

The Warwick District Council
(Leper Hospital Site, Saltisford, Warwick) Compulsory Purchase
Order 2021

Reference APP/PCU/CPOP/T3725/3268581

PROOF OF EVIDENCE
OF
ANDREW JONES OF WARWICK DISTRICT COUNCIL
ON BEHALF OF THE ACQUIRING AUTHORITY

1. Introduction

- 1.1. My name is Andrew Jones. I hold a Chartered Qualification of The Institute of Revenues Rating and Valuation.
- 1.2. I am the Deputy Chief Executive at Warwick District Council (“the Council”) and Stratford-on-Avon District Council. I have held this position since 2009 and have been a strategic lead for the Councils on projects including land acquisition, housing development, public amenity provision (leisure, community and information centres, green space and playing pitches) and along with Corporate Management colleagues, oversaw the development and adoption of the Council’s Local Plan. I am operationally ultimately accountable for c500 staff and a myriad of Council services. I have been a local government employee for over 30 years and have worked for District, Metropolitan and City Councils.
- 1.3. I have had been involved with the Leper Hospital site since April 2012. On behalf of the Council, I have overseen a comprehensive body of work examining many options for the regeneration of the site. These options include an extra care housing scheme; a micro-museum; an artisan workshop space; and gardens. None of these options has proven viable. The various options were explored in a Feasibility Study dated 21 December 2012¹. Funding to undertake feasibility studies has been provided wholly by the Council with no financial support from the Owner. Historic England and the Architectural Heritage Fund have provided grants to enable a forensic examination of the state of the buildings. All this funding has been secured by my work with no assistance from the Owner. I have been involved in the measures that Warwick District Council has been required to take in order to protect the Grade II* listed building, the development of the compulsory purchase scheme and the various attempts to negotiate with the Owner.
- 1.4. I am aware of the Guidance on Compulsory Purchase and the Crichel Down Rules (“the Guidance”) and in particular paragraph 106 of the guidance that sets out the factors that the Secretary of State will take into account when deciding whether to confirm an order under section 226 (1) (a) of the Town and Country Planning Act 1990.
- 1.5. I fully understand my duty as an expert witness to the Planning Inspector. The views expressed are my true and professional opinions.

¹ CD’s 26 and 27

2. Scope of Evidence

- 2.1. I have prepared this proof of evidence in support of Warwick District Council (Leper Hospital Site, Saltisford, Warwick) Compulsory Purchase Order 2021 (“the Order”) which was made on 14 January 2021. The land subject to the Order is situated on a main route into Warwick Town Centre and registered under HM Land Registry title WK303149 (“the Order Land”). It is unoccupied and contains 2 Grade II* listed buildings, part of the site is registered as a Scheduled Monument.
- 2.2. The Council’s purpose in seeking to acquire the Order Land through the compulsory purchase process is to facilitate its redevelopment and bring the listed buildings back into use. The scheme comprises the conversion of both Grade II* listed buildings into individual affordable housing units and the erection of a three-storey building of eight affordable apartments together with access, parking and amenity space (“the Scheme”).
- 2.3. A planning application and a listed building application have been submitted by Ms Sue Whitehouse on behalf of West Midlands Historic Buildings Trust. They were validated on 13 May 2021. They have been allocated references W/21/0939 and W/21/0940/LB by the Local Planning Authority. The application proposal is as follows: -

“Application for the conservation, repair and alteration of the existing listed Master’s House to provide a two bed dwelling with contemporary building services, to include partial demolition of the south wing and the extension of a larger south wing. Proposals include the deconstruction, repair and reconstruction of unstable structural elements of the Master’s House. The conservation, repair and alteration of the listed St Michael’s Chapel to provide a one bed dwelling with contemporary building services. The proposal also includes the construction of a new three storey apartment block to the north of the site with 8no. one bed dwellings together with associated hard and soft landscaping and proposed access.

- 2.4. My evidence will set out the history of the Order Land in Section 3.
- 2.5. In Section 4 I will explain why there is a compelling public interest in making the Order and will address the tests as set out in the Guidance.
- 2.6. In Section 5 I will explain the purpose of the Order and why this purpose could not be achieved by other means.
- 2.7. In Section 6 I will set out the financial viability of the Scheme and explain how it will be delivered and the funding that will demonstrate that there is more than a reasonable prospect that the Scheme will proceed.

2.8. In Section 7 I will detail the efforts that have been made to date to acquire the Order Land by agreement.

3. History of the Order Land

- 3.1. The Order Land is situated in the town of Warwick within Warwick District. It sits just outside of the Warwick Town Centre boundary and within the urban area and covers an area of approximately 2,050m². It is registered at HM Land Registry under title number WK303149 and the freehold is owned by Coventry Turned Parts Limited (Co. Reg No. 00982178)². It is currently unoccupied.
- 3.2. Warwick is a historic market town that has been continuously inhabited from the 6th century onwards. The Order Land itself lies near to the edge of the medieval suburb of Saltisford. Part of the land is designated as a Scheduled Monument³ and it contains two Grade II* listed buildings, one known as St Michael's Chapel⁴ and one known as Master's House (or the Priest's House or St Michael's Place)⁵. Master's House is on the Heritage at Risk Register with its condition described as "very bad" and "at immediate risk of rapid deterioration or loss of fabric"⁶.
- 3.3. The Church of St Michael was founded by Roger, Earl of Warwick in 1135, possibly as a parish church and then becoming the chapel of the leper hospital at a later date. As described in the listing the first known reference to the leper hospital was in 1275. St Michael's Chapel is stone built and Master's House is timber framed, both date from the 15th century with 12th century foundations.
- 3.4. In 1545 the leper hospital came into lay ownership but continued to provide an income for distribution to the poor. The earliest map of the area is from 1610 and shows St Michael's Chapel and Master's House somewhat isolated from other settlements. In the 17th and 18th centuries alms houses and cottages were built along the street frontage. By 1793 the Warwick - Birmingham canal had been opened and a canal wharf constructed close by. A map of 1851 shows that the street frontage east of St Michael's Chapel was occupied by a smithy that probably extended into the Chapel itself and Master's House divided into three cottages with a possible lean to on the western end. The surrounding area is shown on the 1851 map as divided into further yards and containing outbuildings, cow houses, privies and piggeries. Further industrial development took place in the area in the 19th century including the construction of the gas works and two octagonal gasometers in 1822 (which have survived, are listed and have now been converted into affordable housing) and the construction of the railway.

² CD 4 Title Documentation

³ CD 9 Historic England List Entry 1011035

⁴ CD 6 Listed Building Entry 1035366

⁵ CD 7 Listed Building Entry 1364850

⁶ CD 8 Historic England Heritage at Risk Register

- 3.5. Many of the 17th and 18th century buildings to the east and west of the Order Land were demolished in the 1960's and by 1983 the canal wharf had been filled in and built over. The existing boundary to the Order Land was established following the construction of the Council depot to the north east in the 1980's.⁷
- 3.6. The Order Land has been owned by the current Owner since 1987. It has been unoccupied and vacant since this date. The Grade II* listed building known as The Masters House (and also referred to as St Michael's Place on Historic England listing) is in a serious state of disrepair and it has been on Historic England's at-risk register since its inception in 1998. This is believed to be one of only very few leper hospitals of the early middle ages that still survives.
- 3.7. The Owner applied for planning permission and listed building consent in 2004 for the conversion of St Michael's Chapel and Master's House to offices with the construction of an office building at the rear. The applications were granted on 5 February 2007⁸. Scheduled Monument Consent was granted in 2009. The permission and LB consent granted in 2007 were not implemented and expired on 6 February 2012.
- 3.8. Due to the ongoing deterioration of Master's House and despite unsuccessful efforts to engage with the Owner the Council, considering that the Master's House was at real risk of imminent destruction served an Urgent Works Notice⁹ (under section 54 of the Planning (Listed Building and Conservation Areas) Act 1990) on the Owner on 13 August 2019 to require that works immediately necessary for the preservation of the building were carried out. No works were undertaken by the Owner in response to the notice although correspondence was received from the Owner's representatives stating that they were trying to resolve the matter. Due to the lack of action on the part of the Owner and the urgent nature of the repairs the Council entered the Order Land and carried out the essential works at a cost of £67,607.30 to stabilise and weatherproof the building. The Council were required to serve a further notice to secure repayment.

4. Public Interest

- 4.1. The Council is of the view that there is a compelling public interest in acquiring the Order Land and implementing the Scheme. The land and the listed buildings have been left unoccupied since the Owner's acquisition. Only now, after a hiatus of 17 years, has the owner re-engaged with the Planning Authority with an extremely limited plan. The buildings are at risk of vandalism and unauthorised occupation. Indeed, for many years the buildings were intermittently used by rough sleepers with limited intervention by the Owner. Fire damage was a constant risk to the buildings

⁷ CD 24 paras 3.3 & 3.5 from WCC Archaeological Evaluation of the former Leper Hospital Saltisford December 2004

⁸ CD's 16, 17 & 18

⁹ CD 20 s54 Notice

with drugs paraphernalia and broken bottles strewn throughout. The Council had to employ contractors to remove the detritus so that the survey work could be undertaken safely. The Master's House has been allowed to deteriorate to such an extent that the Council have had to use emergency powers to prevent its total destruction. The only planning permission that the Owner has obtained has been left to expire. There is a real risk that if this Scheme cannot be implemented then the buildings will continue to deteriorate and an important heritage asset that has survived since the 12th century will be lost.

4.2. The Scheme proposes the creation of affordable housing, and the restoration and re-use of the Grade II* listed buildings. This is achievable because of the grant funding that the Council has secured and the expert input from the West Midlands Historic Buildings Trust. Affordable housing is much needed in Warwick District and this provides homes in a sustainable town centre location with excellent access to shops, schools, public transport and many other facilities. It would also transform a derelict site situated on a main thoroughfare into a historic town and improve the visual amenity.

4.3. In my opinion there is a compelling case in the public interest for making the Order that justifies interference with the human rights of the Owner. I consider that the Council as Acquiring Authority has justified its proposal and particular consideration has been given to paragraphs 12, 13, 14 15 and paragraph 106 of the Guidance throughout this process.

5. Purpose of the Order

5.1. The purpose of the Order is to deliver the Scheme. The Scheme will secure the restoration and re-use of the listed buildings and secure the removal of the Master's House from the at risk register. It will deliver much needed affordable housing and contribute to the economic, social and environmental wellbeing of the area. The Council has a track-record of delivering complex projects with its housing partner Platform Housing Group (formerly Waterloo Housing Group). The gasworks referred to earlier (see para. 3.4) and a disused printworks, both in the heart of Warwick town centre, have been regenerated bringing much needed housing and environmental improvements to the town. In both cases Waterloo Housing Association (now Platform Housing Group) were the developer and both developments have delivered 100% affordable housing (50 homes in total) in sensitive locations, and in the case of the gasworks this included the conversion and restoration of a listed building.

5.2. I do not believe that the purpose of the Order could be achieved by any other means. The Council has been working with Platform Housing Group, and West Midlands Historic Buildings Trust for 3 years in order to develop the Scheme. All parties have significant experience and expertise in the delivery and management of affordable housing and the preservation of heritage assets. The Owner has not made any tangible progress towards the development of the site, a former planning

permission has been left to expire, there is no current application, and the Owner has allowed the Grade II* listed Master's House to degrade to an unacceptable degree.

6. Financial Viability and Deliverability

6.1. I have been closely involved in the development of the Scheme and it will be delivered by the Council and Platform Housing Group as its Joint Venture Partner. The parties involved are as follows; -

- Platform Housing Group; a registered social landlord and the largest housing association in the Midlands,
- West Midlands Historic Building Trust: a registered charity and not for profit developer who work to secure sustainable futures for historic buildings at risk

6.2. Careful and detailed consideration has been given to the costs of funding the Scheme. The Scheme will be independently viable, and the sources of funding are as follows:

6.2.1. £500,000 grant from Warwick District Council

6.2.2. £520,000 developer section 106 contributions deriving from three Warwick based schemes where developers paid commuted sums towards local affordable housing provision. The developments that will contribute towards the Scheme are Chase Meadow, Northgate Street and Lord Leycester Hotel. There is no restriction on the use of these funds other than for affordable housing.

6.2.3. £50,000 contribution from Warwick District Council and Platform Housing Group joint venture partnership

6.2.4. £300,000 grant from Historic England (dependent on planning permission)

6.2.5. £100,000 affordable housing grant from Platform Housing Group

6.2.6. £30,000 grant from the Architectural Heritage Fund

6.2.7. £300,000 loan from the West Midlands Historic Building Trust via their Affordable Housing Fund.

6.3. The funding has been agreed through the respective bodies' appropriate governance mechanisms. It is immediately available and it is sufficient to exceed the budgeted costs of the works including the anticipated costs of acquisition.

6.4. The cost plan is regularly updated by externally appointed quantity surveyors. This is a confidential document. A Project Board meets on a bi-monthly basis and all of the key funders are members of the Project Board.

6.5. The Scheme has been conceived as a single, comprehensive development with one element (the new apartment block to the rear) providing cross subsidy for the restoration of the heritage assets. The confidential valuation advice that the Council

has received is clear that the restoration of the assets themselves without cross subsidy would not be viable.

- 6.6. The restoration and redevelopment of the heritage assets will be delivered by West Midlands Historic Buildings Trust by the letting of a contract to a suitably qualified construction contractor. The rear of the site, where the new apartment block will be constructed, will be delivered through Platform Housing Group's established procurement procedures to appoint a suitably qualified construction contractor. West Midlands Historic Buildings Trust and Platform Housing Group both sit on the Project Board so they will be able to ensure that the development programme is appropriately aligned. It is intended that West Midlands Historic Buildings Trust will take ownership of the Grade II* Listed Buildings and they will be managed under a long lease by Platform Housing Group. Platform Housing Group will own the freehold of rear of the site containing the newly constructed affordable housing. Platform Housing Group will let and manage all of the affordable housing units
- 6.7. A planning application and listed building application has been submitted by West Midlands Historic Buildings Trust that is expected to be determined in September 2021. The proof of evidence submitted by my colleague Mr Philip Clarke addresses compliance with the Development Plan and the NPPF and how the affordable housing will be secured.
- 6.8. I understand that an application for Scheduled Monument Consent has been made to Historic England.
- 6.9. Negotiations with Warwickshire County Council relating to the restrictive covenant that restricts building on the site are on-going and positive progress has been made. I do not believe that the restrictive covenant will impact the delivery of the Scheme.
- 6.10. It is expected that the Scheme will be delivered within 18 months of confirmation of the Order.

7. Efforts to Acquire by Agreement and Response to the Objection

- 7.1. The table below summarises the efforts that have been made to acquire the Order Land by agreement. I have been in negotiation with the Owner and their representatives since approximately 2013. The Council has undertaken all the work and expense of trying to bring a scheme forward, supplemented by grants from Historic England and The Architectural Heritage Fund. The only role the Owner has played has been to ask their agents to keep in touch with me about what progress was being made. Furthermore, as an act of good faith, the Council released Coventry Turned Parts Ltd from an onerous Bond that was compromising its ability to raise finance. It was hoped that this act of good faith would be reciprocated but regrettably that is not the case. I have been the single point of contact throughout and I am firmly of the view that the Council has done all it can to attempt to acquire

the site. Various offers have been made in excess of the market value figure but there has been no resolution.

Dates of Communication	Summary of Communication	Outcome
Prior to 2019	Various discussions between the Council and the Owner's agent.	Purchase figures discussed. No agreement
15 November 2019	Meeting between Council's representatives and Owner's agent	Council Offer
28 November 2019	Email correspondence between Council's representatives and Owner's agent	Counteroffer by Owner
10 January 2020	Email correspondence between Council's representatives and Owner's agent	Offer by Council
21 January 2020	Telephone call between Council's representative, Owner and agents	Offer by Owner
24 January 2020	Email from Council's representative to Owner and agents	Set out offer discussed on 21/1/20 in writing and confirmed Council's acceptance and that further details would follow
28 January 2020	Email from Council's representative to Owner and agents	Provided details of proposed purchase terms
18 February 2020	Email from Owner's representative to Council	Offer not accepted. Counteroffer made
6 March 2020	Email from Council's representative to Owner's agent	Counteroffer rejected
20 March 2020	Letter from Owner's representative to Council	Proposed that the offer made in January 2020 revisited
15 April 2020	Email from Council to Owner's representative	Advised Council had resolved to use CPO powers

17 April 2020	Telephone conversation and email from Owner's representative to Council	Owner's representative requesting clarification of various matters
29 April 2020	Email from Council to Owner's representative	Previous offer withdrawn and Council likely to make a revised offer based on further valuation
5 October 2020	Letter from Owner's representative	
21 October 2020	Letter from Council to Owner's representative	New offer
27 October 2020	Email from Owner's representative to Council	Three alternatives proposed
28 October 2020	Email from Council to Owner's representative	Alternatives rejected. Offer made on 21/10/21 reiterated
2 November 2020	Email correspondence between Owner's representative and Council	Council made increased offer. Offer refused
13 November 2020	Email from Council to Owner's representative	Increased offer
14 November 2020	Email from Owner's representative to Council.	Offer refused. Counteroffer made
14 November 2020	Email from Council to Owner's representative	Counteroffer refused
16 November 2020	Email from Owner's representative to Council	Query why the offer to gift listed buildings to the Council is not acceptable and confirmation sought that Councillors will be made aware of the offer when considering whether to proceed with a CPO

17 November 2020	Email from Council to Owner's representative	Grant funding and section 106 contributions available for affordable housing development which will cross fund the restoration. Leader of the Council is fully up to date.
18 November 2020	Email from Owner's representative to Council	What works are to be undertaken to the listed buildings and at what cost? What is logic of funding when more viable and cheaper options are available? Do you have authority to reject most recent offer?
18 November 2020	Email from Council to Owner's representative	Points raised relate to valuation. Writer has full authority to deal in accordance with Council's constitutional arrangements.
18 January 2021	Letter sent to Owner's representative serving Order and accompanying documents.	
4 February 2021	Objection received	
10 May 2021	Email from Owners' planning agent	Further pre-application enquiry submitted
20 May 2021	Statement of Case served on Owner and representatives.	
25 June 2021	Email from Owner's planning agent to Council	Request that Council agree to jointly request a stay to the CPO proceedings
1 July 2021	Email from Council to Owner's legal representative	Do not agree to a request a stay. Remain

		willing to acquire the land by agreement.
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7.2. The Owner's objection to the Order references the sum of £700,000 that has been spent in restoration. I have seen no evidence to support this and I do not believe that the Owner has carried out any work to the listed buildings in the past 10 years.

7.3. The Owner's objection also references the fact that the Council's actions in making the Order are premature. As already explained the Master's House is at risk, the Council has secured the funding and expertise required to develop the land and restore the buildings and there has been an absence of any meaningful progress by the Owner. I have no confidence that the Owner will ever bring forward a development scheme for the Order Land that secures the future of the listed buildings.

8. Conclusion

8.1. I consider that the case for a compulsory purchase order has been fully justified in accordance with the Guidance. Paragraph 106 of the Guidance sets out the factors that the Secretary of State will take into account when deciding whether to confirm an order under s226 (1) (a) of the Town and Country Planning Act 1990.

8.2. I am of the opinion that the purpose for which the land is being acquired is compliant with the adopted Local Plan, the Scheme will contribute to the achievement of the promotion or improvement of the economic, social and environmental well being of the area and that this purpose could not be delivered by any other means taking into account the alternative proposal put forward by the Owner. The Scheme is fully funded and financially viable and there is a reasonable prospect that it will proceed.

8.3. Paragraph 12 of the Guidance makes it clear that an acquiring authority should be prepared to defend its proposal at public inquiry, and I consider that there is more than adequate justification in this case and a compelling case in the public interest. This may be the only chance to restore these important heritage assets.

8.4. The Council, as acquiring authority has demonstrated a clear idea of the purpose for which it intends to use the land and it can show that the necessary resources are available to achieve that within a reasonable timescale as set out at paragraph 13 of the Guidance

8.5. The Council is also able to demonstrate, in considerable detail. the sources of the funding and the timing of that funding that will be used to deliver the Scheme as required by paragraph 14 of the Guidance.

8.6. Planning and listed building applications have been submitted as has an application for Scheduled Monument Consent. There are no obvious reasons why these applications would not be granted. I am confident that the restrictive covenant will not obstruct development. I therefore consider that the Scheme is unlikely to be blocked by any physical or legal impediments and that this has been demonstrated in the evidence provided to the Inquiry in accordance with paragraph 15 of the Guidance.

17 August 2021