

Southampton City Council
(Weston Lane and Kingsclere Avenue) Compulsory Purchase Order 2013

STATEMENT OF REASONS

1.0 Description of the Land, Location and Present Use

1.1 The Land to be acquired

The Order covers 4 individual parcels of land (being the remaining leasehold and other interests) which are not in the Authorities' ownership in the centre of the Weston estate on the junction of Wallace Road, Weston Lane and Kingsclere Avenue, Southampton shown coloured pink and numbered 1, 2, 3 and 4 on the Order map (collectively referred to as "the Order land" in this statement)

The freehold of the Order land is owned by the Authority and forms part of the area known as Weston Lane Shopping Parade forming a local shopping parade and Council housing but now largely vacant pending redevelopment.

Currently the buildings at Weston Lane Shopping Parade are laid out as 10 shop units and 66 flats/ maisonettes together with garages, sheds, service and open areas. The parade of shops and Library previously served the needs of local residents.

Full details of the properties to be acquired appear in the Schedule to the Order but in summary comprise:-

- All interests except those already owned by the acquiring authority in approximately 55 sq m (Gross Estimated Area, GEA) of land situated at 24 Somborne House, Weston Lane, Weston coloured pink and numbered 1 on the Order map. This property is a 1-bedroom flat within a block of flats known as 1-32 Somborne House, Weston Lane and is occupied by a tenant of the acquiring authority
- All interests except those already owned by the acquiring authority in approximately 180 sq m (GEA) of land situated at 74-76 Weston Lane, Weston, known as McColls Newsagents coloured pink and numbered 2 on the Order map and held on a commercial lease.
- All interests except those already owned by the acquiring authority in approximately 70 sq m (GEA) of land known as 1 Kingsclere Close, Weston, including sheds and land and held on 125 year lease. The property is within a block known as 1-20 Kingsclere Close, Weston and coloured pink and numbered 3 on the Order map.
- All interests except those already owned by the acquiring authority in approximately 358 sq m (GEA) of land situated at 80 Weston Lane & 1 Wallace Road, Weston known as the Co-Op coloured pink and numbered 4 on the Order map and held on a commercial lease

1.2 Location and Present Use

The Weston area is a part of the City with very high levels of deprivation particularly as regards education, skills and training, employment and crime. The estate is located on the south - east edge of the City. The estate bounds Southampton Water and woodland to the east at the city boundary with housing and open spaces to the north and west.

Overall the estate has a well-maintained suburban feel although the area to be redeveloped is of poor aesthetic appearance and less well-maintained. Approximately 2878 people live in the Lower Super Output areas covering the Weston estate, which includes the Order Land, in 1530 homes. The area has a relatively high proportion of older people and children and lone parent families.

Within the Weston lettings area, which is larger than the Lower Super Output Area, the acquiring authority owns approximately 2208 properties, of 2556 in the area as a whole.

There are 150 properties classified for older persons (60 for people over 60 years of age with floating warden support, 32 which are supported by a dedicated warden and 58 for people over 50 years of age with floating warden support).

There are a total of 54 void properties in the Weston lettings area as at 31st January 2013. 40 of these will be redeveloped in another Estate Regeneration project due to commence on site in February 2013. No properties are being held vacant for major repairs or works nor are classified as sub-standard.

This shopping parade is in the heart of the community and together with the associated housing, forms a local centre for the immediate neighbourhood. The existing buildings are in poor condition and the shopping parade has a design which is not to contemporary standards in terms of designing out crime and anti-social behaviour, which have been a continuing issue in the area.

2.0 The Purpose of the Authority

The purpose of the Authority in making the Order is to assist in achieving the key Government housing policy goal of ensuring that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. Local planning authorities are advised to help achieve this by reusing land that has previously been developed and which is underused.

The authority seeks to acquire the Order land to facilitate a redevelopment of the Order land (together with other parts of the Weston Estate owned by the acquiring authority) for the purpose of erecting housing and facilities which serve a beneficial purpose for the future occupiers of the housing, as described in Section 3 below. The Order land and the other land to be redeveloped ("the Redevelopment Area") is shown edged red on the plan attached as appendix 1 to this statement and marked Weston Lane Shopping Parade Regeneration Plan. This will regenerate the area and deliver a mixed use scheme of housing, retail and community facilities which will create a distinctive character to the area relating well to its surroundings and will support a sense of local pride and civic identity. The Council is satisfied that the scheme will improve the quality of housing

within the site and will increase the quantity of housing provided in the Weston area as a whole.

Southampton City Council's Housing Strategy (2011-2015) has been developed to deliver the Government's localism and housing goals and has the following key objectives help to deliver:

- Maximising homes for the city
- Improving homes – transforming neighbourhoods
- Extra support for those who need it

On the 19th February 2013 Cabinet of the Authority resolved to authorise the making of the Order for the reasons set out in a draft of this Statement of Reasons

3.0 Proposals for the Land

The project is phase 3 in a series of estate renewal initiatives planned for Southampton known as the Weston Lane Shopping Parade regeneration. It comprises the redevelopment of the Redevelopment Area being a local shopping centre and associated housing and land to provide a renewed local centre, community facilities and new homes

Consultation with the local community has played a major part in the redevelopment to date and will continue to do so. The consultation process started in March 2011 when the acquiring authority commenced a 12-week period of statutory consultation with its tenants (as Section 105 of the Housing Act 1985) with letters being sent to the tenants and residents at the site and over 3000 leaflets and posters publicising the consultation drop-in events that followed.

Over 138 residents filled in questionnaires and told the Acquiring Authority their ideas for the parade's future. There was significant support for comprehensive redevelopment. An independent facilitator, Solent Centre of Architecture and Design, ran a design festival in May-June 2011 and a feedback session in July 2011 which informed the site Information & Development Brief for the scheme which was used in the procurement process.

The executive for the Acquiring Authority approved the principle of redevelopment of the Redevelopment Area on 4th July 2011 following the public consultations.

In October 2012 one bid was received in the procurement process and was shown to the community at three public consultation events held in Weston in January 2013 where approximately 60 people gave their opinions. Overall the local public considered that the proposal for redeveloping the Redevelopment Area was good and would improve the site and the Weston area as a whole.

The community has been kept up to date with the project by newsletters, updates on the Council's website, and press releases since the initial public consultations began in March 2011.

The preferred bidder is national developer Bouygues Development UK working with regional housing association Spectrum Housing Association who are preparing more detailed designs and undertaking further pre-application consultation in advance of a planning application submission in April / May 2013. A disposal of the Redevelopment Area to this developer was approved by the Acquiring Authorities cabinet on the 19th February 2013.

The redevelopment is subject to the completion of a development agreement between the Acquiring Authority and Bouygues Development UK which is programmed for completion by the end of August 2013.

The redevelopment will see 72 dwellings built on the site, 40 of the 72 dwellings will be houses, 32 will be apartments. Each property will have one allocated car parking space.

32 dwellings will be affordable housing and 40 dwellings for private sale. All the dwellings will be transferred to Spectrum Housing Association who will sell the private sale homes and manage the affordable homes.

Of the affordable homes 24 will be general needs rent which will be let through the acquiring authority's choice based lettings system. Council tenants who used to live at the site will be offered the first opportunity to bid for the new affordable properties if they are eligible for them based on their housing needs. 8 of the affordable homes will be for shared ownership.

25 (35%) of all the new homes meet the Local Planning Authority's Family Homes Policy (policy CS16) of having three or more bedrooms.

The new homes will be required to meet the Code For Sustainable Homes Level 4 standard, furthermore two homes will be required to meet a "wheelchair live-able" standard, defined as:

"Dwellings built to a standard that would allow people using wheelchairs full access to, and use of, the entire house or flat. To that end, the dwelling would normally have adjacent parking, a level entrance, adequate circulation space, all rooms designed for easy access and use by people who use wheelchairs, and full access to, and use of, all levels of the building"

There will be 3 retail units to meet the contemporary needs of the community including a food retail store and a Library and Community Facility to serve the Weston area.

4.0 Justification for CPO

The implementation of the scheme requires the acquisition of outstanding leases as set out in Section 1. Since 2011 the Acquiring Authority has entered into discussions and negotiations with the holders of these land interests for their acquisition by agreement and will continue these negotiations.

Single ownership is required to enable redevelopment to proceed at an early date by providing certainty for programming which will enable the Acquiring Authority to achieve its objectives in a timely manner. Nevertheless, the Acquiring Authority has attempted and will continue to attempt to purchase the Order land by agreement.

The Southampton City Council Lettings Policy 2010 and Decants Policy 2011 applies to residential secure Council tenants and they have been granted additional housing points on their choice based lettings applications. Both Housing Management Officers and Housing Needs Officers are supporting the remaining tenant to bid for alternative premises in areas of the tenant's choice. The tenants at the site have all been offered home loss compensation and disturbance allowance payments.

The individual leaseholders have been treated equally and have been offered compensation the services of an independent Chartered Surveyor have been provided and paid for by the Council for the leaseholders to ensure the purchase price offered is fair and reasonable. Housing advice has been given to the leaseholders advising them of their various housing options.

One of the present commercial tenants (Co-Op) have been offered first refusal within the new development at a commercial rent. The commercial tenants not planning to trade in the new development have been supported to find alternative premises and disturbance costs have been met by the Council or they have been offered adequate compensation to close their business. McColls details have been passed to the preferred developer to facilitate contact but the Acquiring Authority understands they have not been offered a commercial unit in the new development.

The Council is satisfied that the Order is necessary and in the public interest and that the Order Land is suitable and required in order to meet the pressing need for the Scheme, as described in Section 2.

The Council considers that Section 17 of the Housing Act 1985 is the most appropriate power for acquisition of the Order land as the land is currently held within the Acquiring Authority's Housing Portfolio and the disposal of it will be as vacant land at less than best consideration. Further the purpose of the redevelopment is to erect modern and suitable housing and facilities which serve a beneficial purpose for the future occupiers of the housing and surrounding area.

The Council has considered whether the powers it seeks to exercise are compatible with the European Convention on Human rights, in particular Article 1 of the First Protocol of the Convention. It has concluded that there is a compelling case in the public interest for the acquisition of the Order land, as this will bring benefits to residents and businesses in the Weston area of Southampton that could not be achieved by agreement, and this outweighs the loss that will be suffered by those with an interest in the Order land. This compulsory purchase order follows existing legislative provisions in respect of the making and confirming of CPOs and the payment of compensation and, as such, the Council considers it to be compatible with the Convention.

5.0 Planning Position - Government Policies

Whilst a detailed planning application has not yet been submitted, the Acquiring Authority considers that it is expedient to acquire ownership of the Order land in order to be able to dispose of it to its appointed developer to ensure that the appropriate redevelopment comes forward in a timely manner and, as the developer has had regard to the provisions of the Development Plan in preparing the planning application, planning permission should be forthcoming. The following policies are of relevance to the forthcoming planning application.

The National Planning Policy Framework advises Local Planning Authorities to make effective use of land by reusing land that has previously been developed (NPPF paragraph 17, point 8)

Section 6, paragraph 50 of the NPPF states that local Planning Authorities should deliver a wide choice of high quality homes; widen opportunities for home ownership and create sustainable, inclusive and mixed communities, including planning for a mix of housing based on current and future demographic trends, delivering housing size and type according to local demand and setting targets to deliver affordable housing.

The Development Plan for the city comprises the policies of the Local Development Framework Core Strategy Development Plan Document which was adopted in January 2010 and some preserved policies of the Southampton Local Plan review.

The City Council's Local Development Framework Core Strategy contains the following relevant policies:

Policy CS 4 (housing delivery) - requires an additional 16,300 homes to be provided within the City of Southampton between 2006 and 2026. The Secretary of State has confirmed that the evidence underlying the preparation of this figure remains valid and therefore the target of 16,300 homes remains within the development plan

Policy CS 13 (fundamentals of design) - requires redevelopment proposals to meet the robust design process which should be analysis-based, context driven and innovative.

Policy CS 15 (affordable housing) - requires the provision of 35% affordable housing.

Policy CS 16 (housing mix and type) - requires redevelopment proposals for the site to include at least 30% of new dwellings as family homes with a threshold of 15 dwellings (larger units with appropriate sized gardens or private amenity space).

The Acquiring Authority intends to demolish the vacant buildings on the site in order to be able to dispose of the Redevelopment Area to the preferred developer as vacant land at an undervalue, as without such disposal at an under value, the scheme with its community facilities would not be viable. An application for planning consent for the demolition is due to be submitted in March 2013.

The redevelopment is also subject to Bouygues Development UK, the Acquiring Authorities preferred developer, securing full planning permission for the redevelopment. The application will be submitted in April / May 2013.

6.0 Special Considerations

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

7.0 Known Obstacles To The Redevelopment

The freehold title is subject to easements. There are rights of drainage and rights in respect of water, gas and electricity supply services. Any changes to these easements will be negotiated and agreed with the affected utility companies

No further new rights are anticipated to be required for the redevelopment.

In order to be able to commence redevelopment, a number of highway rights which currently exist across the Order Land would need to be extinguished. These include stopping up the publicly maintainable highway into Kingsclere Close, the precinct footpaths by the shops and the walkways linking Weston Lane to Kingsclere Avenue and a spur footpath off that linking to Ashton House. Once planning permission for the redevelopment has been secured an application under section 247 Town and Country Planning Act will be made to the Secretary of State for an order to authorise the stopping up or diversion of these highways as it is necessary to do so in order to enable development to be carried out.

The public car park at Weston Lane which provides 13 car parking spaces for customers of the shops at the parade will need to be closed. A Traffic Regulation Order (TRO) to remove the public's right to park will be made. Reprovision of this parking will be made as the redevelopment will provide for 20 car parking spaces to support the new shops, Library and community facility.

8.0 Delivery

The Council has made huge steps towards enabling the redevelopment to happen, working closely with the local residents and community who are supportive of redevelopment and making available its land for the scheme at minimal return, together with relocating 95% of residents and the 80% of commercial tenants. A funding package has been assembled for this project with the majority of funding coming from the private developer and housing association grant funding from the Homes & Communities Agency. The acquiring authority has funded the enabling costs of the development including securing vacant possession of the site and compensation payments.

There is a pressing need for the scheme to go ahead, many residents have already moved out of their homes to facilitate the scheme, and it will provide important construction

activity during the downturn and a range of regeneration benefits in a deprived area of the City.

9.0 Views Of Executive Agencies / Government Departments

The Homes and Communities Agency an agency of the Department of Communities & Local Government and regulator of social housing providers in England, supports this project; it has been consulted at every stage of the redevelopment and during the selection process for the successful developer.

10.0 Relocation Proposal For Residential Tenants

The Secure Tenant at 24 Somborne House has been given approximately 13 offers of accommodation that meet her housing need, as at 31st January 2013. None of these offers will remain open to the tenant although other offers of suitable accommodation will be made when it becomes available. The Acquiring Authority continues to work towards resolution of this tenant's housing issues.

The leaseholder at 1 Kingsclere Close has been made an offer of market value for their property but does not consider this will enable their family to remain in owner occupation, which is their desire. Continuing attempts will be made by the Acquiring Authority's agents to engage with the Leaseholder in the acquisition process with a view to reaching agreement on their housing options.

11.0 Relocation Proposal For Business Tenants

McColls Newsagent at 74-76 Weston Lane has not been offered premises in the new parade and the Council expects to agree compensation on the basis of extinguishment of the business.

Co Op have been offered premises in the new parade at a commercial rent, although this is not agreed, and negotiations are continuing regarding the surrender of their lease and relocation arrangements.

Further information can be obtained from the Authority's agent:

Ali Mew
Capita Symonds
3rd Floor One Guildhall Square
Above Bar Street
Southampton
SO14 7FP

12.0 Related Applications, Appeals, Orders etc.

None other than as mentioned previously in section 7.

13.0 Documents, Maps or Plans for the Public Inquiry

If a public inquiry is convened, a list of documents etc will be provided in due course and arrangements will be made for them to be available for public inspection.