

Appendix 2 - Justification for CPO

Given that the development, redevelopment and improvement at the Kerria Estate involves delivery of residential units and a retail unit, it is considered that section 226(1)(a) of the Town and Country Planning Act 1990 is the appropriate power for the CPO.

Section 226(1)(a) (in conjunction with section 226(1A)) allows the Council to acquire land for the purposes of development, re-development or improvement, so long as it thinks this will contribute to promotion or improvement of economic, social or environmental well-being of the area. The well-being requirement is met as follows:

The CPO will enable new housing and a retail unit to be delivered, which will contribute to the economic, social and environmental well-being of the area, in the following ways:

Economic:

- New retail facilities will provide for the shopping needs of the area; improving the choice, affordability and accessibility of quality food and other top-up shopping;
- the redevelopment will also generate local construction related employment as well as the employment opportunities offered by the retail unit –

Social:

- The Council considers that the demolishing of unsuitable and unpopular properties in the Kerria estate and the re-provision of Council owned affordable housing with increased energy efficiency and an improved neighbourhood layout will make best use of space whilst establishing defensible space which is structured to 'design out crime'. It is considered that these improvements will produce improved health outcomes, increased perceptions of security and community cohesion for both the estate and the wider area as well as increasing the number of units on the site, contributing towards the Council's local affordable housing requirements
- jobs and training opportunities during the redevelopment/ construction period, followed by permanent full and part time jobs within the main store when open

Environmental:

- better quality housing design and layout, incorporating a clear definition between public and private spaces, to

improve the appearance and legibility of the local environment

As well as meeting the legal requirements of the 1990 Act, the compulsory acquisition of any necessary interests in the Kerria estate meet the tests for justification as set out in government guidance (Circular 06/04) and Appendix A, as follows:

There is a compelling case in the public interest, detailed as follows.

Constructed in the late 1960s, there has been significant deterioration of the buildings and public open space within the Kerria estate, whilst its poor layout and configuration has given rise to increased vacancy of the shop units and encouraged the risk and perception of crime. The internal layout and size of the properties on the estate have proven unsuitable in meeting many tenants' needs, whilst poor accessibility and a lack of energy efficiency has also made the properties unpopular. Consequently, the estate has suffered from increased tenancy refusal rates, a high turnover of tenancies and poor sense of community, exacerbated by its negative perception as place to live amongst people living in the wider Tamworth area.

A plan of action to bring forward the regeneration of the Estate was identified in April 2012, following Cabinet approval of the Council's Housing Revenue Account Business Plan which included the delivery of area-based housing regeneration for struggling estates. The estate emerged as a priority area and feasibility work was completed in November 2012, establishing the business case and options for achieving comprehensive regeneration.

Local residents attending the public consultation events raised a number of issues affecting the Estate that they felt should be addressed as part of the regeneration proposals. Comments included the poor condition of the existing flats and maisonettes on the estate, with flats being damp, difficult to heat and poorly configured; poor external layout and lack of surveillance, resulting in heightened instances of crime and anti-social behaviour and the poor appearance of the estate which reinforces a negative perception of the area.

The planning and design process which culminated in the Masterplan for which we have outline planning permission, has sought to address the evidenced need and the issues raised by local residents by way of the following:

- Replacing the 36 flats and maisonettes with 144 well-designed homes, with a significant proportion being traditional houses with gardens consisting of 2 and 3 bedrooms;
- All properties will be outward facing and all routes are lined with properties to optimise surveillance and minimise the risk and perception of crime

- All new homes to be developed on the site are to be built to Sustainable Homes Code Level 4 standard where possible; this will ensure they are energy efficient, well insulated, and cheaper to run;

The scheme will deliver qualitative and quantitative housing gain for Tamworth by providing an additional 8 units of housing on the site, contributing towards Tamworth's housing needs.

The CPO will facilitate the regeneration of the Kerria estate through the replacement of the existing poor quality housing with new homes of improved quality and design in an improved environment.

The CPO will enable the Council's planning proposals to be implemented, replacing the existing houses with high quality homes that design out crime, that are warmer and are where people will want to live, thereby helping address housing need in Tamworth. The existing properties will be replaced with houses that have more positive architectural features creating a better sense of place than currently exists.

The Council is only able to deliver the above public benefit, by acquisition of the remaining interests on the Estate, and requires the CPO in order to be able to do this.

The unification of ownerships is necessary to enable the development to proceed. There would be no way to build the comprehensive development set out in the planning permission for the scheme without acquiring all of the outstanding interests in the Estate.

The Council owns most of the Estate already and is relocating the vast majority of the occupants of the Estate (as they are Council tenants) without CPO and only needs to acquire the remaining 6 interests via CPO in order to be able to deliver a scheme of 44 houses of significantly improved quality, delivering the benefits set out above.

Compulsory purchase is a last resort. The Council is endeavouring to acquire the remaining interests in the estate voluntarily and negotiations will continue. But, it is unlikely that it will be possible to acquire them by private agreement within a reasonable timescale. Uncertainty as to this timescale would hinder the regeneration proposals. Therefore compulsory acquisition is necessary should voluntary negotiations not succeed, to ensure the regeneration proposals are delivered.

Compulsory purchase will enable the regeneration to take place in accordance with a managed programme, providing certainty for site assembly and the implementation of the scheme. This will enable the Council's regeneration objectives for the Estate and the Borough to be achieved. The use of compulsory purchase powers is therefore considered by the Council to be necessary and justifiable in the public interest.

The Council has a clear idea of how it intends to use the land as well as all necessary resources to acquire the outstanding interests and to deliver the development. The 2015/2016 HRA business plan approved by Cabinet on 19th February 2015 allocates a regeneration budget of £30.87 million for the Tinkers Green and Kerria Schemes, 25% of which (£7,717,500) is allocated to Kerria. Budget has been allocated within this overall project budget to allow for the acquisition of land and property as outlined in the Cabinet report.

The scheme is unlikely to have any impediments to its implementation. An application for Outline planning permission was made on 23rd March 2015 and is expected to be granted on 7th July 2015. It is anticipated that the preparation and submission of reserved matters will be undertaken in quarters 1 and 2 of 2016.

The development will be funded by the Council and it will be delivered through the selection of a housing developer following a procurement process. No other landowner within the Order Lands could deliver the comprehensive regeneration required on the Kerria site and as will be delivered by the Council's proposal.

There is an identified need for new housing in Tamworth. The Borough is projected to experience a significant level of population growth and further, the supply of new housing has failed to keep up with rising demand which has created an imbalance in the market. The Strategic Housing Market Assessment update (2012) identified 1,953 households in Tamworth living in unsuitable housing and as at March 2015 there were 1,615 households registered for housing through Tamworth Borough Council's Finding a Home Choice Based Letting service.

The Local Plan sets out an objectively assessed housing need for 6,250 homes and sets a target of at least 4,250 dwellings to be delivered within the plan period (2011-2031) at an average of 170 units per annum.

Proposals for the Kerria estate have been prepared in accordance with national, regional and local planning policy and have been subject to extensive public consultation.

National Policy:

The proposals for the Kerria Estate are in accordance with the economic, social and environmental dimensions to sustainable development and the Core Planning Principles in the National Planning Policy Framework.

Local Plan:

The Kerria Estate is identified as a Regeneration Priority Area within the emerging Tamworth Borough Local Plan (Pre-Submission Document – October 2014) and the proposals for the Estate are in line with the Local Plan as follows:-

- Policy SP5 which seeks to provide a range of affordable, adaptable and high quality housing that meets the needs of Tamworth residents.
- Policy SP10 which seeks to create safe, high quality places that deliver sustainable neighbourhoods in Tamworth
- Policy HG3 which states that the Regeneration Priority Areas will be the focus for regeneration which improves the physical environment and delivers economic and social renewal. Policy HG3 seeks to enhance the mix of housing available to meet local needs, provide new, energy efficient properties, provide local community facilities and services where opportunities are available, and provide development which is of a high quality design and contributes towards designing out crime and improving the attractiveness of an area.
- Policy HG4 seeks the provision of at least 1,000 affordable housing units over the plan period.

Other Policy considerations:

Redevelopment of the Estate will also support the objectives of the following non-statutory planning documents:

- Southern Staffordshire Housing Needs Study 2012 and 2014 Update
- Feasibility Study for Kerria Estate (Tamworth Borough Council Housing and Health Directorate) 2012); and
- Statement of Consultation for Kerria (2015).

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