time will be lost in delivering this important facility against the previously described background of an inadequate estate to provide the ever increasing and necessary primary and community health care to the people of the Farnborough Locality. That need remains and its pressing nature increases as time passes.

5.5.2 The Council is satisfied that the Order is necessary and in the public interest and that, the Order Land is suitable and required in order to deliver and to promptly meet the pressing need for the Scheme. There is a compelling case for the acquisition in the public interest of the Order Land.

### **6. The Planning Permission Position**

6.1 There are no impediments to implementation of the Order, in the event that it is confirmed. The Order Land benefits from a detailed grant of planning permission for the proposed facility that, by reason of section 75(3) of the Town and Country Planning Act 1990, enures for the benefit of the Order Land. Detailed planning permission was granted on the 9<sup>th</sup> November 2017 for a change of use of existing offices (Use Class B1) to community healthcare resources hub (Use Class D1) for healthcare delivery for Farnborough with installation of secure bin and covered cycle

store outbuildings. The planning consent; plans and supporting planning statement by the CCG are at Appendix 2.

6.2 In addition to the detailed planning permission, the provision of healthcare facility, as a form of infrastructure and community facility, in this location is in line with the statutory development plan. The statutory development plan provides as follows. The adopted Rushmoor Core Strategy designates the Land as part of a Key Employment Site (“KES”) with policy CP8 supporting economic development by protecting KES for B class uses. Policy C10 (infrastructure Provision) states that the Council will work with partners to ensure that infrastructure and community facilities are provided in a timely and sustainable manner. The policy requires that proposals are consistent with the Rushmoor Infrastructure Plan and that new facilities and infrastructure are located and designed so that they are accessible and compatible with the character and needs of the local community. These policies are taken forward in the draft new local plan which was published on the 9<sup>th</sup> June 2017 with policy PC2 designating and protecting Strategic Employment Sites, including Southwood Business Park and policy IN1 carrying forward policy C10. An article 4 direction is due to come into effect from 19<sup>th</sup> February 2018 to protect these Strategic Employment Sites.

6.3 Whilst the development of the Integrated Care Centre facility was considered to be a departure from the policy C8, because of the resulting in the loss of employment floor space within the KES, planning permission was granted on the basis that there was a demonstrable need for the proposed community healthcare facility, and that other alternative sites had been considered, but discounted due to the need to deliver the size of the facility and to provide it in a timely manner.

## **7. Government and National, and Local Health Care Policies**

7.1 In addition to the detailed planning permission, and local policy, the provision of healthcare facility, as an Integrated Health Care facility and in this location is in line with the NHS policy:

1. NHS England's Five Year Forward View
2. NEHF CCG Operating Plan
3. NEHF CCG Primary Care Strategy '*Stabilising, Shaping and Sustaining Primary Care*'
4. NEHF CCG Local Estate Strategy
5. NEHF CCG Farnborough Locality Plan (new models of health care delivery)

## **8. Government Planning Statements**

8.1 In addition to the detailed planning permission and local and NHS policy, the provision of healthcare facility, as a form of infrastructure and community facility, in this location is in line with the Rushmoor Infrastructure Plan and national policy.



8.2 The National Planning Policy Framework July 2018 makes provision for health.. Section 2 Achieving sustainable development refers to the planning system having three overarching objectives of which one is social. Paragraph 8 (b) provides that this role concerns supporting strong, vibrant and healthy communities, by creating a high quality built environment, with accessible services that reflect current and future needs and support community's health, social and cultural well-being. Paragraph 20 requires local planning authorities to set out strategic priorities and make sufficient provision for community facilities such as health infrastructure.

8.3 Section 8 addresses Promoting Healthy and Safe Communities. Paragraph 92 addresses the provision of services the community needs.I. Paragraph 92 requires decisions to: "a) plan positively for the provision and use of shared spaces [and] community facilities ... and other local services to enhance the sustainability of communities; b) take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensure that ... services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering the location of ... community facilities and services."

8.4 Paragraphs 108 and 109 continue to encourage accessibility other than by private car, with Paragraph 102 explaining that transport issues should be considered from the earliest stage of plan making and development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued..

8.5 The Ministry of Housing Communities and Local Government's Planning Practice Guidance The role of Health and Well-being in Planning 6<sup>th</sup> March 2014 (updated July 2017 and due to be further revised to reflect the changes to the NPPF published in July 2018) contains advice on the role of health and well-being in planning. Local planning authorities are advised to ensure that health and wellbeing, and health infrastructure are considered in local plans and in planning decision making. Public health organisations, health service organisations, commissioners and providers, and local communities are advised to use the guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.

8.6 The advice is to the effect that the National Planning Policy Framework encourages local planning authorities to engage with relevant organisations when carrying out their planning function. Engagement with these organisations will help ensure that local strategies to improve health and wellbeing) and the provision of the required health infrastructure.

8.7 Overall, national planning policy supports the provision of health infrastructure and, as here, where there is an identified need.

8.8 The Rushmoor Infrastructure Plan (2017) provides for Healthcare Infrastructure. Paragraph 10.8, recognises the CCG and its function to organise delivery of NHS services in England and paragraph 10.9 that on 1st April 2016, the CCG took on full delegated responsibility from NHS England for primary care commissioning and means it now manages all contracts with local GP practices. Paragraph 10.10 recognises the CCG's Primary Care Strategy (2016). The Strategy identifies the need for a new model of access to primary medical care services (paragraph 10.11). The CCG has developed an outline Local Estates Strategy to identify the estate opportunities within each locality. This includes a "hub and spoke" approach that enables the right buildings for the right collaborative activities to be delivered once by practices working together with each other and with wider community providers, as well as services that need to be more personalised and delivered by each GP practice individually from improved local premises (paragraph 10.12). Locality-based "Hub" services beginning to develop already include, acute "on the day" GP appointments, a setting for locality-wide services such as the locality Integrated Care Team, shared GP home visiting services and a joint team supporting frail older people. Early discussions have taken place regarding opportunities to provide an integrated care services hub in the Farnborough locality (paragraph 10.13). The Plan further explains that: The CCG Strategic Plan signals a significant shift towards investment in out of hospital care, with expenditure focused on primary and community care. This will help to reduce the burden on A&E, outpatient, day case and inpatient activity within hospitals; and that issue for Rushmoor are that some pockets of the Borough have high levels of health deprivation. In addition, levels of obesity in children are rising. GPs are universally facing operational and financial pressures and many are in buildings which require investment to maintain their suitability and sufficiency (capacity) for modern health care needs / services. Farnborough is the only locality within the CCG area without a locality health centre (such as a health centre/ treatment centre or hospital). The Plan notes under in the first table that: The provision of health facilities to meet the needs of all sections of the population is a crucial prerequisite of all future development, wherever it may take place; and in the second (local health care) that: The CCG Strategic Plan signals a significant shift towards investment in out of hospital care, with expenditure focused on primary and community care. This will help to reduce the burden on A&E, outpatient, day case and inpatient activity within hospitals; and that the implications for the Rushmoor Plan are: To help to deliver appropriate health infrastructure along with other well-being benefits such as opportunities for walking and cycling and access to open space and recreational facilities.

8.9 Overall, local infrastructure planning policy supports the provision of health infrastructure and, as here, where there is an identified need.

## **9. Special Considerations**

9.1 There are no ancient monuments or listed buildings within the Land. The Land is not in a conservation area. There are no issues concerning special category land, consecrated land, renewal area, etc.

9.2 The requirement in the borough to provide Suitable Alternative Natural Greenspace to mitigate the effects of development upon the Thames Basin Special Protection Areas only applies to residential development

## **10. Known obstacles to the redevelopment**

10.1 There are no impediments to implementation of the Order, in the event that it is confirmed. The freehold title is subject to easements and restrictive covenants none of which adversely affect the delivery of the scheme. Confirmation of the Order will enable prompt internal modifications to the existing building on the Order Land and prompt actual delivery of much needed healthcare.

## **11. Delivery**

11.1 There is a pressing need for the scheme to go ahead. The development is subject to the completion of an agreement for lease between the public bodies of the Council and the CCG. Heads of terms have been agreed for a twenty-year lease and the agreement will be completed. The Lease will be granted once the Council has taken possession of the Land. The Council will be funding the acquisition and fit out to the CCG's specification.

11.2 The approved investment case by the CCG is explicit on the assumption of a Local Authority (here, the Council) being the Landlord, it being a public municipal authority with a common and collective interest in providing and maintaining public services to local communities. The investment case, and its viability criteria, is based on financial, economic and commercial arrangements with mutuality of stakeholder interests in sustainability, continuity and resilience of occupation, and which also provide competitive value for money outcomes to the public purse.

## **12. Views of Government Departments**

12.1 None.

## **13. Relocation proposal for business tenants**

13.1 The Building upon the Order Land is currently part occupied, the Owner having taken the decision to proceed with the refurbishment and to let the office suites. The terms of occupation of the units is upon a license basis and all licensees will be served as interested persons. The Owner was notified of the proposal for compulsory acquisition of the Order Land on 17<sup>th</sup> October 2017 and the building remained unoccupied until the first occupier moved in on the week commencing 18th December 2017. The Owner had been aware of the CCG's interest in this building since their acquisition in August 2017 and upon the 22<sup>nd</sup> August they offered the building to the CCG at a price which was unaffordable for the CCG. They were also notified of the planning application made by the CCG for the change of use of the building upon the Order Land to an Integrated Care Centre. The Owner may have vacancies within other office accommodation owned by them in the town for the relocation of their occupiers but there is no shortage of office premises within the borough available for letting. The Council is willing to provide advice to occupiers to assist them in finding alternative office accommodation.

#### **14. Equality Act 2010**

14.1 The Public Sector equality duty in the Equality Act 2010 requires the Council to exercise its functions with regard to eliminating specified conduct, advancing equality of opportunity and fostering good relations. Acquisition of the Order Land would discharge this duty because it would enable delivery of the new model of integrated health and so enhances equality by making healthcare available to, and to a wider, range of local patients.

#### **15. Documents, Maps or Plans for the Public Inquiry**

15.1 If a public inquiry is convened, a list of documents will comprise the documents referred to in this Statement and other relevant documents. These will be provided in due course and arrangements will be made for them to be available for public inspection.

### THE BOROUGH OF RUSHMOOR (APOLLO RISE) COMPULSORY PURCHASE ORDER 2018

**The Town and Country Planning Act 1990 and the Acquisition of Land Act 1981**

**THE BOROUGH OF RUSHMOOR** (in this order called the acquiring authority) makes the following order:

1. Subject to the provisions of this order, the acquiring authority is under section 226(1)(a) of the Town and Country Planning Act 1990 hereby authorised to purchase compulsorily the land described in paragraph 2 for the purpose of facilitating its development as an Integrated Health Care Centre, thereby contributing to the improvement of the social well-being of the acquiring authority's area.
2. The land authorised to be purchased compulsorily under this Order is the land described in the Schedule and delineated and shown coloured pink and edged red on the map prepared in duplicate, sealed with the common seal of the acquiring authority and marked "Map referred to in the Borough of Rushmoor (Apollo Rise) Compulsory Purchase Order 2018"

## THE SCHEDULE

Land to be purchased

Table 1: Qualifying person(s) under section 12(2)(a) of the Acquisition of Land Act 1981

<b>Name and address of qualifying person(s)</b>	<b>Extent, description and situation of the land</b>	<b>Number on map</b>
<b>Owners or reputed owners:</b> NW UK (PURE OFFICES)LIMITED 44 Esplanade, St Helier, Jersey, JE4 9WG	All interests in the Voyager Building, 2 Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	1
Lessees or reputed lessees:  Unknown	Unknown	
Tenants or reputed tenants (other than lessees): Unknown	Unknown	

### Occupiers:

HC Pyramid Electrical Limited  Suite 1 Pure Offices, Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	All rights of occupation in Office 1(113 sq.ft), 2 Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	-
The cbe Partnership Ltd  The Old Grange Lordship Road, Writtle, Chelmsford, England, CM1 3WT	All rights of occupation in Office 2 (245 sq.ft), the Voyager Building, 2 Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	-
Aedis Regulatory Services Limited	All rights of occupation in Office 3 (430sq.ft) the Voyager Building, 2	-

Aedis House Unit 3 Pioneer Court Darlington County Durham DL1 4WD	Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	
Hillier Marsden Limited  Foxhollow, Castle Hill, Farnham, Surrey, GU9 0AD	All rights of occupation in Office 5 (167sq.ft), the Voyager Building, 2 Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	-
Atlas Air inc,  2000 Westchester Avenue, Purchase, New York, 10577-2543 USA	All rights of occupation in Offices 7 and 11 (145 & 855sq.ft) Voyager Building, 2 Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	-
Tile Roof Conservatories Ltd  8 Pure Offices, Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	All rights of occupation in Office 8 (274sq.ft) the Voyager Building, 2 Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	-
Adapt Digital  Pure Offices Business Centre, Southwood Business Park, Farnborough, GU14 0NP	All rights of occupation in Office 10 (245sq.ft), the Voyager Building, 2 Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	-
Bespoke IT Solutions Limited 22 Manfield Road, Ash, Surrey, GU12 6NE	All rights of occupation in Office 17 (706sq.ft), the Voyager Building, 2 Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	-
Cevitr Ltd  Kemp House, 160 City Road, London, England, EC1V 2NX	All rights of occupation in Office 20 (430sq.ft), the Voyager Building, 2 Apollo Rise, Southwood Business Park, Farnborough, GU14 0NP	-
Machatech Design	All rights of occupation in Office	-

Limited  3 Lodsworth Southwood Farnborough Hants GU14 0RT	23 (172sq.ft), the Voyager Building, 2 Apollo Rise, Southwood Business Farnborough, GU14 ONP	
Blue Sky CAD Limited 203 Sandy Lane, Farnborough, Hampshire, GU14 9LA	All rights of occupation in Office 28 (328sq.ft), the Voyager Building, 2 Apollo Rise, Southwood Business Farnborough, GU14 ONP	-
Compare the Policies Limited  The Penthouse, 10 South Parade, Leeds, LS1 5QS	All rights of occupation in Office 30 (885sq.ft), the Voyager Building, 2 Apollo Rise, Southwood Business Farnborough, GU14 ONP	-
Dimensions (UK)Ltd 2 <sup>nd</sup> Floor Building 1430 Arlington Business Park Theale Reading Berks RG7 4SA	All rights of occupation in Office 35 (477sq.ft), the Voyager Building, 2 Apollo Rise, Southwood Business Farnborough, GU14 ONP	-

Table 2: Other qualifying person(s) under section 12(2A)(a) of the Acquisition of Land Act 1981

Name and address of other qualifying person(s)	Description of interest to be acquired	Number on map
Other qualifying person(s):  nil		



Table 3: Other qualifying persons under – not otherwise stated in Tables 1 and 2

Name and address of other qualifying person(s)	Description of the land for which the person in adjoining column is likely to make a claim
British Overseas Bank Nominees Limited and WGT Nominees Limited 250 Bishopsgate, London EC2M4AA	Eastern Adjoining Land described in a Transfer dated the 28 <sup>th</sup> September 1994 referred to in entry number 3 of the charges register of title number HP763383 being the registered title of the Land
McKay Securities Plc 20 Greyfriars Road, Reading RG1 1NL	Columbia House, 1 Apollo Rise, Southwood Business Park, Farnborough

Table 4: Land falling within special categories to which sections 17, 18 and 19 of the Acquisition of Land Act 1981 applies

Number on map	Land requirement	Area size	Special category	Description
nil	-	-	-	-

The Borough of Rushmoor (Apollo Rise) Compulsory Purchase Order 2018

The common seal of the Borough of Rushmoor

was hereunto affixed on the .....day of August 2018

In the presence of:

Authorised Signatory.....

Dated.....