

THE HOUSING ACT 1985

AND

THE ACQUISITION OF LAND ACT 1981

**BOROUGH OF TELFORD & WREKIN COUNCIL (GLEBE STREET, WELLINGTON) COMPULSORY
PURCHASE ORDER 2022**

STATEMENT OF REASONS

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1 INTRODUCTION

- 1.1 This document is the Statement of Reasons of Telford and Wrekin Council (“**the Council**”) prepared in connection with the making of a compulsory purchase order entitled the Borough of Telford and Wrekin Council (Glebe Street, Wellington) Compulsory Purchase Order 2022 (“**the Order**”), which is submitted to the Secretary of State for Levelling Up, Housing, Communities (“**the Secretary of State**”) for confirmation. The Council is the acquiring authority for the purposes of the Order. The Order is made pursuant to the Council Resolution at Cabinet on [6 January 2022]
- 1.2 The Council has made the Order pursuant to powers in section 17 of the Housing Act 1985. These powers are explained later in this Statement of Reasons. In this document the land included within the Order and the subject of proposed acquisition is referred to as “**the Order Land**”. The Council is the local planning authority and the local highway authority for the Order Land.
- 1.3 The Order has been made to facilitate the acquisition of land for the provision of housing accommodation (“**the Scheme**”). The Scheme will enable the comprehensive redevelopment of the Glebe Street/High Street area of Wellington, Telford, a key gateway location close to Wellington Town Centre (“**the Town Centre**”).
- 1.4 The Order is necessary to ensure land assembly for the proposed residential development, to provide up to 70 new general needs and affordable housing properties to rent (exact number subject to detailed design). The area of the Order Land to be acquired encompasses [12] property interests.
- 1.5 Planning permission to demolish the current properties (application reference TWC/2021/0815) was granted on 9 September 2021. A public consultation on the planning proposals was undertaken on 27 September 2021 and a detailed description of the Scheme proposals is found at Section 4 of this Statement of Reasons.
- 1.6 This Statement of Reasons has been prepared in compliance with paragraphs 22 and 196 of the Government “*Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion*” (July 2019) (“**the Guidance**”).

2 DESCRIPTION OF THE ORDER LAND

2.1 The Order Land comprises [12] remaining property interests listed in table in section 7

2.2 The properties comprise a small number of flats in 2 and 3 storey blocks constructed in the 1960s and forming part of the Glebe Street housing complex originally comprising 130 dwellings located close to the centre of Wellington Town, one of the towns that together form the Borough of Telford and Wrekin Council.

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3 ENABLING POWERS AND PURPOSE OF THE CPO

- 3.1 The Council is empowered by section 17 of the Housing Act 1985 to acquire land, houses or other properties by compulsion for the provision of housing accommodation. A requirement of the exercise of the power is that the acquisition must achieve a quantitative or qualitative housing gain.
- 3.2 The Government has prepared the Guidance. The Council has had regard to and followed the Guidance where appropriate in relation to the Order.
- 3.3 The Council's purpose in seeking to acquire the Order Land is to enable the construction, through its Registered Provider delivery partner, Wrekin Housing Group, of up to 70 new dwellings (the precise number being subject to the approval of a planning application). The new dwellings are proposed to be a mixture of general needs housing and affordable properties to rent and make a significant contribution to meeting the need for new, quality homes in the Wellington town centre.

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4 THE SCHEME

4.1 As set out in section 1 above, the Scheme involves the delivery of new residential development in the Glebe Street complex to include St John St and Nelson Court. The Scheme represents a coherent residential development in its own right and will provide a high level of amenity for occupiers without reliance on the development of any future phases.

4.2 The Scheme will bring about the demolition of the existing dwelling comprising 130 residential units to be replaced by up to 70 new residential units.

Quantitative Housing Gain

4.3 The Scheme will not bring about any quantitative housing gain per se although it will deliver a broader range of housing types which better match demand in the local affordable rented market. For example, it provides for bungalows and houses, where the demand for these types of properties is high, replacing flats, for which there is an oversupply in the local area.

4.4 The existing flatted development was at 80% occupancy levels when the decanting began. The Scheme is anticipated to achieve occupancy levels of nearer 100%. The Wrekin Housing Group stock profile in Wellington indicates an oversupply of flats with 526 flats in the Wellington area. The majority of these flats are within a 10-minute walk and are newer, often with the benefits of designated parking and private amenity space. They also sit within an area of mixed property style and tenure type estates. In addition, a number of good quality private rented blocks are situated adjacent to the site along High Street, close to the Medical Centre and the Glebe Centre. In addition, the Glebe Centre has been earmarked for conversion to flats. It is therefore unlikely that refurbishing the flats the subject of the Scheme would result in occupancy levels increasing due to the oversupply of this type of accommodation in the area.

Qualitative Housing Gain

4.5 The new scheme will be designed in line with secured by design principles. This is particularly beneficial as the flats on the Glebe Street site have a lack of private amenity space, are inaccessible for the elderly or people with disabilities and have inadequate parking facilities. The site is characterised by large swathes of hard landscaping, including high walls, dark alleyways and long deck access corridors open to the elements. Refuse facilities in many instances cannot be accessed near to the home and involves travelling up and down flights of stairs and across roads/parked vehicles. Fly tipping as a result is a major issue. The blocks are also suffering from design and age-related issues including poor drainage and leaks from the flat roofs and balconies causing flooding into the communal areas and water ingress into the ground floor flats. The current properties are difficult to heat and suffer from damp related issues. As a result, demand to rent is low and would remain low.

4.6 The Scheme will bring about significant improvements in the housing stock at this location because it will:

4.6.1 provide up to 70 new homes designed for a range of household types such as families. This contrasts markedly with the predominantly single person households that lived in the existing flats. The greater variety of household types creates a more balanced, sustainable community which is expected to take greater advantage of the local offer in what is a highly sustainable location. The proposed Scheme is situated within a few minutes' walk of the principal shopping streets of Wellington, leisure and community facilities such as the Swimming Pool, Orbit Community Cinema & the Belfrey Theatre. The Scheme is located very close to Wellington bus and train stations providing excellent connectivity to other parts of Telford, Shrewsbury, the wider West Midlands and beyond. Good schools and Telford College and a variety of workplaces are all situated within close proximity of the Scheme;

4.6.2 provide a range of accommodation types and sizes all at an affordable rent. These will include 9 bungalows, 49 houses, and 12 apartments. 15 of the properties will be built to M4 (2) standard. The ground floor apartments and bungalows will provide level access and walk-in showers suitable for those with mobility problems. This will reduce the number of younger tenants with mobility issues currently having to be housed in Wrekin Housing Group bungalows thereby freeing up this stock for more mature households;

4.6.3 provide a range of property types that will encourage a diverse and inclusive community to develop in a neighbourhood well placed to reduce dependence on the private car and to promote walking and the informal interactions between neighbours that result;

4.6.4 provide private parking and refuse collection facilities located within the curtilage of each dwelling replacing current requirements to travel long distances and between floors to access such facilities. Communal refuse points will be significantly reduced and so reduce fly tipping issues which are currently prevalent;

4.6.5 provide an attractive and high-quality residential development on what is a key gateway location into and through the market town of Wellington;

4.6.6 replace the current medium rise, high density, low quality housing provision with modern energy efficient homes. All of the new homes are specified to achieve energy performance in compliance with Part L of the Building Regulations as a minimum which generally translates to an EPC B rating. However, going forward, Wrekin Housing

Group aspire to achieving enhanced U values to the fabric of the building to the equivalent of an A rating where financial viability permits; and

- 4.6.7 complement the nearby housing provision rather than compete with the high number of flats that surrounds it. This will result in the transformation of the local street scene and contribute to the health and well-being of residents with private landscaped gardens, to relax, exercise, play and undertake domestic activities such as drying clothes. Thereby replacing the concrete walkways and communal bin storage areas and underutilised areas of public space. Private and discreet parking drives replacing the current haphazard arrangement of parking on verges, paths, communal drying areas and green spaces. Refuse collection immediately adjacent to the home. The new development will provide warm, energy efficient homes producing lower fuel bills for tenants. The Scheme has been designed to complement and be sympathetic to the local heritage along the High Street. Following consultation with the Council's Heritage Officer the street scene reverts back to a style that was originally there. The concrete blocks being replaced with terraces of a mixed height and roof line with direct access onto the High Street itself. As such the Scheme will provide long term on-going sustainable demand therefore benefitting the area and the local community and nearby facilities/services.

5 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

The statutory and policy tests

- 5.1 Section 17(1) (a) Housing Act 1985 (“**1985 Act**”) provides that a local housing authority, the Council in this instance, “*may for the purposes of this Part acquire land as a site for the erection of houses*”.
- 5.2 Section 17(2) of the 1985 Act provides that, “*The power conferred by subsection (1) includes power to acquire land for the purpose of....disposing of the land to a person who intends to provide housing accommodation*”.
- 5.3 Section 17(3) provides that “*Land may be acquired by a housing authority for the purposes of this Part by agreement, or they may be authorised by the Secretary of State to acquire it compulsorily*”.
- 5.4 Section 17(4) provides that “*A local housing authority may, with the consent of, and subject to any conditions imposed by, the Secretary of State, acquire land for the purposes of this Part notwithstanding that the land is not immediately required for those purposes; but an authority shall not be so authorised to acquire land compulsorily unless it appears to the Secretary of State that the land is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order.*”
- 5.5 The Guidance at paragraph 146 provides that, “*Section 17 of the Housing Act 1985 empowers local housing authorities to acquire land, houses or other properties by compulsion for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain*”.
- 5.6 Further, at paragraph 147 of the Guidance it provides that, “*The main uses of this power have been to assemble land for housing and ancillary development, including the provision of access roads; to bring empty properties into housing use; and to improve substandard or defective properties. Current practice is for authorities acquiring land or property compulsorily to dispose of it to the private sector, housing associations or owner-occupiers*”.

Existing Housing Need

National policy

- 5.7 The Government, through the National Planning Policy Framework (“**NPPF**”), are clear that the quality of housing provision must be improved in order to: improve people’s health and well-being, combat climate change, create beautiful places and encourage regeneration of high streets and town centres.
- 5.8 The recently released National Design Guide and Design Code reinforce the need for improvements in the quality of housing, public realm and the natural environment. This is further evidenced by the NPPF with the emphasis on ‘*Achieving well designed places*’ including the need to ensure development enhances the quality of an area over the long term.

- 5.9 Housing quality is a critical determinate of public health. This includes the elements such as the physical fabric of a building, the size and space of living accommodation, the design of the building and provision of private amenity space or access to green open space. It is recognised that older designs of public housing can be detrimental to public health, encourage anti-social behaviour and limit life chances.
- 5.10 The Government have set a target of achieving carbon neutrality by 2050. This will only be achieved if the standard of housing is improved, homes are retrofitted for insulation and renewable energy, housing that has passed its design life is re-developed and through the development of new climate ready housing. The Government are addressing this through the 'Housing Standards Review' and the 'National Adaptation Plan 2018 – 23'. The National Planning Policy Guidance is clear that addressing climate change is one of the core land use planning principles that should underpin Local Development Plans. To be found sound, Local Plans need to reflect this principle and enable the delivery of sustainable development including the delivery of better housing.
- 5.11 National policy also supports the regeneration of town centres through the re-purposing of brownfield land and creating places where people want to live and work. The delivery of good quality residential development is a critical element of sustaining and growing town centres. The re-development sites including housing that is beyond its design life and detrimental to centres is encouraged through National Planning Policy and the Government's 'levelling up' policy.

Local housing policy

- 5.12 The Telford & Wrekin Local Plan was adopted in 2018 and provides a framework for regeneration, redevelopment and growth within the Borough. The plan allocates sites for housing and employment development that meet some of the local development needs. It also allows for windfall development to come forward to support the re-use of previously developed land and redevelopment of poorer quality housing.
- 5.13 The quality of development is addressed in design policy BE1 and policies also cover development in and around local centres as the need for a mix of housing within the borough. Policy HO4 addresses the need for a better mix of homes to support a variety of housing needs including the need for accommodation that, for example, enables older people to live at home for longer. Policy HO6 covers Affordable Housing Delivery this includes the need to provide 'tenure blind' properties.
- 5.14 The emerging Local Plan review will further address the need for regeneration of older centres and new town housing as well as a greater emphasis on addressing climate change as part of new development. Initial consultation on 'issues & options' was undertaken autumn 2020.
- 5.15 The Council's overarching Housing Strategy, 2000 – 2025 sets out how it will work as an enabler, a regulator and a consumer champion to meet the housing needs of its borough.

- 5.16 The Strategy complements other key documents, such as the Telford & Wrekin Local Plan and Climate Change Strategy and provides a framework for other supporting strategies. It recognises that the Borough's homes are a major asset and that while new housing is important, we need to make sure the homes we already have are as good as the best of the new ones that are being built today. The most recent Strategic Housing Market Assessment ("**SHMA**") for the Borough identifies an annual shortfall of more than 650 affordable homes each year.
- 5.17 This Strategy reflects the belief that a decent place to live is the foundation on which people build their lives. If you've got a good quality home, then health, employment, educational achievement and a happy family life are often much easier to obtain. The right balance of good quality homes, which are affordable, sustainable and provide variety, choice and accessibility, are essential to the economic prosperity, health and wellbeing of the people in our borough. The document sets out three key objectives:
- ***To create sustainable, accessible, affordable and integrated communities.***

This includes promoting high standards in all new build homes including affordability, accessibility and environmental performance.
 - ***To make the best use of our existing homes***

As part of this the Council will support the positive redevelopment and improvement of existing homes to address climate change and reduce fuel poverty. It will also continue to work to bring empty homes back into use. In addition, it will create a new focus on housing renewal in the borough to deliver sustainable, cohesive communities and champion high physical and management standards through its 'Better Homes for All' programme and its exemplar Nuplace initiative.
 - ***To provide homes to support and empower our most vulnerable people.***

This includes increasing the supply of specialist and accessible homes, helping local people to find and sustain the homes they need and promoting independent living for as long as possible.
- 5.18 The Council works closely with the Wrekin Housing Group ("**WHG**") who are the largest Registered Provider of social housing in the Borough, with a stock of over 9,000 homes. WHG is also the biggest local developer of new affordable homes, delivering 200 - 300 new affordable homes each year. WHG is also undertaking a successful long term redevelopment programme of its existing housing stock – this includes the re-provision of unpopular and poor-quality medium-rise apartments and their replacement with family and other homes, together with the remodelling or re-provision of existing specialist housing schemes.
- 5.19 To underpin the approach to housing quality the Council have adopted a 'Supported & Specialist Accommodation Strategy'. The document identifies a range of vulnerable residents and quantifies their need for housing over the next decade¹. The information contained in the strategy is an

¹ Page 23, Telford & Wrekin Supported & Specialist Accommodation Strategy.

indication of the need to deliver housing to meet varying needs including housing for older people by shared ownership, social and affordable rent housing. The Council are in the process of developing a Support & Specialist Accommodation Supplementary Planning document which will provide further clarity for the development schemes.

Local need for a qualitative improvement in housing

5.20 The Scheme accords with national and local planning policy and are wholly consistent with the Council's support for improved housing within the borough. The Scheme is located on the edge of Wellington Centre and conservation area and consists of flats built during the 1950s. The existing development is no longer fit for purpose, as evidenced by the design, condition of the properties and the likely cost of bringing them up to modern housing standards. The properties are poorly insulated and glazed with low levels of energy efficiency. This increases the running costs for residents as they have to spend more to heat their homes during winter period. The proposed development would provide higher quality energy efficient homes that would help lower running costs for residents that are likely to be on lower incomes helping to address issues of 'fuel poverty'. The Council's 'Affordable Warmth Strategy' highlights that around 10% of homes within the borough are in fuel poverty, this includes:

5.20.1 7,220 households considered to be in fuel poverty; and

5.20.2 6,520 homes suffer from living in cold and damp conditions.

5.21 The location on the edge of Wellington High Street is a limiting factor in the redevelopment and regeneration of this area of the town. Considerable public benefit will be derived from better quality housing making this area of Wellington a more attractive place to live and invest. In consultation with the Council's Heritage Officer, the Scheme will deliver a development that is more in keeping with the surrounding buildings and historical heritage of the area by returning a street scene reminiscent of its historical past by providing an attractive frontage onto the High Street, as opposed to the current, set back poor quality high rise flats, which will help improve the street scene creating a more cohesive and positive environment for further investment in residential and commercial development. It will also help accelerate the regeneration and re-use of more aesthetically pleasing older properties on the opposite side of the High Street. The Council has been successful in securing £22m investment through the Town's Fund, this will include a significant investment in Wellington centre.

5.22 Policy HO6 Affordable Housing Delivery will ensure that the design of the properties will be tenure blind, this will be a marked change from the existing properties that are of a poor-quality design. The properties are of a 'public sector' housing design and as such suffer from poor perceptions and limit their desirability. The poor perception of housing can also impact on residents' mental health and life chances.

5.23 The ageing design of the flats limits the scope of residents who can be housed in this type of accommodation including elderly residents and those with limited mobility². The replacement of flats with a mixed housing development will greatly assist in providing more accessible accommodation, with opportunities for step free access to properties. The development will also replace the poor-quality shared spaces and small balconies with much needed private gardens providing residents with ready access to open space and fresh air. The Council's Supported & Specialist Accommodation Strategy (March 2020) identified the need for accommodation that meets the needs of older residents that the current flats do not effectively do, this includes:

- an immediate need for 700 homes for older people for sale or shared equity. This increases to 900 homes by 2031; and
- an immediate need for 340 homes for older people for social or affordable rent. This increases to 920 homes by 2031.

In conclusion, the Scheme will see the replacement of 130 flats of similar size and design with up to 70 new homes which provide a mix of much needed 1 bed apartments³, bungalows and 2 to 3 bedroom homes.

5.24 The mix of housing provision and the uplift in the quality and liveability of the homes will justify the loss of 50 flats that are recognised as beyond their design life, have limited scope for modernisation, provide a very limited offer for meeting identified housing needs and are subject to levels of under occupation.

5.25 Further, the loss of 50 units will be offset by the Council's strong record on the delivery of affordable housing running at an average of 300 units per annum.

Wider social, environmental and economic benefits

5.26 The Scheme represents a significant investment in a key strategic area of Wellington, the benefits of which will be considerable to the social, environmental and economic well-being of the Council's area, including by means of:

- 5.26.1 delivery of a variety of housing types that complements the surrounding housing provision rather than competes with it. Providing accommodation more suited to the growing demand in Wellington and a living environment and offer that is not currently available at this site;
- 5.26.2 provision of modern energy efficient homes so aiding residents to reduce their fuel bills and therefore impact on the environment;
- 5.26.3 a scheme specifically designed with the heritage and historical context of the street scene at its heart. Returning this area of the High Street to a scene reminiscent of its thriving past;

² 85+ age group is projected to more than double between 2017 and 2031 growing from 3,170 to 6,900, source Telford & Wrekin Supported & Specialist Accommodation Strategy.

³ There is strong demand for 1 bed dwellings through the Council housing nominations process.

- 5.26.4 its location will contribute immensely to the local economy being adjacent to town centre, train and bus stations and other facilities including leisure & health;
- 5.26.5 the new housing will also help address the wider objectives of the Council and health sector to enable residents to live in their homes for longer through the provision of accessible homes;
- 5.26.6 the housing will also help improve resident's access to private outdoor amenity space through the provision of private gardens;
- 5.26.7 improving the image and perception of the Glebe street area and beyond in what is a key gateway into Wellington;
- 5.26.8 optimising the use of land in an important gateway location to Wellington town centre and supporting the wider regeneration of the high street area; and
- 5.26.9 the new housing will be to a higher standard of build quality, energy efficiency and design. It will help lower living costs for residents in need of affordable housing at a time of rising prices. It will also contribute positively towards the Council's aspiration for a carbon neutral borough as set out in the Council's Climate Change Action Plan⁴;

Compliance with the Guidance

- 5.27 Paragraph 147 of the Guidance indicates certain information is to be included with applications for confirmation of compulsory purchase orders made pursuant to section 17 Housing Act 1985. The information required is as follows:
- 5.28 There are currently around 78,000 dwellings in the borough of Telford & Wrekin.
- 5.29 Total number of substandard dwellings (i.e. the quantity of housing with Category 1 hazards as defined in section 2 of the Housing Act 2004).
- 5.30 The most recent sample stock condition survey (2008) for the borough estimated that 14.4% of dwellings across the borough had a Category 1 Hazard. Of these 7,110 were houses and 2,870 flats.
- 5.31 The highest rate of Category 1 Hazards were in the private rented sector (21.3%), followed by owner occupied (13.9%) and social housing (12.3%) dwellings. The main reasons for Category 1 Hazards were excess cold (65.9%), damp & mould (19.3%) and falls on stairs (16.2%). These are found in properties of all ages, but to a much lesser extent in those built since 1980.
- 5.32 There are currently 74,790 households in Telford & Wrekin (2017). The most recent Strategic Housing Market Assessment (SHMA) for the borough estimates an annual net shortfall of 665 affordable homes across the Borough each year (2016). While the Council has worked with local providers to deliver 1,940 new affordable homes over the last six years to 2020, the equivalent of 85% of these (1,640) have left the social sector as a result of enforced and unenforced sales and

⁴ <http://www.sustainabletelfordandwrekin.com/>

demolitions. In April 2021 the joint Choice Based Lettings housing application system was replaced by individual arrangements by local housing providers.

5.33 The Council's Specialist & Supported Accommodation Strategy (2020) identifies the need, by 2031, to provide by a further 920 homes for older people and 780 for a range of vulnerable groups for social/affordable rent.

5.34 The new homes on this site will be part of a comprehensive redevelopment scheme by the overall owner, the Wrekin Housing Group. This will include a range of general needs and accessible housing built to a M4 (2) standard and delivered with the support of the Homes England Affordable Homes Programme, 2021 – 2026. The Scheme will provide a range of property types and sizes including flats, bungalows and houses ranging from 1 to 3 bed in size and will be NDSS compliant. The properties will be owned and managed by WHG and all will be available at an affordable rent.

5.35 The Scheme will deliver affordable housing and is not intended to meet the specialist housing need of any particular group.

Whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe

5.36 The Scheme including the Order Land has been identified as the appropriate site for the delivery of up to 70 new dwellings. The purpose of the Scheme and its benefits are set out above. A comprehensive approach to development is required to realise the aspirations of the relevant planning policies and the public benefits that would result.

5.37 Refurbishing the flats is not a viable option. There are fundamental flaws with the current design and layout of the site which cannot be fully overcome by refurbishing the blocks. For instance:

- there would remain a substantial lack of private amenity space;
- access to many of the blocks and individual flats would remain inaccessible for the elderly or people with disabilities;
- the current layout would not allow for increasing parking facilities significantly enough, therefore the site would continue to have completely inadequate parking facilities;
- the site is characterised by large swathes of hard landscaping, including high walls, dark alleyways and long deck access corridors open to the elements. The majority of this would remain if the blocks were refurbished;
- the refuse facilities would continue in many instances to only being accessed by traveling long distances, across roads and up and down stairs; and
- the overall build quality would remain poor despite refurbishment due to some significant design related issues such as poor drainage and cold bridging.

- 5.38 Refurbishment is therefore not considered viable as it would not solve the issues outlined above. In addition, due to the oversupply of flatted accommodation close by there would be a significant risk that occupancy levels would not increase.
- 5.39 Allowing individual leaseholders the option to retain ownership would make the overall development unviable. This is because the individual leaseholder flats are pepper-potted across the site and their flats are in blocks of up to 14, with a number of the blocks attached to each other which would result in large areas of land being made redundant for the purposes of redevelopment. The majority of the flats have also been stripped out to deter vandalism and theft of metal making them uninhabitable. In addition, under the terms of their leases individual leaseholders would be required to pay substantial sums to pay for any refurbishment. A number are on low income and feedback previously obtained from the remainder reveals a reluctance to pay such an outlay. The piecemeal development of individual parcels within the Order Land is therefore not a realistic alternative, as it would be a highly inefficient use of land, lacking in coherent design and prohibitively expensive making the scheme financially unviable. Moreover, the Council and its partners would lack any control over timescales, and thus put at risk the LEP grant funding already obtained & future Homes England funding available to realise the Scheme. The LEP funds would need to be returned, and the development halted altogether. There would, furthermore, be no certainty of any delivery as the site would be left empty and boarded up with no prospect of regeneration thereby attracting anti-social behaviour and crime and severely impacting the quality of life of nearby residents.
- 5.40 Whilst discussions have taken place with affected leaseholders, the WHG has been unable to acquire all of the relevant interests required for the Scheme by agreement and, whilst discussions with leaseholders will continue throughout the CPO process, there is a risk of the site not being fully assembled without the use of compulsory purchase powers.
- 5.41 The Council's role is primarily one of enabling development. It is considered that the failure to bring forward the Scheme for redevelopment, in spite of a positive planning framework, is largely down to the fragmented nature of the leaseholders across the site and the difficulty in creating developments that are economically viable, where the costs of brownfield remediation are high and market prices are comparatively modest when compared with more attractive greenfield locations. These matters cannot be realistically addressed without the intervention of the Council.
- 5.42 Wrekin Housing Group has committed funding (both grant aid from Homes England through the HIF, its own revenue resources and funding from the Marches LEP) to support the acquisition of the Order Land. The Council is providing administration, project management and professional services / expertise to complete land assembly to support WHG.
- 5.43 In conclusion, the Council is satisfied that it has met the test in section 17 of the Housing Act 1985. The Scheme will achieve a qualitative housing gain. The Council is also satisfied that the dis-benefits arising from the interference with private rights are outweighed by the benefits of the Scheme to the public interest.

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6 CONSULTATION

- 6.1 Prior to submission of a detailed planning application, consultation was undertaken with local stakeholders, businesses, community groups and the general public in the Glebe Street/High Street area via an online consultation event. This was complemented by a public consultation event held at Wellington Library on 27 September 2021. In addition, in the years preceding, regular walkabouts with local residents took place to inform WHG. A resident's meeting was held in January 2020 to discuss the views of residents living in the flats and the issues they felt were of major concern. Individual one-to-one discussions have also been held between WHG and resident tenants and leaseholders with regards the issues the properties faced and to discuss how this could affect them. The issues raised at these discussions including ASB, parking, & hard to heat properties have helped to inform the masterplan and a number of changes to the outline design have been made in response to feedback and comments taken into account in the design proposals.
- 6.2 With regard to the acquisition of land and properties and the potential use of compulsory purchase powers, Wrekin Housing Group have had regular discussions with occupiers/ landowners concerning the problems on the estate and the potential impact on their properties from 2016 onwards.
- 6.3 With regard to the acquisition of land and properties and the potential use of CPO powers, the following engagement activities have taken place over the previous 4 years:
- 6.3.1 **2016 to 2021** (inclusive) – Initial conversations held with affected leaseholders in High Street, Nelson Court, York and Glebe Street flats to discuss the repairs and demand related issues at their block. Also the potential financial impact on them if WHG undertook improvements.
 - 6.3.2 **2016 - 2020** – further individual discussions with leaseholders culminating in the purchase of 10 flats.
 - 6.3.3 **January 2020** – Residents' meeting held to discuss on-going issues of concern for residents living in the complex. Concerns raised included anti-social behaviour, crime, poor lighting, safety, lack of parking, damp and cold properties.
 - 6.3.4 **January - October 2021** – discussions held with WHG tenants and tenants of investor landlords. Individual discussions with leaseholders at St John Street commenced and purchases agreed.
 - 6.3.5 **May 2021** - Consultation meeting with local ward councillors, faith and community leaders to discuss proposals.
 - 6.3.6 **September 2021** – Public consultation event to share planning proposals.

7 EFFORTS TO ACQUIRE LAND BY AGREEMENT

- 7.1 Single ownership of the Order Land is required to implement the Scheme. Discussions have been taking place with individual landowners. These commenced in 2016 and concern the high on-going maintenance requirements of ownership. Wrekin Housing Group has where applicable acquired property from 2016 to the current day.
- 7.2 Wrekin Housing Group have provided support to occupiers and owners by providing re-housing options suitable to the individual occupier in the form of: rented accommodation, purchasing a similar property from the Wrekin Housing Group or a straight purchase. In addition, they have provided affordable housing for the tenants of investor landlords when applicable. Wrekin Housing Group continue to actively engage with the remaining landowners with a view to reaching a settlement acceptable to both parties for the acquisition of their interest in the land.
- 7.3 WHG has been active in its engagement with owners and occupiers of the Order Land. In addition, on 29 July 2021 WHG wrote to all remaining landowners in the development area to formally advise them that it wanted to purchase their interests by agreement in order to progress with the redevelopment and also extend the offer of assistance with relocations. The letter also advised of the relationship with the Council and its support with the proposed CPO. A total of 14 separate third party land interests across the entire development area were identified and the Council subsequently issued requisitions for information under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. This resulted in replies from all affected parties promoting further conversations with WHG and the Council about the regeneration plans and professional support available to assist with compensation claims and relocation. The Council employed a specialist land referencing company, Land Referencing Services, to support this exercise.
- 7.4 The Order Land houses [12] remaining property interests and WHG has proactively sought to engage with all interests within the Order Land. Negotiations have been opened with all affected parties and thus far, WHG has been able to agree terms with [10]. Only [2] interests remain and the situation in respect of each of the residential occupiers in the Order Land is summarised below:

Address of affected property	Order map reference	Status of negotiations
32 Nelson Court Wellington	3	Sale agreed. Awaiting legal completion.
5 Glebe Flats, Wellington	11,12	Negotiations are on-going
3 St John Street	2	Sale agreed. Awaiting legal completion
11 St John Street	1	Sale agreed. Awaiting legal completion
19 St John Street	4	Sale agreed. Awaiting legal completion.
29 St John Street	5	Sale agreed. Awaiting legal completion
33 St John Street	6,7	Sale agreed. Awaiting legal completion.
43 St John Street	6,7	Sale agreed. Awaiting legal completion
51 St John Street	10	Sale agreed. Awaiting legal completion
41 St John Street	8,9	Sale agreed. Awaiting completion

- 7.5 The Council considers that the use of its compulsory purchase order making powers to acquire all outstanding interests in the Order Land is now necessary as it has not yet been possible to achieve this by agreement and it is unlikely that it would be able to do so within an acceptable timescale without the Order.
- 7.6 The Council and Wrekin Housing Group is continuing to engage with those affected but now it is considered appropriate to proceed with Order in parallel in parallel with attempts to acquire by agreement, as contemplated by the Guidance.

8 IMPEDIMENTS TO DELIVERY

- 8.1 The terms of the Marches LEP grant funding is that the scheme must be delivered in its entirety by March 2025 it is therefore vital to purchase all remaining interests in order to meet that deadline.
- 8.2 A pre-planning application has been undertaken and support for the principle of redevelopment has been obtained.
- 8.3 Planning permission has been granted to allow the demolition of the existing site (TWC/2021/0815)
- 8.4 A stopping up order under section 247 of the Town and Country Planning Act 1990 will be required at the head of St John Street (southern end) as the road will require reconfiguring to allow access to new properties and for a turning head to be established.
- 8.5 In summary, there are no known significant planning or other consenting impediments to the delivery of the Scheme once land assembly has been completed.

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9 CONSERVATION AREA AND LISTED BUILDINGS

- 9.1 The Order Land is not within a conservation area and contains no listed buildings.
- 9.2 The Council is currently undertaking a review of Wellington Conservation Area and the consultation is open until 21 December 2021. Should the Order Land subsequently fall within a conservation area, the proposed development will be sympathetic to the area's requirements.

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10 SPECIAL CATEGORIES OF LAND

10.1 There are no known special categories of land within the Order Land.

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11 DELIVERY AND FUNDING

- 11.1 Paragraph 13 of the Guidance requires that the Council demonstrate that all the necessary resources are likely to be available to deliver the Scheme within a reasonable time-scale. Section 17(4) of the Housing Act 1985 provides that the Secretary of State may not confirm a compulsory purchase order made under these powers unless he is satisfied that the land is likely to be required within 10 years of the date the order is confirmed.

Delivery

- 11.2 Planning permission to demolish the blocks on the site has been obtained. In addition, positive comments have been received at pre-application from the Local Planning Authority supporting the principle of demolition and redevelopment of the site.
- 11.3 A grant funding agreement between the Council and WHG has been signed. This agreement provides for grant from the Marches LEP to be utilised on the pre-construction phase of the development. The terms of the grant funding impose strict timescales on delivering the development.
- 11.4 A Pre-construction services agreement between WHG and Lovells was signed in April 2021 covering works up to entering a build contract. In addition, an Early Works Agreement for service disconnections, asbestos removal and demolition works in advance of the Main Works will be signed shortly.
- 11.5 Lovells have been selected via a Direct Call Off from the Pagabo Framework. Pagabo can facilitate this project given that the Frameworks and subsequent call-off contracts are OJEU / PCR2015 compliant. Direct Award has been chosen as the best value approach due to the benefits of Early Contractor Involvement along with the programme and spend requirements of the Funding. Lovells have previous experience of working with TWC & Nu Place on delivering regeneration projects. WHG have an excellent recent history of demolition and redevelopment of similar sites across the Telford & Wrekin area.

Funding required to deliver the Scheme

- 11.6 The scheme represents an investment of over £14 million pounds. This will be delivered by a mix of funding including Marches LEP grant, Homes England funding and directly from WHG.
- 11.7 Funding for the pre-construction phases has been secured via a Stronger Communities – Get Building Grant administered via the Marches Local Enterprise Partnership.
- 11.8 Upon demolition the scheme will be eligible for funding from the Homes England Affordable Homes Programme 2021- 2026.
- 11.9 WHG have secured the relevant internal approvals to fund any remaining balance required to successfully deliver the Scheme.
- 11.10 The Council is therefore satisfied that sufficient funding is available to:

- 11.10.1 complete the compulsory acquisition of the Order Land and meet statutory compensation claims together with all resource costs associated with making the Order;
 - 11.10.2 deliver the infrastructure required to facilitate the Scheme; and
 - 11.10.3 deliver the Scheme.
- 11.11 The Council is also satisfied that the Order Land will be required for development well within the 10-year statutory timescale, and WHG will enter into a grant agreement with Homes England which requires the same.

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12 HUMAN RIGHTS

- 12.1 Determining whether or not to confirm the Order, the Secretary of State must have regard to any interference with human rights, the provisions of the Human Rights Act 1998 and the European Convention on Human Rights (“**the Convention**”). The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order Land. The Secretary of State has also to be satisfied that the land included in the Order is necessary to secure the delivery of the Scheme and does not include land which is not required for that purpose.
- 12.2 Article 1 of the First Protocol to the Convention states that “...*Every natural or legal person is entitled to 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 the law and by the general principles of international law...*”. Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed and the powers are exercised, this will be carried out in accordance with the law, in this case the Acquisition of Land Act 1981. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Scheme are set out earlier in this Statement of Reasons. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the proposals and those private rights which will be affected by the Order.
- 12.3 Article 6 of the Convention provides that: “*In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law*”. The proposals, including those associated with the Order Land, have been extensively publicised and consultation has taken place with the communities and parties that may be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, and objecting parties will have the right to be heard at a public inquiry. It has been held that the statutory processes are compliant with Article 6 of the Convention.
- 12.4 Article 8 of the Convention states that: “*Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.*” The Council considers that any interference with this right that would result from the exercise of the powers conferred by the Order will be in accordance with the law (namely the Act), give effect to a legitimate aim (namely securing a qualitative improvement in the housing available in Wellington), and will be proportionate having regard to the public benefits to be secured.
- 12.5 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the compulsory purchase Compensation Code, assessed on the basis

of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.

- 12.6 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that *“regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”*. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties. Similarly, any interference with Article 8 rights must be *“necessary in a democratic society”* i.e. proportionate.
- 12.7 In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention Rights is considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the proposals will bring.
- 12.8 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate.
- 12.9 There has been public consultation on the proposals to redevelop this area, and further opportunity will be given through the consideration of the planning applications to make representations on the proposals. If objections are received, a local public inquiry will be held into the Order, and those, whose interests are acquired under the Order, if it is confirmed, will be entitled to compensation as provided for by law.

13 EQUALITY AND DIVERSITY

- 13.1 In line with the Equality Act 2010 the Council has undertaken an Equalities Impact Assessment as part of its decision-making exercise, considering the impacts of the proposals on those affected, identifying whether there may be any impact on a protected group of individuals, establishing whether there are negative impacts and how these could be mitigated.
- 13.2 The Equalities Impact Assessment has identified the positive benefits the development of the Order Land would have on the Council's area as a whole in the form of housing stock better suited to the demands of the local area. This will include replacing the current over supply of flatted accommodation with stock that is currently in short supply including houses and bungalows. Together with apartments with level access and bathrooms designed for the less mobile, thereby relieving the demand on WHG bungalows in the Wellington area. These development opportunities will address the following Public Sector Equality Duty aims:
- 13.2.1 elimination of discrimination – the new homes will include affordable provision, and will be highly accessible by public transport and close to some of Wellington's most diverse areas, in terms of ethnicity and nationality. It is anticipated that the demographic profile of those benefiting from the new homes will reflect the diverse population of the Council's area covering all protected characteristics;
 - 13.2.2 promotion of equality of opportunity – the housing opportunities which will expand opportunities and outcomes available locally;
 - 13.2.3 fostering good relations between different groups of people – by providing a pleasant and walkable residential neighbourhood, reducing dependence on the private car, easy access to Wellington town centre, people from all backgrounds will be encouraged to use the public realm spaces, providing more opportunities to mix and participate together in community life.
- 13.3 WHG have also considered Equality, diversity & inclusion as part of its decision-making processes. This has included considering the impacts of the proposals on those affected. WHG have sought to provide individualised support packages to all residents affected and supported customers according to their individual needs.
- 13.4 The Council is satisfied that the Scheme will not have any negative impacts on equality and diversity, and is consistent with its Public Sector Equality Duty.

14 CONCLUSIONS

- 14.1 The Council considers that there is a compelling case in the public interest for making the Order. The Scheme is a direct response to both national and local policy objectives to meet housing need. The Scheme will achieve a qualitative housing gain by improving the town's housing offer. To facilitate this development, the assembly of the Order Land is required. Given the number of third-party interests in the Order Land, the only way that this can be achieved, within a reasonable timeframe, is through the exercise of compulsory purchase powers.
- 14.2 The uses proposed by the Scheme accord with national policy guidelines and local policy objectives.
- 14.3 The Council has entered into a funding agreement with WHG to ensure delivery of new homes. The Council, with its partners WHG, already owns or controls a substantial part of the Scheme land. Further, the Council has secured significant capital grant from Marches LEP through the Stronger Communities – Get Building Fund to enable land assembly.
- 14.4 The Council is satisfied that there is a compelling case in the public interest for compulsory purchase powers to be sought to secure the delivery of the Scheme. The Council has made the Order and asks the Secretary of State to confirm the Order.

15 LEGAL STATUS OF THIS STATEMENT OF REASONS

- 15.1 This Statement of Reasons is not a statement under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.

16 CONTACTS FOR FURTHER INFORMATION AND NEGOTIATION

- 16.1 Owners and occupiers of property affected by the Scheme seeking further information about the Glebe Street/High Street Regeneration programme should contact:

Council Contact:

[TBC]

Owners and occupiers of property affected by the Scheme who wish to negotiate or discuss matters of compensation should contact:

[TBC]

- 16.2 A copy of this Statement of Reasons, the Order and the accompanying maps and background documents are available for inspection at:

[where]

17 LIST OF DOCUMENTS

- 17.1 In the event of a public inquiry the Council intends to refer or to put in evidence the following documents:

	Document	Date
1	Compulsory Purchase Order and Supporting Policy	
	Borough of Telford and Wrekin Council (Glebe Street, Wellington) Compulsory Purchase Order 2022	January 2022
	Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion.	July 2019
2	Planning Policy and other relevant policy	
	National Planning Policy Framework https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf	February 2019
	Telford and Wrekin Local Plan	2018
	Council's Housing Strategy	
	Strategic Housing Market Assessment	
	Telford and Wrekin Supported and Specialist Accommodation Strategy	March 2020
4	Planning Permission	
	Demolition consent; ref TWC/2021/0815	
5	Legislation (relevant extracts)	
	The Housing Act 1985	
	Local Government (Miscellaneous Provisions) Act 1976	
	The Acquisition of Land Act 1981	
	Compulsory Purchase (Inquiries Procedure) Rules 2007	

17.2 The Council may also refer to other documents in order to address any objections made to the Order.

APPENDIX A

