

Decision Pathway – Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 04 February 2020

TITLE	Community Led Housing Land Disposal Policy & Self-Build Housing Land Disposal Policy		
Ward(s)	Citywide		
Author: Tim Southall & Kelly Thomas	Job title: Housing Delivery Manager Community Led Housing Manager		
Cabinet lead: Cllr Paul Smith	Executive Director lead: Stephen Peacock, Growth and Regeneration		
Proposal origin: <i>Mayor</i>			
Decision maker: Cabinet Member Decision forum: <i>Cabinet</i>			
Purpose of Report: To authorise the adoption of the Community Led Housing Land Disposal Policy & the Self-Build Land Disposal Policy. To delegate authority to the Executive Director for Growth and Regeneration in conjunction with the Director – Legal and Democratic Services and the Deputy Mayor – Finance, Governance and Performance to dispose of 4 identified sites with potential to deliver over 10 homes in accordance with the Community Led Housing Land Disposal Policy.			
Evidence Base: The Mayor of Bristol has set out the commitment of building 2,000 new homes – 800 affordable homes a year by 2020. As well as this ambition for delivering additional homes, the Mayor has set out a number of principles relating to how the additional homes should be delivered, which include: <ul style="list-style-type: none"> - Working in partnership across the city to deliver this target - Using a wide mix of measures to increase development - Promoting affordable housing <p>In order to assist with meeting this commitment, a Community Led Housing Land Disposal Policy and a Self-Build Land Disposal Policy have been developed.</p> <p>Community Led Housing Land Disposal Policy The Housing Delivery Plan 2017-2020 sets the Council strategic approach to delivering new homes. It includes a commitment to working in partnership with community-led housing groups to build new homes.</p> <p>Community-led housing enables local people to play a leading and lasting role in solving local housing problems, creating genuinely affordable homes and strong communities in ways that are difficult to achieve through mainstream housing development. The Council has worked to develop the Community-Led Housing Land Disposal Policy (CLH LDP) at Appendix A1 to enable development of land by Community-Led Housing Groups.</p> <p>The CLH LDP provides for social value to be taken into account in accordance with the Council’s Social Value Policy approved by Cabinet in January 2019. Taking social value into account will allow appropriate weight to be accorded in a transaction where goods, services, works and utilities are provided in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy,</p>			

whilst minimising damage to the environment.

The Council intends to dispose of sites with the capacity to deliver between 3 -10 homes, identified as suitable for delivery via community-led housing in accordance with the CLH LDP.

The following four council owned sites, have been identified as suitable for delivery via community-led housing pursuant to this Policy:

1. Land to side of Hillfields Park Community Centre, Speedwell, BS16, 4EH
2. Constable Road, (26-32), Lockleaze, BS7 9YB
3. Queens Road Car Park, Queens Road, Bishopsworth, BS13 8PH
4. Sea Mills Training Centre, The Crescent, Sea Mills, BS9 2JT

Plans are provided at Appendix M and valuations of these sites are provided at exempt Appendix J. Each of the 4 sites has the potential to deliver in excess of 10 homes. Cabinet approval is sought to the principle of disposing of these sites in accordance with the CLH LDP.

Other Community Led Housing schemes are being developed in the City. Further Cabinet approvals will be sought to dispose of Council sites, with the potential to deliver in excess of 10 homes, in accordance with the CLH LDP in due course if required.

Self-Build Land Disposal Policy

Government strongly believes that self and custom build housing has a crucial role to play in delivering the homes, diversifying the housing market and giving consumers greater choice over the kind of home they want to live in.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) requires relevant authorities to:

- Keep a register of individuals and groups who wish to self or custom build in their local area;
- Have regard to demand on their register when undertaking planning, housing, disposal of land and regeneration functions; and
- Grant permissions to enough suitable serviced plots to reflect the demand within 3 years of that demand.

As required by legislation the Council established a self-build register on 1 April 2016. The Act requires that suitable development permission are given for enough serviced plots of land to meet the demand for self-build and custom housebuilding arising in each base period. Time for compliance with this duty is within 3 years from the end of the relevant base period. The first base period was from 1 April 2016 until 30 October 2016. Time for compliance was therefore 30 October 2019. During that first base period, there were 85 individuals registered on the self-build register. For the first base period, we are able to confirm to Government that we have granted sufficient permissions to meet demand as reflected by the register. The Council, however currently have a total of 976 people registered on our Self-Build Register and hence the Council needs a steep increase in planning permissions in order to meet the demand for self-build going forward.

In order to assist with enabling people in the city to build their own homes, the Self-Build Land Disposal Policy sets out how the Council will dispose of council land specifically for the purpose of facilitating self-build and custom build delivery.

Cabinet Member / Officer Recommendations:

That Cabinet:

1. Approve the adoption of the Community Led Housing Land Disposal Policy
2. Approve the adoption of the Self-Build Housing Land Disposal Policy ;and
3. Delegate authority to the Executive Director for Growth and Regeneration in conjunction with Director - Legal and Democratic Services and Deputy Mayor – Finance, Governance and Performance to dispose of the following sites in accordance with the Community Led Housing Land Disposal Policy:
 - i. Land to side of Hillfields Park Community Centre, Speedwell, BS16, 4EH

- ii. Constable Road, (26-32), Lockleaze, BS7 9YB
- iii. Queens Road Car Park, Queens Road, Bishopsworth, BS13 8PH
- iv. Sea Mills Training Centre, The Crescent, Sea Mills, BS9 2JT

Corporate Strategy alignment:

1. This will support delivery of the Fair & Inclusive Key Commitment: Make sure that 2,000 new homes – 800 affordable – are built in Bristol each year by 2020.
2. This will support the delivery of the Empowering and Caring Key Commitments: Prioritise community development and enable people to support their community.
3. This will support delivery of the Fair and Inclusive Key Commitment: Help develop balanced communities which are inclusive and avoid negative impacts from gentrification.
4. This will support delivery of the Well Connected Key Commitment: Reduce social and economic isolation and help connect people to people, people to jobs and people to opportunity.

City Benefits:

The proposal will facilitate the supply of housing and affordable housing which will be of benefit to the whole city.

Economic, environmental and social benefits are sought and delivered to the ‘local area’ in a number of ways, the outcomes to be delivered benefit our citywide ‘community’, these take a particular focus on equalities, health and sustainability.

Disused land is put to good use and the City receives capital receipts and additional Council tax.

Consultation Details:

Initial engagement has been undertaken with a range of Community-Led Housing Providers in the City including but not limited to Bristol Community Land Trust, Bristol and Bath Regional Capital, Southmead Development Trust, Ecomotive (representing the WOE HUB), Locality, Power to Change. A further engagement took place with key partners on 9th December including; West of England HUB, Homes England, Bristol Community Land Trust, Barton Hill Resettlement, Black South West Network, Southmead Development Trust, Knowle West Media Centre, Lockleaze Neighbourhood Trust, Bristol and Bath Regional Capital, Locality and Triodos Bank.

Background Documents:

- [Housing Delivery Plan 2017-2020](#)
- [Council’s Social Value Policy](#)
- [The Self-build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](#)

Revenue Cost	£N/A	Source of Revenue Funding	
Capital Cost	£N/A	Source of Capital Funding	
One off cost <input type="checkbox"/>	Ongoing cost <input type="checkbox"/>	Saving Proposal <input type="checkbox"/>	Income generation proposal <input type="checkbox"/>

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice:

The land under this proposal has been identified specifically for community housing delivery.

The Council’s assets and any disposal should be achieved at the best consideration, taking into account the Red Book market valuation of the land. Under this proposal, the bids for land for Community Led Housing will be assessed to demonstrate the viability, deliverability and achievability of the scheme and the Council’s objectives in affordable housing delivery. Sustainability of plans will be considered as part of the evaluation of bids.

For self build plots, sites will be sold at market value.

All capital receipts from the disposal of land will be retained corporately in order to determine how they can be utilised most effectively as per the flexible use of capital receipts guidance, the Medium Term Financial Plan and Capital Strategy.

Finance Manager: Wendy Welsh, Finance Manager, 21 January 2020

2. Legal Advice:

When disposing of land pursuant to these policies, including the 4 sites detailed in the recommendations section of this report, the relevant officers will need to ensure legal advice is sought regarding procurement and state aid law, to ensure these are complied with.

It should be borne in mind that while it is valuable for the Council to have policies, such policies may not fetter the Council's discretion (i.e. the Council will need to consider exceptions), otherwise decisions made pursuant to the policy may be vulnerable to judicial review.

The Council is under a duty by virtue of S123 of the Local Government Act 1972 to achieve best value for its assets and any disposal should be at the best price reasonably obtainable. The duty to seek best consideration is subject to certain exceptions, most notably section 2 of the Local Government Act 2000 providing the Council with well-being powers to accept a disposal at undervalue within the £2 million threshold, where the authority considers the disposal will help it to secure the promotion or improvement of the economic, social or environmental well-being of its citizens.

In the event that the total undervalue of property passing under either scheme exceeds £2 million, Secretary of State consent will be required to the new policy.

The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes several duties on the Council relating to self-build and custom housebuilding including; establishing/publishing a self-build register; having regard to the register when carrying out various functions (including disposing of land); and granting planning permission. This policy will ensure the duty to have regard to the register is satisfied before disposing of land. This policy will not, however, satisfy the duty to grant planning permission for serviced plots.

Legal Team Leader: Sinead Willis, Commercial and Governance team, 26 November 2019

Property Planning and Transport: Andrew Jones, and Joanne Mansfield 5th December 2019

3. Implications on IT: No anticipated impact to IT Services

IT Team Leader: Simon Oliver, Director Digital Transformation

4. HR Advice: There are no HR implications evident

HR Partner: Celia Williams, HR Business Partner- Growth and Regeneration

EDM Sign-off	Stephen Peacock	27 th November 2019
Cabinet Member sign-off	Cllr Smith	10 th December 2019
For Key Decisions - Mayor's Office sign-off	Mayor's Office'	13th January 2020

<p>Appendix A1 – Community Led Housing Land Disposal Policy</p> <p>Appendix A2 - Self Build Housing Land Disposal Policy</p> <p>Further essential background / detail on the proposal can be found at these links:</p> <p>Housing Delivery Plan 2017-2020</p> <p>Council's Social Value Policy</p> <p>The Self-build and Custom Housebuilding Act 2015</p>	YES
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<u>(as amended by the Housing and Planning Act 2016)</u>	
Appendix B – Details of engagement carried out - Detailed above	NO
Appendix C – Summary of any engagement with scrutiny - None	NO
Appendix D – Risk assessment	YES
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	YES
Appendix G – Financial Advice - Detailed above	NO
Appendix H – Legal Advice - Detailed above	NO
Appendix I – Combined Background papers	NO
Appendix J – Exempt Information	YES
Appendix K – HR advice Detailed above	NO
Appendix L – ICT - Detailed above	NO
Appendix M – Boundary Plans of 4 sites identified for disposal and valuations	YES
Appendix 1&2 Heads of Terms for Community Led Housing Land Disposals	YES
Heads of Terms for Self-Build Housing Land Disposals	YES