

NUNEATON AND BEDWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

AND

ACQUISITION OF LAND ACT 1981

NUNEATON AND BEDWORTH BOROUGH COUNCIL

**(CAMP HILL PHASE 3 – QUEEN ELIZABETH ROAD, HAZEL ROAD,
LUDFORD ROAD, SPRING HILL ROAD AND ROWAN ROAD)**

COMPULSORY PURCHASE ORDER 2010

STATEMENT OF REASONS FOR MAKING THE ORDER

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1. INTRODUCTION

- 1.1 On 11 November 2009 the Nuneaton and Bedworth Borough Council ("**the Council**") resolved to make a compulsory purchase order in relation to land at Camp Hill Nuneaton. A compulsory purchase order called the Nuneaton and Bedworth Borough Council (Camp Hill Phase 3 – Queen Elizabeth Road, Hazel Road, Ludford Road, Spring Hill Road and Rowan Road) Compulsory Purchase Order 2010 ("**the Order**") was made by the Council on 29 January 2010. The land and interests over land proposed to be compulsorily acquired pursuant to the Order ("**the Order Land**") are described in the Schedule to the Order. However, in summary, it is situated at Queen Elizabeth Road, Hazel Road, Ludford Road, Spring Hill Road, and Rowan Road at Camp Hill, Nuneaton, Warwickshire. The Order Land also includes adjacent areas of highway comprising Queen Elizabeth Road, Hazel Road, Ludford Road, Spring Hill Road, Rowan Road and Edinburgh Road. A more detailed description of the Order Land appears at paragraph 2.2 below. Interests owned by the Acquiring Authority and the Highway Authority are excepted from the Order. A compulsory purchase order for the first part of Phase 3 (called the " Nuneaton and Bedworth Borough Council (Camp Hill Phase 3 – Rowan Road, Spring Hill Road and Ludford Road) Compulsory Purchase Order 2008 (No 1)) was made by the Council on 5th September 2008 and was confirmed by the Secretary of State for Communities and Local Government on 4 September 2009.
- 1.2 The Order has been made pursuant to section 226(1) (a) of the Town and Country Planning Act 1990 (the "1990 Act") and the Acquisition of Land Act 1981 for the acquisition of all interests in the land within the area shown coloured pink on the Order Map. The Order has been made to enable the second part of phase 3 of a regeneration project for Camp Hill, involving the provision of approximately 516 residential units, new highways and other infrastructure ("**the Phase 3 (2) Scheme**"), to be secured. A plan showing the indicative proposals for Phase 3 is attached at Appendix 1. A further plan showing the extent of the lands subject of the Phase 3 (1) and Phase 3 (2) Compulsory Purchase Orders is appended as Appendix 2.
- 1.3 The Council is seeking to assemble in its ownership the land and interests included in the Order to facilitate and enable the development of the Order Land for development, redevelopment or improvement purposes including residential and associated highway and other infrastructure. There is policy support at both local and regional level, referring specifically to proposals for the redevelopment of the area.
- 1.4 The Phase 3 (2) Scheme is an integral and important part of the Council's regeneration proposals for the area and further details of the Scheme are given at section 6 and supporting planning policy is discussed further at section 7.
- 1.5 The Council supports the Phase 3 (2) Scheme and wishes it to be brought forward in accordance with the Nuneaton and Bedworth Local Plan.
- 1.6 The Order seeks to acquire all interests in the Order Land, including rights, easements, the benefit of covenants, rent charges and options except where otherwise expressly stated in the Schedule to the Order.
- 1.7 The Order has been made and will be submitted to The Secretary of State for Communities and Local Government ("**the Secretary of State**") for confirmation pursuant to the above Acts.
- 1.8 Implementation of the Phase 3 (2) Scheme requires the acquisition of land and property interests. The Council has sought to notify all those who have an acquirable interest within the proposed Compulsory Purchase Order (CPO) area. The Council has successfully secured by agreement approximately 70% of the land required for the Phase 3(2) Scheme. It is clear, however, that if implementation of the Scheme is to be achieved within a realistic timescale then compulsory purchase powers must be employed to achieve land assembly of all of the land required for the Phase 3 (2)

Scheme. The ODPM Circular 06/04 advises that it is often sensible for the formal CPO process to be initiated in parallel with negotiations to acquire the Order Land.

- 1.9 The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest (paragraph 17 of Office of the Deputy Prime Minister (ODPM) Circular 06/04 refers). It is considered that a compelling case exists here.
- 1.10 The Council has consequently made the Order to secure the outstanding interests required to enable implementation of the Phase 3 (2) Scheme necessary to achieve the Council's adopted policy objectives and meet identified need. Discussions will however continue with owners of relevant interests who are willing to sell by agreement at market value in accordance with the compulsory purchase compensation code, with a view to limiting the number of interests which need to be acquired compulsorily. The approach adopted by the Council is in accordance with the advice contained within ODPM circular 06/2004.
- 1.11 On confirmation of the Order, the Council intends either to serve a Notice (or Notices) to Treat or execute one or more General vesting declarations, in order to secure unencumbered title of the Order Land.

2. DESCRIPTION OF ORDER LANDS AND THEIR CONDITION

- 2.1 The Order Land comprises approximately 6.63542 hectares and is situated at Camp Hill, Nuneaton.
- 2.2 Full details of the Order Land appear in the Schedule to the Order but in summary includes all interests in dwelling houses 306-312 (even numbers) Queen Elizabeth Road and the half width of the southern side of the public highway known as Queen Elizabeth Road; dwelling houses 314-348 (even numbers) Queen Elizabeth Road and the full width of the public highway known as Queen Elizabeth Road; the sites of the former dwelling houses 350-404 (even numbers) Queen Elizabeth Road including the full width of the public highway known as Queen Elizabeth Road; dwelling houses 385-371 (odd numbers) Queen Elizabeth Road including the half width of the southern side of the public highway known as Ludford Road; the full width of the public highway known as Ludford Road to the west of 385 Queen Elizabeth Road; the sites of the former dwelling houses 369-361 (odd numbers) Queen Elizabeth Road including the half width of the southern side of the public highway known as Ludford Road; the sites of the former dwelling houses 359-337 (odd numbers) Queen Elizabeth Road including the full width of the public highway known as Ludford Road; the site of the former dwelling house 335 Queen Elizabeth Road including the half width of the southern side of the public highway known as Ludford Road located to the north of 337-335 (odd numbers) Queen Elizabeth Road; the sites of former dwelling houses 337-321 (odd numbers) Queen Elizabeth Road and former garages situated to the north and north east of 321 Queen Elizabeth Road including the full width of the public highway known as Ludford Road; the sites of former dwelling houses 44-41 Ludford Road; the sites of former garages situated north of the former dwelling houses 44-41 Ludford Road; dwelling houses 40-33 Ludford Road ; dwelling houses 31-23 Ludford Road; dwelling houses 1-2 Rowan Road including the half width of the northern side of the public highways known as Rowan Road and Spring Hill Road and the full width of the public highway known as Edinburgh Road; dwelling houses 18-15 Spring Hill Road including the full width of the public highway known as Spring Hill Road and the full width of the public highway known as Edinburgh Road; the sites of former dwelling houses 14-11 Spring Hill Road including the full width of the public highway known as Spring Hill Road and the full width of the public highway known as Edinburgh Road; the sites of former dwelling houses 10-9 Spring Hill Road including the half width of the northern side of the public highway known as Spring Hill Road and the full width of the public highway known as Edinburgh Road; dwelling houses 8-2 Spring Hill Road including the half width of the northern side of the public highway known as Spring Hill Road and the full width of the public highway known as

Edinburgh Road; the half width of the northern side of the public highway known as Edinburgh Road situated to the north of dwelling house 1 Spring Hill Road; the full width of public highway known as Edinburgh Road situated to the north of grassland located to the east of 1 Spring Hill Road; part of the half width of the western and northern sides of the public highway known as Spring Hill Road located to the east of 1 Spring Hill Road; the half width of the northern side of the public highway known as Edinburgh Road located to the north of 7-3 Ludford Road; the full width of the public highway known as Edinburgh Road situated to the north and north east of grassland located to the east of 3 Ludford Road; the full width of the public highway known as Ludford Road located to the east of 3 Ludford Road and north of 13-16 Hazel Road and north of grassland to the west of 16 Hazel Road; the sites of former dwelling houses 20-21 Hazel Road including the half width of the northern side of the public highway known as Hazel Road and the half width of the southern side of the public highway known as Ludford Road; the full width of the public highway known as Hazel Road situated to the south of grassland located to the west of 16 Hazel Road; dwelling houses 313-307 (odd numbers) Queen Elizabeth Road including the half width of the northern side of the public highway known as Queen Elizabeth Road; the half width of the western side of the public highway known as Hazel Road and the half width of the southern side of the public highway known as Ludford Road; dwelling houses 305-279 (odd numbers) Queen Elizabeth Road including the half width of the northern side of the public highway known as Queen Elizabeth Road and the half width of the southern side of the public highway known as Hazel Road; the half width of the southern side of the public highway known as Queen Elizabeth Road located to the south of 279-305 Queen Elizabeth Road, part of the full width of the public highway known as Queen Elizabeth Road situated to the south of grassland located to the west of 273 Queen Elizabeth Road, part of the full width of the public highway known as Queen Elizabeth Road situated to the south of grassland located to the west of 305 Queen Elizabeth Road and the half widths of the eastern and southern sides of the public highway known as Hazel Road situated to the east and north of grassland located to the west of 305 Queen Elizabeth Road; dwelling houses 22-37 Hazel Road including the half width of the northern side of the public highway known as Hazel Road and the half width of the southern side of the public highway known as Ludford Road; dwelling house 32 Ludford Road including the half width of the northern side of the public highway known as Ludford Road and the half width of the southern side of the public highway known as Spring Hill Road; rough land situate between 23-22 Ludford Road including the half width of the northern side of the public highway known as Ludford Road and the half width of the southern side of the public highway known as Spring Hill Road; dwelling houses 22-8 Ludford Road including the half width of the northern side of the public highway known as Ludford Road and the half width of the southern side of the public highway known as Spring Hill Road; dwelling houses 7-3 Ludford Road including the half width of the northern side of the public highway known as Ludford Road and the half width of the southern side of the public highway known as Edinburgh Road; dwelling house 1 Spring Hill Road including the half width of the northern side of the public highway known as Spring Hill Road and the half width of the southern side of the public highway known as Edinburgh Road, except those interests owned by the Acquiring Authority and the Highway Authority.

- 2.3 Details of known interests and rights to be acquired are listed in the Schedule to the Order. This Schedule to the Order has been prepared based upon information gathered through inspection of Land Registry title documents, site inspections and enquiries, and the responses to the notices issued under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The order does not affect any special category land, listed buildings or land in a conservation area.

3. **EXPLANATION OF THE USE OF ENABLING POWERS**

- 3.1 The use of compulsory powers in section 226(1)(a) of the Town and Country Planning Act enables the compulsory acquisition of land where an acquiring authority thinks the acquisition will facilitate the carrying out of development, redevelopment or improvement of the economic, social or environmental well-being of the authority area.

The Council believes both that the acquisition of the Order Land will facilitate the redevelopment of the Order Land and secondly that the resulting redevelopment will result in an improvement to the environmental, social and economic well being of the authority's area. ODPM Circular 06/2004 provides guidance to acquiring authorities on the use of compulsory purchase powers and the Council have taken full account of this guidance in making this Order. The Council is utilising its powers under section 226(1)(a) because it is not certain it will be able to acquire the land by agreement although efforts will continue in parallel with this process. The purpose in seeking to acquire the land and utilising section 226(1)(a) is set out in detail in paragraph 4 below.

4. THE PURPOSE OF THE ORDER AND THE NEED TO USE CPO POWERS

- 4.1 The purpose of seeking to acquire land compulsorily is to facilitate the comprehensive re-development of the Order Land. These proposals would, in the opinion of the Council, meet its planning policy objectives within a realistic timescale.
- 4.2 The Phase 3 (2) Scheme (as described below in section 6) has been identified by the Council as the best means by which to meet the Council's adopted planning objectives for the area.
- 4.3 The Order Land comprises an important part of a comprehensive regeneration programme for Camp Hill, designed to transform the area by improving the physical environment and the economic well being of its residents.
- 4.4 The Council is promoting the Order in partnership with the Regional Development Agency, Advantage West Midlands, the Homes and Communities Agency (formerly English Partnerships) and Pride in Camp Hill Limited (a private company limited by guarantee registered number 04430919). The purpose of Pride in Camp Hill Limited ("PinCH") is the development and implementation of regeneration proposals for the Camp Hill estate in Nuneaton, Warwickshire. PinCH is tasked with the regeneration of the Camp Hill community that consists of approximately 6,000 residents.
- 4.5 Camp Hill is a large community that has been in decline for many years and continues to suffer from a negative external image due to poor environmental and socio-economic conditions. Action is required on a massive scale in order to regenerate the area creating a self-sustaining community and a desirable place to live.
- 4.6 This Order relates to Phase 3 (2) of the Regeneration Project which aims to replace the current 181 dwellings with approximately 516 new dwellings and highway and other associated infrastructure required for the scheme.

5. BACKGROUND TO THE REGENERATION PROJECT

- 5.1 Camp Hill is situated to the north west of Nuneaton accessed from the B4114 Tuttle Hill which forms the northern boundary to the estate. Queen Elizabeth Road and Green Lane are the two main routes into the estate from Tuttle Hill. Camp Hill comprises approximately 3,000 dwellings with a population of approximately 6,000.
- 5.2 Camp Hill was built during the 1950s and 1960s by the local authority to provide social housing and by the National Coal Board (NCB) to provide accommodation for local mine workers. Most of the NCB properties were built on the steeply sloping area between Edinburgh Road and Queen Elizabeth Road. The Council housing was built on the plateau area between Edinburgh Road and Cedar Road. This lack of integration created a division within the Camp Hill community which still exists today.
- 5.3 The demise of the coal mining industry combined with the decline in manufacturing in the West Midlands has led to significant socio-economic problems. Despite reductions in unemployment due to good national economic conditions since the late 1990s, Camp Hill ranks as one of the most deprived wards within Warwickshire and falls

within the top 10% in England. This was reaffirmed in the 2007 Indices of Deprivation prepared by Warwickshire County Council. Some of the characteristics are; relatively low economic activity rates, poor skill levels with a very low proportion of people with vocational or professional qualifications, a high incidence of long term unemployment and, a general vulnerability to unemployment. Consequently there is a poor economic base and a low wage culture. In addition, there is a high proportion of single parent households, relatively high levels of crime, poor health statistics including a high proportion of residents suffering from long term illness and, low car ownership reflecting low levels of household income.

- 5.4 A symptom of the long term socio-economic problems is the depressed property values relative to the rest of Nuneaton. This gap in property values makes it difficult for owner occupiers to 'trade up' and purchase property outside of the Camp Hill estate, creating a largely static population. This is an indication of market failure.
- 5.5 The local authority housing stock in Camp Hill represents about one fifth of all of the local authority owned properties in Nuneaton. Despite a substantial waiting list Camp Hill remains one of the least popular areas in the town.
- 5.6 In response to these problems a major transformation of Camp Hill was planned. PinCH is an urban regeneration project aimed at improving the physical environment of the Camp Hill estate and the economic and social well being of its residents. In addition to the physical regeneration of the estate, PinCH aims to improve training and education opportunities, promote business, increase employment, and improve the welfare and safety of the community.
- 5.7 The Camp Hill regeneration project has been developing since 1999 when a physical master plan was produced by Taylor Young and GVA Grimley on behalf of Nuneaton and Bedworth Borough Council, Warwickshire County Council, English Partnerships (whose role was later taken over by Advantage West Midlands) and the Urban Villages Forum (which later became the Prince's Foundation). This master plan proposed and provided justification for the redevelopment of large areas of Camp Hill in a phased manner.
- 5.8 The Regeneration Project has been programmed to be implemented in phases. Phase 1 has now been completed with the construction of 172 dwellings on land adjoining Tuttle Hill by Lovell Partnerships Ltd. Construction on Phase 2, that will provide a new Village Centre comprising retail and community facilities at the heart of the Camp Hill estate in addition to around 240 residential properties, was commenced on 1 October 2007.
- 5.9 The planning for Phase 3 is well under way and, due to its size and scale, needs to be delivered in sub-phases. This is to ensure that the Council can discharge its obligations to re-house its tenants and to manage the re-housing of owner/occupiers. Using receipts from Phase 2, an area of land has already been acquired on Phase 3 (the "Early Development Land"). The site of the Early Development Land is adjacent to the land comprising the Order Land for Phase 3 (1). The Council has entered into a Development Agreement with the Council's preferred developer, Barratt Homes Limited ("**Barratt's**") to secure the Phase 3 Scheme. The Order relates to Phase 3 (2) of the Scheme. A Compulsory Purchase Order for the first part of Phase 3 ("**the Phase 3(1) Scheme**") entitled "The Nuneaton and Bedworth Borough Council (Rowan Road, Spring Hill Road and Ludford Road) Compulsory Purchase Order 2008 (No 1) was made by the Council on 5 September 2008 and was confirmed on 4 September 2009.
- 5.10 Overall, PinCH aims to create within Phase 3 no fewer than 806 new dwellings, built to high standards of design that will encourage a sense of pride in living within Camp Hill.
- 5.11 In addition to the redevelopment areas concerted action is proposed to improve the housing stock that is to be retained together with a wide programme of environmental

improvements, and provision of new community facilities as well as training and employment facilities.

- 5.12 Part of the regeneration strategy for Camp Hill also involves the redevelopment of Phase 4 Midland Quarry for a mixed use scheme involving industrial/workspace development leisure and residential uses. This development is being taken forward by Advantage West Midlands in partnership with Century Parks Limited and Warwickshire County Council.

6. DESCRIPTION OF THE REGENERATION PROJECT PROPOSALS INCLUDING THE PHASE 3(2) SCHEME

- 6.1 The Order has been made to facilitate the implementation of new housing and highway and other associated infrastructure. An outline planning application for the Phase 3 Scheme was granted on 9 June 2006. The planning application included an illustrative scheme produced in consultation with PinCH, the Homes and Communities Agency and the Princes Foundation. Following the expiration of the original planning consent, a new application was submitted on 31 August 2009 and was approved by the Council on 11 November 2009.

- 6.2 The illustrative Phase 3 scheme comprises a mix of:-

- 6.2.1 residential properties (a balanced mix of family housing and bungalows);
- 6.2.2 apartments; and
- 6.2.3 new infrastructure including new estate roads and pedestrian links

- 6.3 A new spine road is to provide a strategic link between the various Phases of the scheme. Phase 1 of the spine road has already been constructed and is now adopted by the Council. Phase 2 of the spine road is now in the process of being constructed. During the development of the Area Master Plan it was recognised that in order to construct a sustainable and desirable area to live, improvements would have to be made to the road and pedestrian access networks in order to facilitate improved access to public transport together with improved connectivity between the living and public areas within the site. As part of the overall development, plans have been made to provide a new integrated link road which will link Tuttle Hill and Queen Elizabeth Road both of which currently bypass the site. The intention is to provide a series of pedestrian bias areas along the route linked by sections of road with additional traffic calming design features that control vehicle speed. The road has been designed to facilitate safe forms of movement for pedestrians, cyclists, public and private transport. The spine road will provide places of landscaped public realm along these routes that include safe parking, pedestrian crossings, suitably sited bus stops and pedestrian seating areas. These places will link to narrower neighbourhood streets which will provide the main connective routes through the site to the various places and to the wider community.

- 6.4 Traffic assessment studies carried on behalf of the Council provide further evidence to support a wider benefit to the larger local area. In providing a new access/exit signalled junction to the B4114 traffic, congestion at other junctions that currently provide access to the Camp Hill area will be reduced.

- 6.5 The indicative scheme for Phase 3 of the Scheme allows for the provision of a minimum of 806 residential properties. A range of housing is proposed but largely consists of family accommodation in the form of three and two storey town houses.

- 6.6 Under the Development Agreement with Barratt's, the developer is required to provide a minimum of 25% of the dwellings on an 'affordable' basis. Existing residents will have the opportunity to purchase (owner occupied or shared ownership) or rent property constructed as part of the scheme.

- 6.7 A Transport Assessment was completed to support the planning application that was approved in 2006. The main aspect of the proposals is a change in the road hierarchy. Currently, the road network is confused and complex to the extent that anyone visiting Camp Hill finds it difficult to find the central area of the neighbourhood. The central area is accessed via Cedar Road from Queen Elizabeth Road and Ramsden Avenue via Green Lane. However, these routes are not obvious to visitors. An amended Transport Assessment was submitted as part of the application approved in 2009 which updated the traffic analysis in relation to the proposed development. The revised assessment makes reference to a requirement to optimise the traffic signal timings at the junction of Tuttle Hill and Spruce Road. Steps are to be taken in the future to meet this requirement.
- 6.8 Phase 3 of the Scheme proposes to extend the access road from the Phase 1 Middlemarch development which provides access to Tuttle Hill via a new proposed traffic signal controlled junction. This access road will be extended beyond Phase 1 across St Anne's Field to Cedar Road. A new junction is proposed between Cedar Road and Sycamore Road designed by the local Highway Authority (Warwickshire County Council). This proposed junction will give priority to movements across Cedar Road directing vehicles to the Phase 2 Village Centre via Sycamore Road which will be realigned to create a high street through the Village Centre. The Road will then link, via the proposed Spine Road, to Queen Elizabeth Road and Buck's Hill giving a North/South access to the scheme.
- 6.9 Vehicular speeds will be controlled through the design of the infrastructure that will include changes in road surface, pinch points and other traffic management measures that will ensure that the road does not become a 'race track'.
- 6.10 A Compulsory Purchase Order to facilitate the Phase 3(1) Scheme involving the provision of 76 new dwellings together with part of the Spine Road and other infrastructure was made by the Council on 5 September 2008 and was confirmed on 4 September 2009.
- 6.11 The Order is needed to facilitate implementation of the Phase 3 (2) Scheme, involving the provision of approximately 516 new dwellings together with highways and other associated infrastructure.
- 6.12 The redevelopment of the Order Land to secure the Phase 3 (2) Scheme will assist in achieving comprehensive regeneration of the area and make more effective use of land in support of the Council's planning policies for the area.
- 6.13 The Council is using its powers for the compulsory purchase of land contained in section 226(1)(a) of the Town and Country Planning Act 1990 because it believes that securing the acquisition of the land will transform the area by improving the physical environment and the economic well being of its residents and thereby achieve regeneration.
- 6.14 Mindful that it should not use a more general compulsory power when a more specific one is more available, the Council considers that the section 226(1)(a) power is the most appropriate.

7. **PLANNING POLICY**

- 7.1 The redevelopment proposed is in line with National, Regional and Local Policies.
- 7.2 The planning policy framework for Phase 3 of the Camp Hill Urban Village regeneration project is provided by PPS1- Delivering Sustainable Development 2005, PPS3- Housing 2006, PPG13- Transport 2001 and PPG25- Development and Flood Risk 2006, the West Midlands Regional Spatial Strategy 2008, which is currently undergoing a partial review, and the Nuneaton & Bedworth Borough Local Plan, which

was adopted in June 2006. Both these Plans form part of the Development Plan for the Borough.

7.3 National Planning Policies

- 7.3.1 PPS 1 Delivering Sustainable Development sets out the Government's overarching policies on the delivery of sustainable development. It outlines the requirements for regional planning bodies and local planning authorities in relation to development plans and development control to ensure sustainable development principles are given full consideration. The aims of the guidance are that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life. Paragraph 27 states that in preparing development plans local authorities should promote urban regeneration to ensure the well-being of communities. Planning should actively seek to bring vacant and underused previously developed land and buildings back into beneficial use to achieve the targets Government has set for development on previously developed land.
- 7.3.2 PPS 3 Housing underpins the delivery of the Government's strategic housing policy objectives and the goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live. It aims to achieve housing targets through a plan, monitor, manage process which aims to be more responsive than PPG 3. A key objective is to make effective use of land by reusing sites that have been previously developed land. To ensure that land can be delivered Local Authorities should identify sufficient specific deliverable sites to deliver housing over the following five years and identify broad locations and specific sites to enable continuous delivery of housing for at least 15 years. Land should be available, suitable and achievable. Consideration of applications should have regard to achieving high quality housing; a good mix of housing; environmental sustainability; using land effectively and efficiently; and helping to achieve housing objectives.
- 7.3.3 PPG 13 Transport aims to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognises that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.
- 7.3.4 PPS 25 Development and Flood Risk sets out Government policy on development and flood risk. Its aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is exceptionally necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

7.4 Regional Spatial Strategy

The Regional Spatial Strategy (RSS) is being reviewed in three phases:-

7.4.1 **Phase 1**

Covers the Black Country Sub-Regional Strategy – This does not have any relevance to Phase 3 Camp Hill. The current version of the RSS (January 2008) incorporates this phase.

7.4.2 **Phase 2**

Covers revision to Housing, Employment, Retail, Offices, Transport, Waste, and other Policies and Targets. The Preferred Option was submitted to the Secretary of State for Communities and Local Government in December 2007. It was the subject of consultation between January and December 2008. The Draft Revision document was considered at an Examination in Public (EiP) which closed on 24th June 2009. An independent Panel issued their report on the EiP on 28th September 2009. The Secretary of State will consider the Report, together with representations made on the draft RSS, with the aim of publishing Proposed Changes early in 2010. There will then be a period of public consultation on the Proposed Changes. Following consideration of responses to the consultation on the Proposed Changes, the Secretary of State is expected to publish the final West Midlands Regional Spatial Strategy Phase 2 Revision in mid 2010. The Preferred Option contains a housing target of 10,800 new dwellings for the Council's area between 2006 and 2026. Camp Hill Phase 3 is an integral element of helping to deliver this requirement. It also contributes to other policies relating to the provision of Affordable Housing, Housing Densities, Delivering Mixed Communities, Re-Use of Land for Housing, and Managing Housing Land Provision

7.4.3 **Phase 3**

Covers a variety of topics, including Critical Rural Services; Sites for Gypsies and Travellers; Culture, Sport and Tourism; Quality of the Environment, and Minerals. Some Quality of the Environment aspects will be relevant to Phase 3, such as Flood Risk, and Energy. The consultation period on the Phase 3 Options Document ended on 14th August 2009

7.5 **Local Planning Policies**

7.5.1 The Borough Local Plan was adopted after two local inquiries, and was produced in accordance with the Warwickshire Structure Plan 2001. The Structure Plan identified a requirement for 5,600 new dwellings in the Borough up to 2011. Camp Hill Urban Village is included in the planned supply to meet this requirement (Policy H1 Local Plan).

7.5.2 There is also a specific policy (H2) which relates to Camp Hill.

7.5.3 The Supplementary Planning Guidance for Camp Hill Urban Village referred to in policy H2 has since been withdrawn (March 2007) following the granting of outline planning permission for Phase 3, as its purpose of guiding planning decisions on the housing phases had been fulfilled, and some of the guidance had become out of date.

7.5.4 There are a number of other saved policies in the Local Plan, which relate to the Phase 3 scheme:

H.3 Provision of Affordable Housing – On sites of 15 dwellings or more, or sites of over 0.5 hectares, 25% of new dwellings should be affordable. The Council adopted a Supplementary Planning Document in September 2007 to provide additional guidance for the

implementation of this policy.

H.5 10% of housing to be capable of adoption to meet the needs of people with disability and mobility problems.

Env. 14 requires that the design and materials of all development should be a high standard, in keeping with the scale and character of the locality. All development should comply with Supplementary Planning Guidance and/or Supplementary Planning Documents produced by the Borough and County Council, where detailed guidance is considered necessary.

7.5.5 There are two existing Supplementary Planning Guidance relevant to Phase 3:-

Residential Design Guide 2004 which sets out guidelines for the design and layout for new residential developments. Section 3.2 and 3.3 sets out guidance on the network of roads and footpaths. Section 3.3 makes reference to the Transport and Roads for Development – Warwickshire Guide 2001. (Chapter 5 of that Guide gives detailed specifications for the design of road layout).

Car Parking Standards 2003 sets out guidelines on the car parking provision for new residential developments.

7.6 In summary, Phase 3 of the Scheme is required to meet the housing targets in both the adopted Local Plan 2006 and emerging Regional Spatial Strategy. Phase 3 of the Scheme will also assist the Council in satisfying the Housing Needs detailed in the Strategic Market Housing Needs Assessment (2008) and the Housing Strategy (2008 – 2011). It is consistent with those Plans and National Planning Guidance on the re-use of previously developed land, and provision of affordable housing. The spine road is an essential infrastructure requirement of developing Phase 3 of the Scheme to enable proper and satisfactory access to the road network serving Camp Hill.

8. PLANNING CONSENT

8.1 A planning application for Residential Development (Outline) (Existing Houses Demolished) (application 010153) was granted outline planning permission on 9th June 2006. This permission expired on 9th June 2009. A subsequent outline application with an identical application site was submitted in August 2009 (029715) and was granted permission on 11th November 2009. Screening opinions under the Town and Country Planning (Environment Impact Assessment) (England & Wales) Regulations 1999 were undertaken on these applications to determine if an Environmental Impact Assessment was required. It was found that as the proposals would not result in a significant urbanising effect in a previously non-urbanised area and that the site formed part of the Camp Hill Masterplan, the developments were not EIA development and therefore a Environmental Impact Assessment was not required.

8.2 The resubmission application was accompanied by a design statement, but all matters have been reserved, i.e. the layout of the proposed development; scale; appearance; details of access arrangements, and details of the landscaping. A copy of the Decision Notice is attached to this Statement.

8.3 Conditions 4 (phasing); 12 (details of access, footpaths and verges, and no dwelling shall be occupied in that phase until the access has been constructed in accordance with the approved details), and 16 (pedestrian and cycle routes; and public

infrastructure details and implementation prior to occupation of dwellings in that phase), are relevant to the provision of the new spine road.

- 8.4 The entry of the new spine road into Phase 3 (Bluebell) of the Scheme is dictated by the alignment agreed for Phase 2 (Village Centre) and is under construction.. The spine road also serves Phase 1 (Middlemarch Rise), and provides the main access to the distributor road (B414 Tuttle Hill) into Nuneaton Town Centre.
- 8.5 An application for the approval of reserved matters (siting, design, external appearance, access and landscaping) of outline planning permission 010153 for sub-phase one of phase 3 for the erection of 158 dwellings was approved on 14th July 2008 (application 029498) and has been implemented.

9. PROPOSALS FOR RE-HOUSING RESIDENTS

- 9.1 With regard to re-housing options, the Council has agreed to award an over-riding priority on the housing register to all Council tenants within the proposed redevelopment areas at Camp Hill, both for allocations within its own stock and for nominations to Registered providers including the new build properties in Phase II of the Regeneration Project (except where this prevents the Council from meeting its statutory duties).
- 9.2 In July 2009 the Council introduced Choice Based Lettings, all applicants within the proposed redevelopment areas can register onto Uchoose and their applications will be registered according to their housing needs and housing priority. The Council is working with Arthomes to promote incentives for home owners to acquire a new home through a Shared Equity Loan.
- 9.3 In addition, the Council are working in conjunction with a number of Registered provider partners to develop new affordable homes on a number of sites across the Borough. The Council is making a number of brownfield sites available with more still to be approved by the Council. The original tranche of brownfield sites have already been the subject of formal bids to the Housing Corporation, the outcome of which is currently awaited.
- 9.4 It is anticipated that these various initiatives being undertaken by the Council will provide some 171 shared ownership and 183 rented homes over the next three years. One site, at Bradestone Road, was completed in July 2008. The first stage of building at Jodrell Street, relatively near to Camp Hill, was completed in August 2008 with the second stage of building due to be completed by February 2011. There are also proposals to build new affordable family homes on brownfield sites at Camp Hill but outside the regeneration area. This will assist those residents displaced by the demolition works to remain on Camp Hill if it is their wish to do so. Visits undertaken by Council officers so far indicate that this is the wish of many residents. The numbers quoted in this paragraph do not include the dwellings proposed for Phase 2 or Phase 3 of the regeneration project.
- 9.5 Another option for those displaced by the regeneration scheme is 'Homebuy'. The Homes and Communities Agency currently funds a scheme known as 'Homebuy', which has alternative models – HomeBuy Direct and Shared Ownership which allow applicants to borrow monies for a mortgage. The remaining equity is rented. Details of these schemes are available through Orbit Homebuy Agents who can be contacted on their website (www.orbithomebuyagent.co.uk).
- 9.6 The Council's Registered Providers partners all offer shared ownership schemes. This will normally require the purchase of an initial share of 50% of the property using a traditional mortgage and renting the remainder of the property on a pro-rata basis. Owners can stair case up if they wish to own the property outright or equally can sell their equity and move on. The Council and Registered Providers accept that wage

levels in the Borough suggest that this *may* put prices out of reach and more flexible models are being considered.

- 9.7 The Council works closely with a number of private sector landlords on rehousing issues and has an effective Landlords Forum. An Accreditation Scheme is being developed. The use of private renting is increasing to meet the demands of people looking for homes and this may well be a route acceptable to some of those displaced, particularly those renting at present. The Council has a Bond Assistance Scheme which can be used to assist those seeking to rent in the private sector but unable to find initial costs.
- 9.8 The Council has nomination rights to the majority of Registered Providers stock in the Borough and 100% nominations to the new rented stock being built as part of the Phase 3 Scheme. This is a further useful source of alternative accommodation for Council tenants and private sector tenants having to move and who do not have any equity to use to purchase their own housing solution.
- 9.9 The Council has just implemented a Tenants' Incentive Scheme. This seeks to assist tenants seeking to down-size their accommodation by offering cash incentives, meeting necessary costs and helping with the arrangements for the move. It is anticipated from the early interest that suitable alternative accommodation can be released to assist those displaced at Camp Hill.
- 9.10 The Council has agreed in principle to purchase 'buy backs' where there is an obligation to offer first refusal on former Council homes purchased under the Right to Buy. It is anticipated that these may provide properties for purchase for owners occupiers displaced by the scheme who cannot afford to take on additional mortgage or rent payment and who wish to remain in the locality. Should existing owners not wish to take up this option, the properties will be brought into the Housing Revenue Account and used for decant or permanent relocation.
- 9.11 The Council is seeking to bring empty properties in the Borough back into use, through means of enforcement such as Compulsory Purchase Orders or Empty Dwelling Management Orders and its Financial Assistance Scheme.
- 9.12 The Council is actively talking to a number of private sector landlords on the possibility of leasing and managing their homes as a way of securing accommodation for periods of three years. There has been significant interest in this from landlords and owners including discussion on lower lease costs where the Council provides the housing management service.
- 9.13 The Council has to date successfully rehoused 70% of the owner/occupiers and tenants affected by the Phase 3 (2) Scheme. The Council will continue to provide assistance to the remaining owner/occupiers and tenants.

10. **IMPLEMENTATION**

- 10.1 A comprehensive tendering exercise was undertaken by the Council for the procurement of phase 3. The contracted developer is Barratt Homes Limited who are responsible for the preparation and submission of an application for reserved matters approval, pursuant to the new planning consent, in consultation with PinCH and the implementation of the permission. Under the Development Agreement for Phase 3, Barratt's are contracted to deliver a minimum of 806 new dwellings (including a minimum of 25% on an affordable basis) in accordance with an agreed programme and set quality standards.
- 10.2 The Council, in conjunction with its funding partners, AWM and Homes and Communities Agency and with the County Council and PinCH have undertaken an assessment of the Barratt proposals and have concluded that they are both viable and likely to deliver the desired outcomes in terms of regeneration and social cohesion.

They concluded that with public-sector support Barratts would undertake the development. Following an extensive review of the financial model, public funding was agreed as follows:-

- 10.2.1 Advantage West Midlands are providing £4.9 million to aid the land and property acquisition and the provision of infrastructure;
 - 10.2.2 Homes and Communities Agency are providing £3.14 million to aid land and property acquisitions;
 - 10.2.3 The Council are contributing land and housing stock to the Regeneration Project valued at approximately £6 million; and
 - 10.2.4 PinCH are providing £20,000 Capital contribution.
- 10.3 The viability of the Regeneration Project is a robust and deliverable project. Adequate financial resources are therefore available for the implementation of the Village Centre proposals.
- 10.4 The Order is being promoted by the Council in order to secure and provide certainty with regard to the acquisition of all land and property required for Phase 3 (2) of the Scheme. It is anticipated that further Orders may be required to deliver the subsequent sub-phases, in order to meet Barratt's development timeline.
- 10.5 A number of properties have already been acquired by the Council and it will continue to attempt to negotiate the acquisition of all remaining property within the Order Land.

11. SPECIAL CONSIDERATIONS AFFECTING THE ORDER SITE

- 11.1 There are no special considerations affecting the Order Land. The site is not within a conservation area and there are no listed buildings within the site

12. SPECIAL CATEGORY LAND

- 12.1 No special category land is affected by the Order.

13. THE CASE FOR ACQUISITION OF INDIVIDUAL INTERESTS AND RIGHTS

- 13.1 As explained in this Statement of Reasons the Council has given careful consideration to the reasons as to why it is necessary to include the land shown on the Order Plan. All freehold owners, lessees and occupiers affected by the proposed compulsory purchase order have been invited to enter into discussions with the Council with a view to agreeing appropriate terms for payment of compensation and, where appropriate, to discuss options for relocation.

14. HUMAN RIGHTS CONSIDERATIONS AND ANY OTHER CONSIDERATIONS

- 14.1 The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate.
- 14.2 The Council is of the view that in pursuing this Order, it has carefully considered the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights, if there is any, is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the Phase 3 (2) Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the relevant statutory provisions.

14.3 The Council considers that there is a compelling case in the public interest for confirmation of the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests. The rights of owners of interests in the Order lands under the Human Rights Act 1998, in particular the rights contained in Article 8 and Article 1 of the First Protocol, have been taken into account by the Council when considering whether to make the Order and when considering the extent of the interests to be comprised in the Order. In addition, having regard to the provisions of the 1990 Act and the guidance set out in Circular 06/2004, the Council considers that the Order Land is both suitable for and will facilitate the carrying out of development, redevelopment and improvement and will make a positive contribution in the promotion or achievement of the economic, social and environmental wellbeing of its area for the reasons explained in this statement.

15. RELOCATIONS AND ENQUIRIES

15.1 Every effort will be made to assist residents affected by the Compulsory Purchase Order to relocate. Contact may be made in the first instance to property/valuation enquiries listed below.

15.2 Website

15.2.1 Information about the project as it progresses is available on the council's website at www.nuneatonandbedworth.gov.uk

15.3 The following persons may be contacted for further information:

15.3.1 Planning Enquiries

Claire Hill

Title: Principal Planning Officer
Telephone: 024 7637 6324
E-Mail: claire.hill@nuneatonandbedworth.gov.uk
Section: Development Control
Service Unit: Planning and Public Protection
Service Group: Environmental Services
Address: Nuneaton Town Hall
Coton Road
Nuneaton
CV11 5AA

15.3.2 Legal Enquiries

Philip Richardson

Title: Assistant Director – Legal and Democratic Services
Telephone: 024 7637 6376
Fax: 024 7637 6238
E-Mail: philip.richardson@nuneatonandbedworth.gov.uk

Section: Legal Team
Service Unit: Legal Services
Service Group: Corporate Services
Address: Nuneaton Town Hall
Coton Road
Nuneaton
CV11 5AA

15.3.3 Property/Valuation Enquiries

Les Snowdon

Title: Head of Estates and Town Centres
Telephone: 024 7637 6249
Fax: 0870 608 5124
E-Mail: les.snowdon@nuneatonandbedworth.gov.uk
Section: Regeneration
Service Unit: Chief Executive's Office
Service Group: Environmental Services
Address: Nuneaton Town Hall
Coton Road
Nuneaton
CV11 5AA

15.3.4 Housing Relocations

Joanne Scotchbrook

Title: Camp Hill Housing Liaison Officer
Telephone: 024 7637 6128
Fax: 024 7637 6551
E-Mail: joanne.scotchbrook@nuneatonandbedworth.gov.uk
Section: Nuneaton Area Team
Service Unit: Housing
Service Group: Corporate Services
Address: Council House
Coton Road
Nuneaton
CV11 5AA

16. **INSPECTION OF ORDER DOCUMENTS**

- 16.1 Copies of the Order, Order Map, and this Statement of Reasons and of the documents referred to in the list below can be inspected between 10.00 am to 1.00 pm and 2.00 pm and 5.00 pm on Monday, 12.00 pm to 7.00pm on Wednesday, 2.00 pm to 5.00pm on Friday and 10.00am to 1.00pm and 2.00 pm to 4.00 pm on Saturday at Camp Hill Library and Information Centre, New Community Centre, Cedar Road, Camp Hill, Nuneaton, Warwickshire, CV10 9DN; between 8.30 am to 7.00pm on Monday, 10.00am to 6.00pm on Tuesday, 8.30 am to 6.00 pm on Wednesday to Friday, 9.00am to 4.00pm on Saturday and 10.00am to 2.00pm on Sunday at Nuneaton Library, Church Street, Nuneaton, Warwickshire, CV11 4DR and between 9.00am to 5.00pm Monday to Friday at the offices of Nuneaton and Bedworth Borough Council, Town Hall, Coton Road, Nuneaton, Warwickshire, CV11 5AA and are available for inspection on the council's website <http://www.nuneatonandbedworth.gov.uk>.

17. LIST OF DOCUMENTS IN THE EVENT OF AN INQUIRY

17.1 Background

- 17.1.1 Nuneaton Borough Council – Report to the Cabinet dated 11 November 2009
- 17.1.2 Nuneaton Borough Council – Minutes of the meeting of Cabinet dated 11 November 2009
- 17.1.3 Planning Permissions for Site 37B008 - 9 June 2006 – Camp Hill Phase 3 (application 010153)
- 17.1.4 Planning Permission for Site 37B008 - 11 November 2009 - Camp Hill Phase 3 (application 029715)

17.2 Transport

- 17.2.1 Places, Streets & Movement – A companion guide to Design Bulletin 32 – Residential roads and footpaths (September 1998)
- 17.2.2 Camp Hill Movement Study, Alan Baxter & Associates, March 2001.
- 17.2.3 A strategic Development Framework for Camp Hill Urban Village, GVA Grimley, Mott Macdonald, Taylor Young, February 2000.
- 17.2.4 Designing for security on the National Cycle Network – Sustrans (March 1999)
- 17.2.5 Manual for Streets (2007)
- 17.2.6 Manual for Streets (Summary) (2007)
- 17.2.7 Camp Hill – Nuneaton: Transport Assessment Phase III (March 2006)
- 17.2.8 Camp Hill – Nuneaton Transport Assessment Phase III – Transport Assessment Addendum (November 2009)
- 17.2.9 Nuneaton and Bedworth Borough Council – Supplementary Planning Guidance: Car Parking Standard (March 2003)

17.3 Social

- 17.3.1 Communities and Local Government - The English Indices of Deprivation (2007)
- 17.3.2 Safer Places: The Planning System and Crime Prevention (ODPM/ Home Office 2004)

17.4 Housing

- 17.4.1 From Decent Homes to Sustainable Communities, ODPM June 2006
- 17.4.2 Impact of the Restructuring of the Coalmining Industry on Housing and Regeneration, ECOTEC 2004
- 17.4.3 A Case for Investment (Former National Coal Board Housing Estates in South Staffordshire and North Warwickshire) joint project 2005.

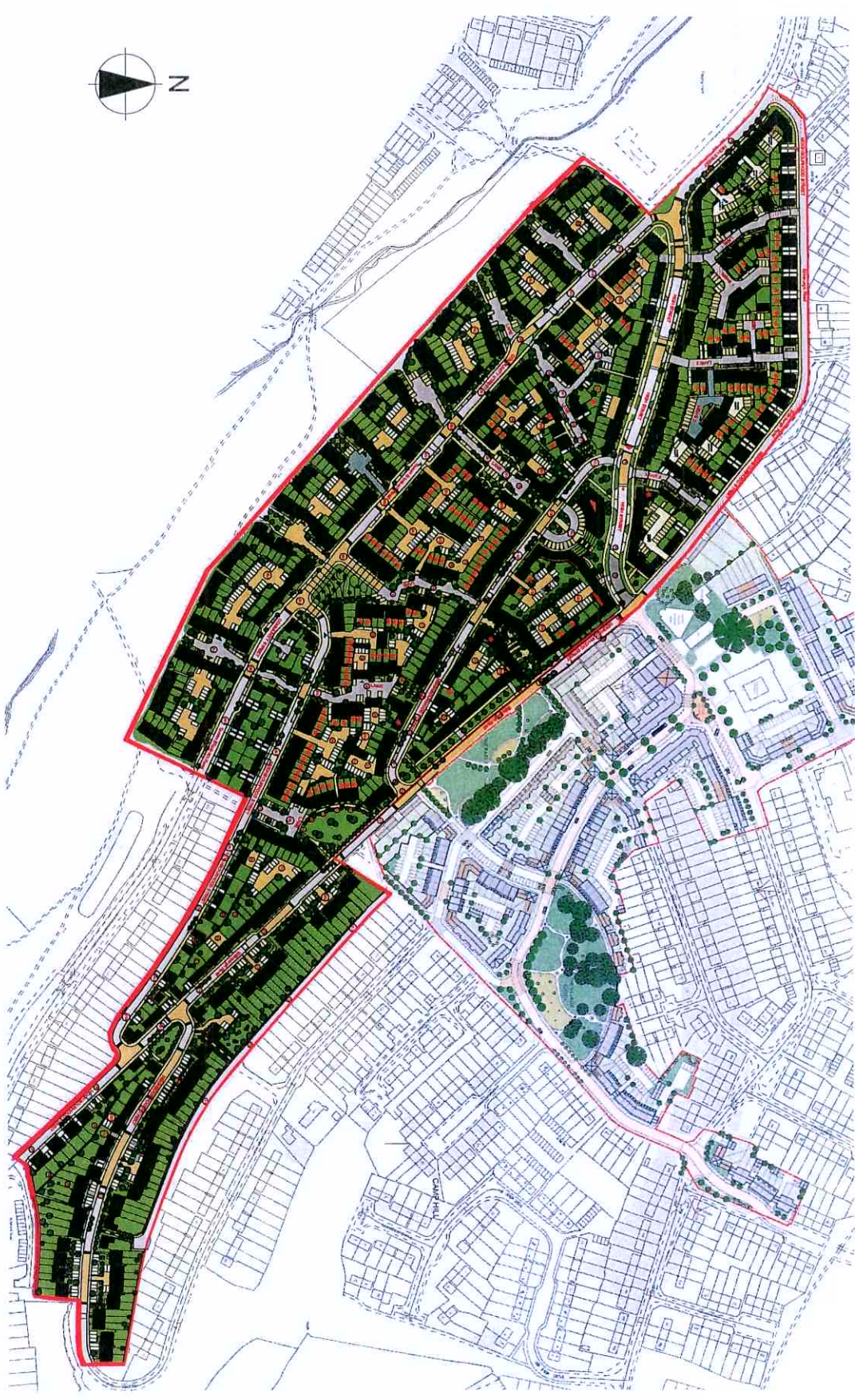
- 17.4.4 West Midlands Joint Housing Strategy, West Midlands Regional Assembly, 2005.
- 17.4.5 Shaping our Future - Sustainable Community Plan 2007-2021 for Nuneaton and Bedworth (2007)
- 17.4.6 Nuneaton and Bedworth Corporate Plan 2007 -2021 (2007)
- 17.4.7 Housing Strategy 2008-2011, NBBC April 2008
- 17.4.8 West Midlands C2 Housing Market Area – Strategic Housing market Assessment 2008 – Final report (April 2008)

17.5 **Planning**

- 17.5.1 Nuneaton and Bedworth Borough Council's Residential Design Guide 2004
- 17.5.2 Nuneaton and Bedworth Affordable Housing Supplementary Planning Document
- 17.5.3 Nuneaton and Bedworth Camp Hill Urban Village – Supplementary Planning Guidance July 2000
- 17.5.4 Nuneaton and Bedworth Borough Council – Local Plan 2006 – relevant Saved policies
- 17.5.5 West Midlands Regional Spatial Strategy - Chapter 6: Communities for the Future
- 17.5.6 Letter of non-intervention from Government Office of West Midlands dated 05.06.2006
- 17.5.7 PPS 1 - Delivering Sustainable Development (2005)
- 17.5.8 PPS 3 - Housing (2006)
- 17.5.9 PPS 13 - Transport (2001)
- 17.5.10 PPS 25 - Development and Flood Risk (2006)

Dated 29 January 2010

**Pinsent Masons LLP
Solicitors to Nuneaton and Bedworth Borough Council
Reference 505678.07010
Richard Foster
3 Colmore Circus
Birmingham B4 6BH**



MASTERPLAN OVERLAID OVER OUTLINE APPLICATION BOUNDARY PLAN

PLANNING

REGIONS

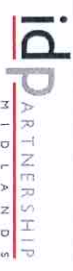
COMPARATIVE BOUNDARY PLANS

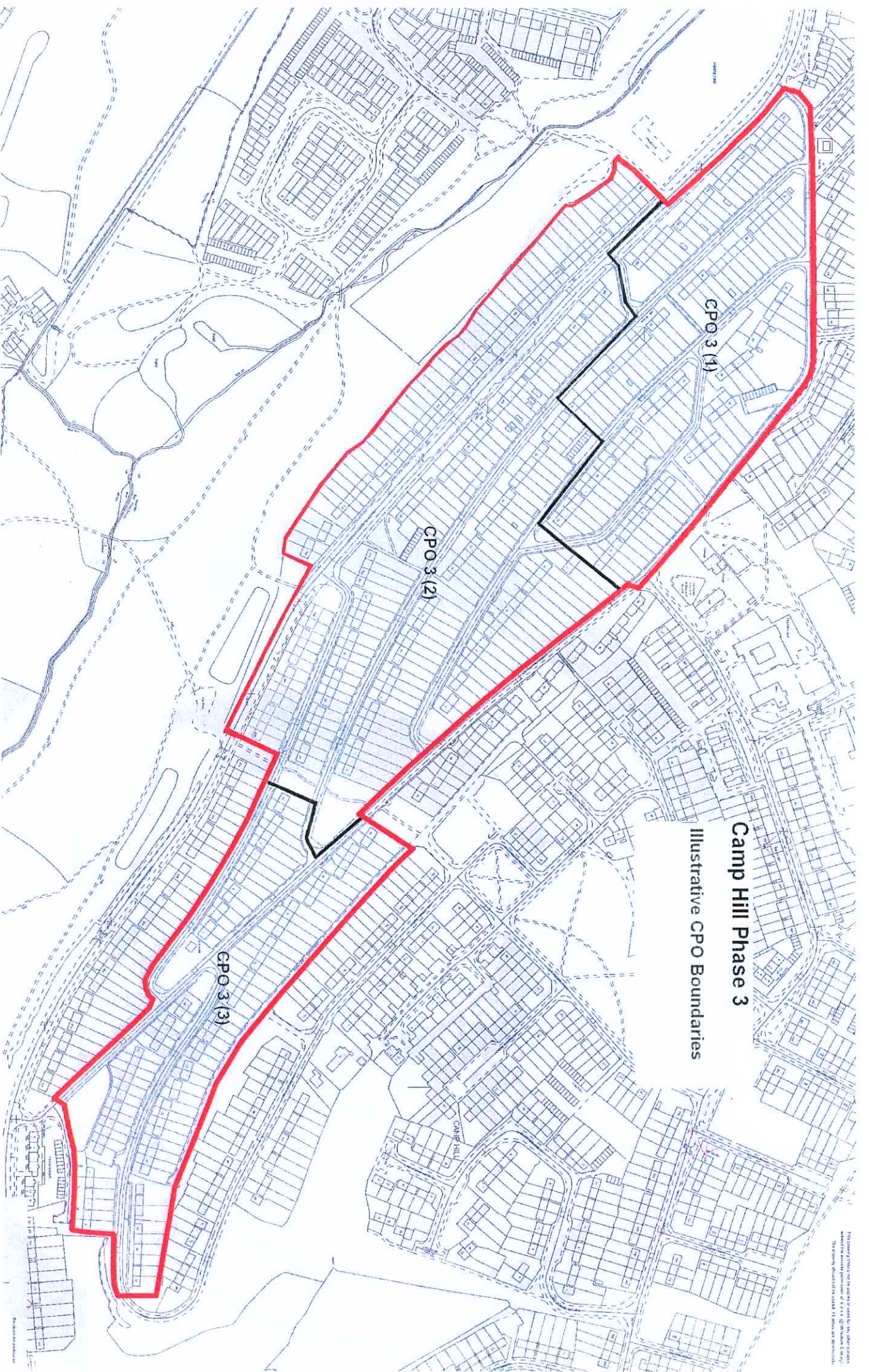
27 BRONSLEY STREET, COVENTRY, CV1 3BA TEL: (024) 7627 600 FAX: (024) 7620 424 Email: info@idpartnershipmidlands.com

ARCHITECTURE REDEFINED ARCHITECTURE | URBAN DESIGN | MASTERPLANNING | INTERIOR DESIGN | CDM CO-ORDINATION | PROJECT MANAGEMENT | VISUALISATION

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SCALE @ A2 CLIENT 1:2000 BIRRAH HOMES
DATE 22.06.09 JOB TITLE CAMP HILL
DRAWN M.W. DRAWING TITLE COMPARATIVE BOUNDARY PLANS
CHECKED DRAWING NO. C559 / 028





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