

Chichester District Council

CABINET

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Development of Amenity Sites owned by Hyde

1. Contacts

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2. Recommendation

- 2.1. **That the proposed protocol at the appendix be approved and that the Head of Housing and Environment Services be authorised, following consultation with the Cabinet Member for Housing and Planning, to give the Council's consent to the development of amenity sites as she considers satisfies the criteria in the protocol.**
- 2.2. **That authorisation for the Council to enter into a Deed of Release for each site and any other related documents is delegated to the Head of Housing and Environment Services without referral back to Cabinet.**
- 2.3. **That the Council forgoes making a charge for the release of the covenant, where warranted by the circumstances of the individual case and where the land is to be developed for affordable rented housing.**

3. Background

- 3.1. The Council is committed to enabling the delivery of affordable housing to meet local identified needs within the district and has allocated funding to deliver this objective. However, the most critical issue in the delivery of additional affordable housing for our registered provider partners is the difficulty of obtaining land at a viable price when competing with private developers in a competitive market.
- 3.2. Priority two of the Housing Strategy focuses on making the most effective use of existing stock. This is also a priority within the Corporate Plan. To this effect the enabling team have been working with officers at Hyde to identify under-utilised land or assets within their existing stock which may provide an opportunity to deliver additional affordable housing or housing which better meets current housing needs. This may include modernisation or redevelopment of out-dated unpopular stock, and the development of dilapidated and under used garage sites. It may also include the development of a number of much needed bungalows to encourage older residents to downsize within their locality and release family accommodation.

- 3.3. Hyde own a number of small sites classified as amenity sites, under the large scale stock transfer (LSVT) documentation. At the date of the transfer this amenity land was not designated as public open space but had been the subject of public access without restriction. Some of these sites are small unused areas beside existing houses or garages which could be developed, often in conjunction with adjacent land to provide much needed affordable housing, typically between two and eight units. In some cases only a small piece of the land may be required to enable the development of an adjacent site.
- 3.4. Small sites are significantly more expensive to develop
- 3.5. Under the terms of the transfer agreement plots classed as amenity land cannot be developed without the council's consent. This consent cannot be unreasonably withheld if social housing is to be built. A number of small such sites are currently being considered by Hyde and are likely to come forward for consideration by the Council. It is proposed to adopt a general policy approach towards such sites, together with a scheme of delegation, to facilitate an early response to such requests and to avoid the need to bring each small site to Cabinet.
- 3.6. The council must enter into a Deed of Release to release Hyde from the covenant for each individual amenity plot.

4. Outcomes to be achieved

- 4.1. Better utilisation of existing stock within the district and the delivery of additional affordable housing whilst maintaining sustainable communities. Where appropriate the use of amenity land could incentivise and enable Hyde to cost-effectively build more affordable housing in a sustainable location adjacent to their existing stock. This could make better use of underused patches of land, enable development of adjacent land, improve the appearance of the area, contribute to the council's five year housing supply and reduce the need for greenfield sites.

5. Proposal

- 5.1. An Amenity Sites Protocol has been drafted (see Appendix) for future proposed developments which set out the considerations and criteria that should be met before a site will be considered for development as affordable rented housing. This is based on the protocol adopted in 2003 for underused garage sites which has enabled over 130 affordable homes. Considerations include housing need, site suitability, parking requirements, adequate provision of open space and consultation.
- 5.2. Consent will only be given to proposals that meet identified affordable housing needs, including the development of much needed bungalows for residents wishing to downsize and subsequently releasing family housing. Such consents will be subject to Hyde entering into a nomination agreement with the Council, which will ensure that the Council has nomination rights to all initial lettings and 75% of subsequent relets.

5.3. Regardless of any in-principle support, the proposals will be subject to the usual planning process. Delegated authority is sought for the Head of Housing and Environment Services, following consultation with the Cabinet Member for Housing and Planning, to give formal consent where sites have been assessed as suitable for the legal documentation to be completed.

6. Resource and legal implications

6.1. At stock transfer the amenity sites were transferred to Hyde Martlet at nil-cost. The land transfer gives the council absolute discretion as to whether the land is developed or not and as such the council could make a charge for the release of the restrictive covenant.

6.2. Should such a charge be made this would increase the cost of providing affordable homes and would directly increase the grant needed. Under the current Homes and Communities Affordable Housing Programme Hyde Martlet is able to claim £34,000 for each affordable home and if any further grant is required this may have to be met by the council in order for such small site to be viable. Each case will be considered by officers on its own merits and officers must be satisfied that the circumstances do not warrant a consideration being taken.

6.3. Some legal work will be required to draft the necessary deed of release and to register at the Land Registry.

6.4. The development of these amenity sites will be for affordable housing and not for disposal for profit therefore the LSVT agreement clawback provision, whereby the council receives 50% of any disposal receipts, does not apply.

7. Consultation

7.1. Hyde will undertake consultation with all existing residents that might be directly affected, ward members and the parish council as set out in the protocol.

8. Community impact and corporate risks

8.1. The proposal will enable more affordable housing in the district.

9. Other Implications

Crime & Disorder: Will improve anti-social behaviour issues	
Climate Change:	None
Human Rights and Equality Impact:	None
Safeguarding:	None

10. Appendix

10.1. Proposed Amenity Land Protocol

11. Background Papers

- 11.1 Extract from Transfer document – 13th March 2001 Chichester District Council
- 11.2 Review of Martlet Homes Garage Sites, Executive Board, 11th November 2003
- 11.3 Provision of Car parking on Martlet Amenity Land, Executive Board, 9th January 2007.

Amenity Land Protocol February 2015

1 Background

The Housing Strategy recognises the high demand for affordable housing throughout the district. Priority one focuses on “maximising the supply of local homes to meet the needs of local people”. A key action within this priority is “to boost affordable housing delivery where opportunities arise by utilising council funds to lever investment”. The expected outcome is “Delivery of an additional 150 affordable homes, through utilisation of registered provider assets, council funds to lever in investment and any alternative policy compliant delivery mechanism”. Capital funding has been allocated to enable the delivery of additional affordable housing, however, registered provider partners have advised that the most critical issue in the delivery of additional affordable housing is the difficulty of obtaining land at a viable price when competing with private developers in a competitive market.

Priority Two deals with “making the most effective use of existing stock whilst maintaining sustainable communities. The housing enabling team are now working closely with Hyde (the owner of previously Council owned stock and the majority of affordable housing in the district), to identify underutilised land and assets which could be used to provide more suitable housing or additional housing to meet current needs. This may include modernisation or redevelopment of out-dated unpopular stock, the development of dilapidated and under used garage sites. It may also include the development of a number of much needed bungalows to encourage older residents to downsize within their locality and release family accommodation.

In appropriate circumstances, the use of amenity land can effectively enable the development of additional social housing in sustainable locations. Before this can be done, the council’s consent is needed under the terms of the Large Scale Stock Transfer Agreement. This cannot be unreasonably withheld for the development of social housing.

This protocol sets out the issues that should be considered and deemed as acceptable before in-principle support, under delegated authority, will be given to proceed to the planning process.

2 Existing Use

The areas to be considered are under-used plots of amenity land with no formal leisure use and potential to contribute to meeting local housing needs.

3 Objectives to be considered in giving consent to use amenity land for development of affordable housing

(i) Meeting local needs

There is extensive need for affordable housing throughout the district. The national park and AONBs restricts development on greenfield sites. Developing small sites, already in the ownership of Hyde, is a cost effective way to provide new units of social housing in a sustainable location.

(ii) Creating a better environment

Unused plots, such as those behind road frontages or around garages can attract anti-social behaviour and may have security issues for the houses backing on to them. New development should result in a safe, attractive and self-policing environment.

4 Protocol Guidelines

The following points must be considered as acceptable before consent is given:

4.1 Housing Need

- Is there housing need in the parish?

4.2 Site size and shape

- Is the proposed scheme of the right size and mix of units to meet need?
- Is the layout acceptable?

4.3 Parking requirements

- Will adequate on-site parking be provided for the new units?
- If there is any unauthorised parking has a parking survey shown there are adequate spaces for on-street parking? Where the land is currently used informally for parking, a parking survey must be undertaken by Hyde. This must include visits mid-week and weekend, and include visits in the early morning or late night once people are likely to be at home. This can also be used to identify management issues such as abandoned cars and grass verges which could be subject to improvement works.

4.4 Open Space Requirement

- Has Leisure and Wellbeing been consulted and are they satisfied with the proposals, particularly regarding open space requirements?

4.5 Community Safety Requirement

- Has Community Safety been consulted and are they satisfied with the proposals or do they have any further information to consider?

4.6 Consultation with Parish Council, Ward Councillors & Local Residents

Hyde must:

- Invite comments from parish councils and local district councillors and keep them updated.
- Consult with local residents likely to be affected by the proposed schemes.
- In particular, as required explicitly by the LSVT, those who live next to the site must be informed by letter of the proposals and have the opportunity to make their views known within a reasonable specified period.
- A consultation statement setting out all objections must be provided by Hyde for the Head of Housing and Environmental Services to assess whether these are significant.

4.7 Planning Policy

- Any comments or objections?

4.8 Valuation and Estates

- Any comments or Objections?

5 Progression of Schemes

All requests will be assessed against the above criteria and summarised in a checklist. Those schemes which meet all requirements will be submitted for approval by the Head of Housing and Environmental Services, in consultation with the Cabinet Member for Housing and Planning.

Hyde Amenity Site Development

Check List & Recommendation

Site Address & Parish	Comments	Suitability
Housing Need (Register, housing need surveys)		
Site, size & layout (Is layout acceptable and does it meet housing need in terms of size, mix, nos & tenure?)		
Parking Requirements (Can any displaced parking be accommodated elsewhere?)		
Open space Requirement (Any comments/requirements by Sports & Leisure Development team?)		
Community Safety (Any comments/requirements by Community Safety team?)		
Consultation with parish, ward councillor & local residents (Has consultation been carried out? Any significant objections?)		

The criteria set out in the Amenity Site Development Protocol have been met. It is recommended that the Council's in principle support is given to the proposed development of this site for social housing.

Housing Enabling

Date

There is no planning policy objection to the proposed redevelopment of this site for social housing.

Planning Policy

Date

There is no Estates objection to the proposed redevelopment of this site for social housing.

Estates

Date