

Appendix A

HOUSING DELIVERY BOARD

Meeting Date 29 July 2021

We Can Make Community-led Housing project	
Ward: Filwood/Knowle	
Author: Elaine Olphert/Bryony Stevens	Job title: Head of Housing Delivery/Enabling Manager
Tel. No: 07384821014/07464 536973	Location: n/a
Officers presenting report: Elaine Olphert/Bryony Stevens	

Purpose of the report

- To update Housing Delivery Board on progress so far on the WE Can Make (WCM) Community Led Housing (CLH) project
- To seek agreement of Housing Delivery Board on the proposed decision pathway and timeline for approval of further roll out of the We Can Make pilot of 14 units and potential further roll out following successful delivery of the pilot programme.

Background

We Can Make (WCM) aims to empower people in low-density high disadvantage estates to deliver their own affordable homes at 'point of need'. The project has been developed in Knowle West as the pilot neighbourhood by Knowle West Media Centre (KWMC). Knowle West Media Centre has incorporated a not for profit entity 'We Can Make' Community Interest Company (CIC), to facilitate this.

The initiative involves creating additional affordable homes by a Council Tenant voluntarily reducing the size of their garden in order that an affordable home is built on the remaining land. The Council Tenant has the first nomination right over the newly built micro home in accordance with BCC HomeChoice allocations scheme. The front garden of the Council's property (the host home) is also improved. The new home is built using factory produced prefabricated panels that will be manufactured in Knowle West, so creating employment opportunities locally, as well as modern sustainable homes. It is intended that the approach can also be applied on void properties, by dividing off the land for the micro-plot prior to reletting by BCC.

The Council will dispose of the micro plots to WCM on a long leases at an under valuation, in order to enable delivery of new affordable homes. The completed new build affordable housing units will be held and managed by the CIC to ensure affordable homes in perpetuity.

Successes to date:

- We Can Make have engaged with the City Design team in advancing a design code to ensure quality design of the new affordable homes and shared space.

- Planning permission has been granted on the first two plots namely in the rear gardens of Council tenanted properties at 139 Novers Lane and 2 Belstone Walk.
- Secretary of State permission was sought by the Council for the principle of the scheme to clarify that land currently included within an existing tenanted property could legally be disposed of in this way. Confirmation has now been received from the SoS that the scheme can go ahead.
- We are in process of finalising the lease agreements for the disposal of the first two sites on long leases to WCM
- Governance and Finance Standard for CLH organisations and Management Standard for CLH organisations are being consulted on with CLH organisations including WCM. These will become the framework for ensuring adherence to relevant statutory regulations and appropriate standards of housing management, maintenance, governance, risk management, allocations and equalities for CLH groups receiving financial subsidy or land disposed of by the Council.
- A Local Lettings Plan has been agreed
- An Equalities Impact Assessment has been carried out to appraise the equalities impacts of the Local Lettings Plan and set out actions for mitigation and review.
- A process has been established for ensuring the tenant of the host home receives independent legal advice before giving Notice to terminate their tenancy and take up a new tenancy with the reduced garden.
- BCC Affordable housing funding has been allocated for the first 2 homes and the legal Grant Agreement finalised

Next steps for We Can Make

WCM have identified a further 3 units that they have progressed to the point of being ready to submit planning applications in September. Of these 2 are tenanted units with host households who have signed up to the scheme in order to facilitate rehousing of members of their household and relieve overcrowding and one is the former back garden of a void property that has in principle been agreed for disposal by H&LS at 38 Bantry Road. The micro site has already been fenced off by WCM.

WCM have a list of interested host households developed through community engagement locally and anticipate that they can source a further 10 micro sites in this way. They are also seeking a further void property garden with capacity for a two bed unit so that the pilot includes a mix of unit sizes. They envisage bringing the sites forward in batches of three at a time, to establish a manageable pipeline for manufacture and construction, with all submitted for planning approval by September 2022. The next set of applications are proposed for September 2021

Previous policy decision pathway

- The Council previously verbally agreed to explore a possible disposal of land to Knowle West Media Centre and the previous Cabinet Members for Housing Delivery provided their support and assurances that the project would proceed with a land transfer from the Council.
- A Cabinet Briefing on the WCM scheme and the proposal for the 16 unit pilot took place in November 2019. According to previous Report to EDM a decision was taken by HSLT 25th November 2020, which committed the Council to the principle of the 16 unit pilot valued at £400k and Officer time.
- Following legal advice to the Council that suggested there was a need for Secretary of State (SoS) permission for the disposal of HRA land currently in use as tenanted back gardens, a Report was taken to EDM in January 2021 to seek approval to apply to SoS for approval. The decision taken at this time was that the initial 2 units could proceed at risk whilst SoS permission was sought.
- The Mayor wrote to WCM confirming support for the project, copy attached as Appendix 1. This was to manage the expectations of WCM whilst the need for Secretary of State approval was considered and then sought.
- BCC legal advice sought on recommendation of EDM was that whilst 14 unit “pilot” that would be rolled out following approval by SoS was just under the £500k key decision threshold it may be more transparent for Cabinet to review the scheme prior to further rollout of the scheme. There is a question as to how the timing of this may impact on the roll out of the next three units.

Next steps

1. **Micro Sites Approval Process:** There are critical points in the rather complex process of agreeing that a plot is suitable, enacting the changes in the tenancy and the agreements to lease for the land transfers for this scheme. These need to be agreed with all relevant Services Areas within the Council and with We Can Make and will require formal approval/sign off. It is proposed that this Micro Sites Approval Process should have EDM sign off to ensure that all parties are committed to it and have a shared understanding of the decision taking sequence for transparency and to avoid unnecessary delays and demands on officer time.
2. **Cabinet Approval:** A Cabinet Paper will be taken in December seeking formal agreement for the disposal of the next 14 Micro Sites that complete the WCM pilot. It will bring together all the current agreements and approvals and will also establish the requirement for a review of the Pilot, prior to a further Cabinet decision on rolling out the programme further. It is proposed this review commences in the second quarter of 2022, to coincide with the final Pilot units being submitted to planning by September 2022 (WCM deadline).
3. **G&R EDM:** As part of the Decision Pathway to Cabinet, the draft report will be taken to EDM on 6th October 2021. Officers will also use this opportunity to seek formal sign-off of the Micro-Sites Approval Process.
4. **Communications & Messaging:** WCM should be made aware of this timeline, and in the spirit of the letter from the Mayor, given confidence that while any work they progress around planning for the next 3 sites is technically at risk until a Cabinet decision is made, the Council remains committed to seeing the

delivery of the pilot project.

Appendix 1: Mayor's letter to We Can Make

We Can Make
Knowle West Media Centre

Dear

Thank you for your email and for re-iterating the aims of We Can Make. We support your aims and are keen to work with you.

At the crux of any disagreement between us is our respective legal advice. Our legal opinion differs from yours and we are advised that we do need the permission of the Secretary of State in these arrangements. We are not in a position to take substantial risk to progress with BCC land transfers for all requested sites without that permission.

I can confirm that we are releasing the land for your first two plots; one on Belstone Walk and one on Novers lane, and we are doing so without Secretary of State approval for these developments. Doing so, at risk, demonstrates our support for your aims. As a result, *We Can Make* will be free to construct on those plots, subject to planning approval.

I understand there are plans for an additional 14 numbered plots, when appropriate void properties are found and volunteer host properties come forward.

It is important to note that we have already taken steps to ensure the agreement of landlord services to the fencing off of gardens and for void units to be let with smaller gardens. These are also clear demonstrations of our support.

I note that you propose for your development programme to continue in parallel with BCC seeking Secretary of State confirmation and I recognise this means you can continue to prep for planning, put finance in place, and be ready for construction.

I understand your point and can confirm we are happy for you to proceed with the clear understanding that, until such time as we receive Secretary of State Agreement, we will not dispose of any land associated with the additional 14 plots.

You are therefore, free to progress with Planning drawings and submission of planning applications for up to the agreed maximum of a further 14 plots but that this is done at your organisation's risk in relation to fees and services associated with gaining such planning consents.

For clarity, once Secretary of State has issued approval, we will dispose of land to WCM on the same terms as the current two plots. If we do not receive approval, the land will not be disposed and be retained by Bristol Council as garden areas for associated HRA houses.

For further information, our legal team has already been instructed to seek Secretary of State approval and that request is in progress.

I hope you will see that we maintain our support and goodwill to your intentions and the aims as laid out in your email and will continue to work with you as a housing delivery partner.

Yours sincerely

Kevin

Kevin Slocombe
Head of the Mayor's Office