

Policy Group – 20 September 2017

Consideration of Motion about land at Upton

1. Purpose of report

To consider the Motion put to Council on 8 August 2017 by Councillors Drane and Tilling.

2. Key issues

- 2.1 The following Motion put forward by Councillors Drane and Tilling was included on the agenda for the Council Meeting held on 8 August 2017:

“The Council should consult with local stakeholders such as ward councillors, town and parish councils and local residents before agreeing to sell any surplus open space. As this did not happen in the case of the green spaces on Dacombe Drive, Dacombe Close and Factory Road, the Council should review any sale until after any affected residents have been properly consulted.”

- 2.2 At the meeting the Chairman acknowledged the Notice of Motion and announced that, in accordance with the Council’s Standing Orders, this would be referred without discussion to the next meeting of the Policy Group for consideration
- 2.3 The Motion relates to the Council’s consideration in June 2016 of a proposal from East Boro Housing Trust (East Boro) to use Council owned land in Upton to provide sixteen affordable rented homes.
- 2.4 The report resulted in considerable local opposition. Concerns were raised about the lack of consultation, the loss of green space, shortage of parking and the capacity of the local infrastructure, particularly schools and the doctors’ surgery to accommodate any additional households.
- 2.5 In response to these concerns the Chief Executive, General Manager – Public Health and Housing and the Housing Manager attended a meeting on 31 August 2016 with a representative of Lytchett Minster and Upton Town Council and a number of residents.
- 2.6 Having listened to the concerns of the local community and obtained pre-application advice East Boro has reviewed its proposal and reduced the number of homes to eight two-bedroom properties – four houses and four flats – on two sites. More detail on East Boro’s proposal can be found in Further Information.
- 2.7 The original intention was that a planning application would not be submitted until East Boro and the Council’s housing team had carried out detailed consultation with the occupants of neighbouring properties and the local community. This remains the case. In addition, the planning application process provides an opportunity for people to submit their views for consideration as part of determining planning applications.
- 2.8 The land has not been sold. The Council’s approach to the disposal of land and the requirement for consultation is detailed in Further Information. No separate policy is required.
- 2.9 East Boro’s proposal assumes a per unit payment for the land from East Boro to the Council and will therefore require a valuation from the District Valuer Service (DVS).

3. **Recommendation**

A report be submitted to Council to:

- (1) approve the continuation of the scheme recognising the reduction in the number of homes to be provided from sixteen to eight;
- (2) accept the Council's policy for the disposal of land is fit for purpose; and
- (3) obtain land valuations from the District Valuer Service in order to proceed with the disposal of the land to East Boro.

4. **Policy issues**

4.1 **How will this affect the environment, social issues and the local economy?**

- The changes proposed will remove some of the green space within the estate. The Local Enterprise Partnership have stated that the Dorset economy can anticipate growth across a number of sectors, with a mix of higher and lower paid jobs. To facilitate this, there is a need to provide housing across the full price range and of different sizes and types of homes.
- "Meeting the housing needs of local people" is one of the Council's five corporate priorities. The use of Council owned land to provide additional affordable rented accommodation and temporary accommodation emphasises the importance the Council places on this priority.
- The additional homes would make a useful contribution towards new housing provision in the District and provide affordable housing for which there is an identified local need.

4.2 **Implications**

4.2.1 **Resources**

The two sites are currently part of the Council's grounds maintenance contract. Disposal of the sites would result in a minor revenue saving of £860.00 per annum.

The conveyancing associated with disposal is likely to be undertaken by external solicitors, with the costs netted off against the proceeds of the sale.

East Boro's proposal assumes a payment of £80,000 (£10,000 per unit) from East Boro to the Council for the land and a grant requirement of £300,000 (net £220,000 after the capital receipt is paid). If East Boro's application is agreed the land will need to be valued by the District Valuer Service (DVS). Completion of the land sale would be conditional upon the granting of planning permission acceptable to East Boro.

There will also be a cost related to the valuations required estimated at £2,000.

4.2.2 **Equalities**

This proposal has no equalities implications.

5. Further information

Background

- 5.1 The Council's Housing Operations Group, an inter-departmental officer group, investigated the use of the Council's land holdings in Upton with the aim of using the land to provide affordable housing. Six sites with the potential for housing were identified. These are shown on the plan at Appendix 1. No local planning policies require the retention of these pieces of land.
- 5.2 Given the demand for affordable rented housing, the need for additional temporary accommodation for homeless families and the difficulty of securing sites for affordable housing, disposal of the sites on the open market was not considered. The use of Council owned land also puts the Council in a better position to influence the type of accommodation provided.
- 5.3 Council considered East Boro's proposal at the 14 June 2016 meeting. At the meeting it was resolved that:
- (1) the parcels of land identified in Appendix 1 to the report be declared surplus to requirements;
 - (2) the General Manager - Public Health and Housing, in consultation with the Solicitor to the Council and the Housing Portfolio Holder, be authorised to finalise and agree heads of terms with East Boro Housing Trust for the disposal of the parcels of land - A, C, E, G1 and G2 - on such terms to provide for contracts of sale to be conditional upon the grant of planning permission for the parcels of land to be developed with affordable housing, the imposition of appropriate covenants and, if necessary, overage provisions; and
 - (3) a report in respect of any capital grant that may be sought by East Boro Housing Trust be brought forward once the precise number, mix and tenure of the units has been determined through the planning application.
- 5.4 At that time the proposal was for 16 houses on 7 sites. As a result of the concerns raised locally and the Council's planning pre-application advice East Boro has reduced the number of homes to 8 on 2 sites. These are outlined in green in Appendix 2.
- 5.5 Upton is an area of high demand for all types of housing particularly properties for families. Within the housing association stock there are 96 two bedroom rented properties. This figure includes the homes which will be provided by Radian at Policeman's Lane.
- 5.6 Although the number of properties may appear high, vacancies are rare. In 2014/15 there were 3 general needs two bedroom vacancies, in 2015/16 there were 6 and in 2016/17 there were 4. Since April 2017 there has been 1.
- 5.7 Upton together with Swanage and Wareham are identified in the Purbeck Local Plan Part 1: Planning Purbeck's Future (PLP1) as the most sustainable sites for development.
- 5.8 Policy HS (Housing Supply) of the PLP1 shows that north east Purbeck (which includes Upton) will deliver around 605 homes over the period 2006 - 2027, of which around 120 will be through settlement extensions. The remaining 485 will be delivered mainly through infill

development. During the preparation of the PLP1, the Council consulted statutory bodies and infrastructure providers, such as Natural England, Dorset County Council (DCC) Highways, DCC Education and the National Health Service. None of which objected to the plan.

- 5.9 The Local Plan Review is looking at opportunities for further housing growth, including re-examining infill potential across all settlements.

Consultation

- 5.10 When the original scheme was proposed the intention was that the Council's housing team and East Boro would carry out detailed consultation with occupants of neighbouring properties and the wider community prior to the submission of a planning application. It was anticipated the process may result in changes to the original proposal.
- 5.11 In response to the concerns of local residents the Chief Executive, General Manager – Public Health and Housing and the Housing Manager attended a meeting with a representative of Lytchett Minster and Upton Town Council and a number of residents on 31 August 2016. The meeting also involved a visit to each site during which site specific concerns were discussed.
- 5.12 Since the scheme was considered by Council in June 2016 East Boro has sought planning pre-application advice from the Council's Development Management team. East Boro's revised proposal takes into account the pre-application advice and the correspondence received from those who contacted East Boro directly to voice their concern about the scheme.
- 5.13 If the scheme proceeds the Council's housing team and East Boro will carry out detailed consultation. East Boro will hold a public exhibition prior to the submission of any planning application which members of the public will be invited to attend and give their views. This will be in advance of the statutory planning consultation process. Once a planning application is submitted, people will be invited to comment through the planning application determination process. They will be able to submit their comments on line or by email or post. The application will be determined by the Council's Planning Committee so people will also be able to register to speak to share their views about the scheme with the Committee.

Education and health

- 5.14 Colleagues in education and health have been contacted about the capacity of the local surgery and schools to accommodate increased demand from housing developments in Lytchett Minster and Upton.
- 5.16 Dorset County Council's Manager – Sufficiency School Places has confirmed the local schools at all three levels infant, junior and secondary have a total capacity in each year group that exceeds local need. On National Offer Day the remaining places are taken by Poole or children living outside the catchment area. This means families moving into the area after National Offer Day or after close of applications in January are directed to other schools - usually Sandford St.Martin Primary.
- 5.17 It is considered the schools can accommodate more housing but the issues will not be resolved for families moving during the academic year. The Council is not allowed to reserve places for local families – all available places have to be offered on National Offer

Day. If the County Council were to add places, through new schools or additional places, it is likely they would be taken by children living outside the catchment area.

- 5.15 With regard to health, the Senior Primary Care Lead for Dorset Clinical Commissioning Group considers the local surgeries provide good access and does not believe there are capacity issues. The surgery is gearing up for new homes and has a flexible staffing structure which can handle demand. Changes have been made to the way in which the service is delivered. These include signposting people to appropriate services (which may not be an appointment with a GP) such as nurse appointments and pharmacist visits. It is possible this new way of delivering the service means some people believe it is not possible to get a GP appointment. However, this is not the case. Surgeries work on threshold numbers of patients per GP. The surgery currently has enough GPs for the number of patients registered with them and are gearing up for more patients as they recognise the need for additional housing will increase their patient numbers.

East Boro's revised proposal

- 5.16 East Boro's revised proposal uses sites A and C on the attached plan. The use of each remains unchanged from the original scheme:
- Site A – 4 x 2 bedroom 3 person flats with one parking space per flat provided on the adjacent triangular piece of land with a garden to the rear of both; and
 - Site C – a terrace of 4 x 2 bedroom 3 person houses with two parking spaces per house. The houses would have off road parking at the front and gardens to the rear. The proposal uses half the site, retaining the other half for community use.

More detail can be seen in the plan attached as Appendix 2.

- 5.17 East Boro's proposal takes into account pre-application advice from the Council's Development Management team and the concerns of residents who contacted East Boro. From a planning perspective sites G1 and G2 outlined in Appendix 1 were not considered suitable sites for housing.
- 5.18 If the scheme proceeds it is proposed the homes will be let at social rents - £110.00 per week with a service charge of £10.00 per week.
- 5.19 East Boro's proposal includes the ability to use some of the properties for temporary accommodation demand for which is increasing and will increase further as a result of the requirements of the Homelessness Reduction Act 2017 which will be implemented in April 2018.
- 5.20 The sites have not been sold. To understand the costs involved a valuation from the DVS will be required prior to sale. Before disposal the Council will need to go through the requirements of its land disposal policy outlined below.

Disposal of land

- 5.21 Unlike a private individual the Council is not able simply to dispose of land. The Council can only do so if there is a positive power for it to do so. It must also comply with any restrictions or pre-conditions imposed by the power. Section 123 of the Local Government Act 1972

authorises the Council to dispose of land in any manner it wishes. The power is not unfettered. First, the Council must not dispose of land, otherwise than by way of a short tenancy, for less than best consideration without the consent of the Secretary of State. Secondly, where the land is open space, the Council must advertise the intention to dispose of the land in a local newspaper for two consecutive weeks and consider any objections received. Open space for these purposes means “any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.”

- 5.22 The High Court has said the purpose of this second requirement is to ensure that an authority carries out a consultation exercise before making a disposal and that anyone who wishes to raise objections has an opportunity to do so. The High Court went on to say that before such a consultation can be undertaken, it is necessary for the authority to identify with some precision its plans for the land and, in particular, its future use and potential purchasers. Seen in this context the resolution of the Council on 14 June 2016 (Min refers 42 16/17) declaring the various open spaces to be surplus to requirements and authorising officers to finalise heads of terms with East Boro HA, was no more than a preliminary step towards formalising the Council’s plans for the open spaces.
- 5.23 Accordingly, once heads of terms have been agreed, a notice will be published in a local newspaper (and on the Council’s website albeit that this is not a statutory requirement) and any objections received in response to that notice will need to be considered before the final decision is made to dispose of the open spaces

The need for accommodation

- 5.24 There is a high demand for all types of affordable housing in Upton. The monthly housing register figures for July 2017 show that on 31 July 2017 there were 494 households on the housing register. On 15 August 2017 125 housing register applications included Upton as an area of choice. Of these 29 required sheltered accommodation. The remainder required family type accommodation – 44 one bedroom, 41 two bedroom, 9 three bedroom and 2 four bedroom.
- 5.25 In addition to the demand for rented homes available through the housing register the Council is also experiencing increasing demand for its temporary accommodation. As at 1 September 2017 there are 41 households in temporary accommodation. Of these 21 are in housing association or private rented temporary accommodation; 15 are living in mobile homes; two are living in bed and breakfast; and three are homeless at home, a situation which can deteriorate quickly. All these households have been accepted as homeless. One of the families has been in temporary accommodation since March 2016 and another family has been living in a mobile home for 22 weeks.
- 5.26 Apart from when the office was closed during Christmas 2016 and a family was placed in bed and breakfast, the Council had not used bed and breakfast for households with children or for pregnant women from 1 March 2016 to 26 April 2017. There is little movement in the existing social housing stock.
- 5.27 The Council does not have any temporary accommodation in Upton. Households with links to the area are usually placed in emergency and temporary accommodation in Poole, Swanage or in some cases Weymouth and Bournemouth. The ability to use some of the properties proposed as temporary accommodation would be of significant benefit to the households it is trying to assist.

- 5.28 The Homelessness Reduction Act 2017 which will be implemented in April 2018 will strengthen the prevention duty with the result that local housing authorities will be expected to take reasonable steps to ensure accommodation does not cease to be available to any household who is eligible and either homeless or threatened with homelessness. The fact an applicant may not have a priority need or is intentionally homeless will no longer be relevant.
- 5.29 The requirements of the legislation will increase the demand for temporary accommodation. The act will require the Council to take reasonable steps to ensure accommodation is available for 6 months. It is increasingly difficult to source affordable private sector accommodation and in the absence of private sector housing the demand for temporary accommodation will increase.

Appendices:

1 - Plan of sites

2 - Plan showing East Boro's proposed layouts

Background papers:

Purbeck Local Plan Part 1: Planning Purbeck's Future

For further information contact:-

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-  Settlement boundary
-  Parish boundary
-  Internationally Important Nature Conservation Site
-  National Nature Reserve
-  Flood Risk
-  Scheduled Ancient Monument



Upton Sites

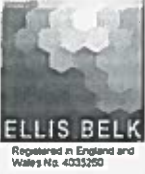
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Not to scale



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	<p>DRAWING TITLE Proposed Site Plan</p>	

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- Reason for issue
- Sketch Proposal
- Planning Application
- Building Regulation
- Tender
- Construction

SCALE @ A3
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DATE
11/06/15

PROJECT NUMBER
ENQ/518

DRAWING NUMBER
SK01

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