



COTSWOLD DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET – 7 SEPTEMBER 2020
Report Number	AGENDA ITEM 10
Subject	LAND AT STATION ROAD, KEMBLE
Wards affected	Kemble & Ewen
Accountable member	Councillor Lisa Spivey Cabinet Member for Housing and Homelessness Email: lisa.spivey@cotswold.gov.uk Cllr Mike Every Deputy Leader and Cabinet Member for Finance Tel: 07850 373022 Email: mike.every@cotswold.gov.uk
Accountable officer	Christine Cushway Business Manager for Assets Tel: 01285 623241 Email: Christine.cushway@publicagroup.uk
Summary/Purpose	To consider an update on housing options for residential development on part of land at Station Road, Kemble and take a decision on how the Council should progress with the provision of housing on this site.
Annexes	Annex 'A' – Site plan indicating Council land which is required for the development and associated Local Green Space. Annex B - Letter from Parish Council on requirements
Recommendation/s	That Cabinet agrees to: <i>a) progress with a planning application for the housing on the site;</i> <i>b) investigate further the option for delivery of housing on the site directly in line with the draft affordable housing delivery strategy and the Council's general powers to develop;</i> <i>c) subject to agreement to (a) above, agree the delegation of the final detail and submission of a planning application for housing at the site to the Interim Chief Executive in consultation with the Monitoring Officer, Section 151 Officer, Cabinet Member for Housing and Homelessness and Deputy Leader.</i> <i>d) Require the development to be net zero carbon in its build and lifetime to facilitate low carbon living by the occupants.</i>

Corporate priorities	<ul style="list-style-type: none"> • Respond to the challenges presented by the Climate Change Emergency • Deliver good quality social rented homes • Ensure that all services delivered by the Council are delivered to the highest standard • Help residents, businesses and communities access the support they need to achieve their ambitions
Key Decision	No
Exempt	No
Consultees/ Consultation	<p>Parish Council and local residents as part of the consultation on a community led housing development.</p> <p>Leader and Deputy Leader of the Council; Interim Chief Executive; Section 151 Officer; Monitoring Officer; Publica Executive Directors and Group Managers</p>

1. BACKGROUND

- 1.1 The Council is freehold owner of land at Station Road, Kemble (the Land) outlined red and blue at Annex A.
- 1.2 Following the Parish Council's application to designate the site as a whole to a Local Green Space, Cabinet, at its meeting on 14th September 2017, resolved to agree the split of the Land into a local green space and residential development, and agreed that upon completion of the residential development, (which will be the subject of a Planning Application) the freehold of the local green space would be transferred to the Parish Council. Policy S6 under the Local Plan for site K2A (Land at Station Road, Kemble) references provision of 8 dwellings, subject to securing the long term protection of the Community Gardens. The Community Gardens has been designated as Local Green Space (LGS6) under the Local Plan as edged red and the residential development site edged blue at Annex A.
- 1.3 The area edged blue on the Plan at Annex A is the agreed part of the site for housing development. This was included in the Statement of Common Ground (SCG) prepared by the Forward Planning team which all parties agreed to. This document seeks to ensure future development is progressed in conjunction with the Parish Council and local community and sets out their desired outcomes. The result has been a reduced development area retaining the majority of the site for Local Green Space and a reduction in the maximum number of housing units from 12 to 8.
- 1.4 The Local Plan stipulates that the height of buildings should provide a gentle transition from the open Local Green Space to the existing dwellings that border the site. Applications will also be required to investigate opportunities to locate a Sustainable Drainage System, in accordance with Policy EN14, in the south-western part of the site.
- 1.5 Paragraph 6 (h) of the SCG states that it is the intention of all parties to provide housing that helps to meet local needs, thereby enhancing the provision within the village and helping retain local people in the area. A detailed proposal will be worked up in consultation with the Parish Council.
- 1.6 A report was taken to Cabinet on 14th February 2019 which led to a resolution that the District Council investigate a Community-Led housing option and an appropriate business case be developed as a result.
- 1.7 The entire site outlined (edged red and blue) at Annex A has recently been designated as an Asset of Community Value, including the area allocated for housing use. This means that the Council, as owner, will have certain obligations should it wish to dispose of the land, to allow the community time to put forward a bid for the site; the overall period, should community interest be shown, is 6 months. The Council can then sell to whomever it determines is the best purchaser. The Listing of the site will be a material consideration in determining any planning application for the site, however this will be considered alongside all issues and other material considerations. Part of the site remains allocated within the recently adopted Local Plan for housing.

- 1.8 An application has recently been received by the Council requesting 3 trees on the site be the subject of a Tree Preservation Order for their long term protection. This is currently being considered.
- 1.9 The site includes protected species, mainly slow worms, and therefore various ecological relocation works are required at specific intervals prior to any development works taking place. This is not only to allow time for the habitat to be created but also to inform and satisfy any requirements at planning stages once an application is submitted.
- 1.10 Officers are now progressing with these works, funded from the previously approved allocation for this purpose, to ensure the site is ready for the development and the mitigation works have commenced. This will require relocation of protected species together with on-going monitoring of the site.

2. HOUSING NEED

- 2.1 A Kemble and Ewen parish housing needs survey was commissioned by the Council and survey forms were sent out in February/March 2020 to all households and businesses in the parish. The survey findings have now been received by Gloucestershire Rural Community Council (GRCC), who carried out the survey on the Council's behalf, and the findings have been reported to the Council.
- 2.2 The survey highlights a need for an estimated 8 affordable rented properties for households either currently living in or with a close local connection to the village (six of these indicated they were already on the Council's housing register). The need is for a range of different sized properties but mainly smaller 1 and 2 bedroom flats and bungalows. A recent 'snapshot' of the Council's housing register, Homeseeker plus, found 32 households applications with a local connection to Kemble and Ewen parish, indicating a further 26 households in addition to the survey (taking into account the 6 households from the survey that are already registered) in need of affordable rented accommodation. A significant number of people (102) on the Housing register stated a preference for affordable accommodation in Kemble and Ewen parish.
- 2.3 The survey also demonstrated a need for affordable home ownership for an estimated 7 households in the village, mainly for smaller sized properties. With regard to open market housing demand, there showed a significant need for smaller accommodation for 'downsizers' in the village, wanting 2 bedrooled bungalows.
- 2.4 When asked if respondents would support a small development of affordable housing (if a housing need was identified) for local people in the parish, 49% said 'yes' they would support, 23% said 'maybe' and 24% said 'no' (remaining no reply). In response to the question regarding where such a development could be built, there were a number of suggestions including the Community garden site, however the majority of comments relating to this site were for the affordable housing not to be situated there. Households were also asked their general views on the issue of affordable housing in the parish which received a mix of positive and negative responses, however many respondents expressed an overall

recognition of the need for affordable housing in the village. In particular, respondents highlighted a need for more affordable housing for younger residents to remain in the village and also for smaller homes such as 1 and 2 bedroom bungalows for older residents.

- 2.5 The housing needs survey, along with other housing needs data and the SCG, will inform the final housing mix on the site.

3. THE DEVELOPMENT - COMMUNITY LED

- 3.1 In line with the Cabinet resolution of 14th February 2019, the Community Land Trust (CLT) option has been investigated by the Housing Enabling Team.

- 3.2 As part of the Council's Community Land Trust (CLT) investigations, the Council's Community-led Housing Enabler set up two information sessions held at Kemble Village Hall on 10th October 2019 and 20th November 2019 and met with the Parish Council.

- 3.3 The Community-led Housing Enabler has since evaluated the community interest as a result of the information sessions, which were intended to gauge the suitability of this site as a CLT scheme. CLTs are locally driven, controlled and democratically accountable. They have a membership that is open to all who live or work in the defined community. The purpose of a CLT is to serve the broader interests of the community and therefore requires the support of its wider community.

- 3.4 It was reported that 'there are members of the community who are not keen on this development in principle because of its impact on the Community Garden. There were, however, a number of residents who have still expressed an interest in being consulted and/or involved in the progress of the scheme.'

- 3.5 As a result of investigations, there are concerns with progressing this option due to local reservations regarding a housing development at this site. Should the Council decide to sell the site to a CLT (in partnership with an RP) for affordable housing the chosen Registered Provider would need to comply with the local connections policy and allocate properties through Homeseeker Plus, the Council's choice based lettings system. There may be an option to agree a Lettings Agreement with a Registered Provider.

- 3.6 The Parish Council have set out their views in favour of a Community Led Scheme as the preferable option for the development of this site moving forward, see Annex B.

- 3.7 It is clear from the SCG that all parties would like a development that helps to retain local people in the area.

- 3.8 Should the Council progress with a CLT, then the CLT would be responsible for submitting any planning applications, in partnership with their chosen RP. Once planning permission is obtained the partner RP would progress with the scheme, with the development and construction of the scheme taking place in partnership with the CLT.

- 3.9 Further work would be required to agree the layout and tenure. Timescales will need to be agreed and enforced to ensure the delivery of the proposed housing in a timely manner.

- 3.10 There is concern from recent local actions that there remains some strong opposition to the development at the site with applications for the whole site to be considered an Asset of Community Value and request for trees to be covered by Tree Preservation Orders, despite the SCG seeking protection of trees and mitigation of the impact of the development. This concern extends to the commitment to deliver affordable housing on the site.
- 3.11 Due to the desire to deliver the housing on this site in a timely manner the Community-led Housing Enabler is proposing that a working group of representatives (including the Parish Council), who could be involved and consulted in terms of the scheme's development, be set up. This would include members being consulted on decisions such as the design of the scheme for planning submission and the final tenure of the units.

4. AFFORDABLE HOUSING DELIVERY STRATEGY

- 4.1 The Council has clear ambitions to support its residents to access good quality affordable housing to buy and rent. With a shortage of affordable housing for local people, there is a need to accelerate delivery of suitable accommodation across a range of tenures. The Council needs to consider how it meets these housing needs through direct delivery or work with developers or partners, and an Affordable Housing Delivery Strategy which addresses these issues is currently in preparation.
- 4.2 The site is centrally located in the village and offers a suitable location to deliver small scale development in a sustainable location. The site proposal is for a maximum of 8 new dwellings, whether this be affordable or at open market value.
- 4.3 In line with our usual strategic housing requirements and the principles of the SCG it is the intention that this scheme will have a local connection policy applied to all allocations of affordable housing and could be extended to open market housing, secured through a Section 106 planning agreement if required, to enhance the provision of housing within the village and help retain local people in the area.
- 4.4 It is considered that the best use of the site is for the delivery of flexible housing sites to meet the Council's priorities and service delivery in line with the emerging Affordable Housing Delivery Strategy. This can provide both carbon zero housing to provide rents at a level which are truly affordable in both rent and running costs, and allow housing provision based on need at the time. That these housing units are retained in perpetuity for local needs and provide support to retain local people within the village is in line with the emerging Affordable Housing Delivery Strategy.
- 4.5 Whichever option is progressed it is proposed that the detail is worked up in consultation with the Parish Council to fit and work together with the local green space in the Community Gardens.
- 4.6 A high level review has been carried out to assess the viability of the site for different delivery options. This review will be used to inform a business case for the site which will be presented to Cabinet at a future date. Details of the options which are being considered are set out at Section 9.

- 4.7 It is proposed that the planning application is progressed whilst at the same time Officers are progressing the actions set out in the emerging Affordable Housing Delivery Strategy. This will allow Officers time to progress with the review of Company options together with partners to work with and procure the delivery of the housing units without delaying progress on planning for the site.

5 FINANCIAL IMPLICATIONS

5.1 Current approved funding

- 5.1.1 Funding of up to £100,000 was agreed from the Council Priorities Fund to progress a planning application and review housing options for the site as a result of Exempt Agenda Item (16) to Cabinet dated 14th September 2017.
- 5.1.2 Additional funding of up to £20,000 was agreed from the Council Priorities Fund as a result of Agenda Item (8) to Cabinet dated 14th February 2019, to finance the specialist advice necessary to support the content of the business case (this included necessary fencing works to denote the split of the site).
- 5.1.3 Development investigation costs since 14th February 2019 to date have been £21,852. This includes the Housing Options Appraisal, an up to date Reptile Mitigation Survey and the provision of fencing to denote the split of the site.
- 5.1.4 The remaining amount from the currently available funding will be used to progress the planning application and associated surveys etc. required, such as archaeological investigations and relocation of slow worms.
- 5.1.5 There are no additional costs at this stage to progress with the planning application and necessary ecological mitigation works.
- 5.1.6 A full business case is to be brought to a future meeting. This will set out in detail the delivery method and resources required to deliver and manage the proposed units.

6. LEGAL IMPLICATIONS

- 6.1 It is important that as part of the decision to progress any housing development the Council determines under which legislation it is progressing such development. Local authorities can develop using general powers that they have under the Local Authorities (Land) Act 1963 and other legislation such as the Local Government Act 2000 s2 and the Localism Act 2011 s1-7. However if this is not expressed at the time of the purchase or development for housing, then there is an assumption that development is occurring under the Housing Act 1985. If Cabinet's wish is to pursue housing provision for other wellbeing or commercial reasons, this should be made clear at each point in the decision-making process and be kept separately in the Council's accounts and budget.
- 6.2 The Council cannot directly lease these properties as this would give rise to Right to Buy and secure tenancies which would not allow the Council to manage these properties in a flexible way to support changing local needs over time and allow the Council to retain the properties in perpetuity.

- 6.3 The Council must dispose of its property in accordance with the Local Government Act 1972: General Disposal Consent (England) 2003, which considers the sale of land for less than best consideration. This requires the Council to set out the unrestricted sale value of the site (allowing for no restrictions or conditions on use), in order to understand the value of any restrictions in place on the disposal, which would be the undervalue.
- 6.4 In certain circumstances the Council can dispose of its assets at less than best consideration. In these circumstances it should satisfy itself that State Aid is not applicable and that there are social, economical or environmental benefits to justify such a disposal.
- 6.5 Based on the valuations it is unlikely that any disposal would have an undervalue of more than £2 million and would meet the social benefit test if truly affordable housing was secured.
- 6.6 It is important to note that this Council has a duty to ensure that assets within the Council's control are used to benefit the wider District community.
- 6.7 The current preferred option is to retain the land but this may result in a long lease or disposal to a delivery company in due course.

7. RISK ASSESSMENT

- 7.1 Failure to obtain planning permission for the preferred development.
- 7.2 Without progressing the development for housing on the site, any decision to transfer local green spaces will not be achieved in line with the current resolution.
- 7.3 The risk, with any freehold disposal option, which includes CLT, is that this will not deliver the housing development desired on the site, or that it will return to the Council to develop should the new owner not keep up with any development agreement requirements. This includes less control on delivery and the speed of delivery.
- 7.4 The impact of Covid 19 on site valuation, development cost and income is unclear at the moment. There is a risk of reduced value, increased costs and less income. This risk will be considered as part of the business case to be presented to a future Cabinet meeting.
- 7.5 There is a risk with both the options listed above that the Government changes legislation which risks the agreed delivery method.

8. CLIMATE CHANGE IMPLICATIONS

- 8.1 In July 2019 the Council declared a state of climate emergency and committed to carbon and energy reduction targets.
- 8.2 As part of the declaration, the authority has pledged to do more to tackle climate change locally.
- 8.3 Setting a net zero carbon (NZC) requirement may be justified by consideration of:
i) the national requirement for the economy to be net zero carbon by 2050,
ii) the Council's ambition to take a proactive approach to helping the District achieve net zero sooner than 2050,

iii) the fact that occupants will need to be living net zero carbon lives before these houses reach end of life

- 8.4 A requirement could therefore be placed on developers to deliver net zero carbon (in construction and operation) dwellings, within the meanings set out in the UK Green Building Council's guidance document Net Zero-Carbon Buildings: A Framework Definition (UKGBC, April 2019). Requiring NZC for both construction and operational energy is relatively challenging, and represents the greatest level of commitment to the UKGBC framework.
- 8.5 The practical meaning of NZC, as per the UKGBC Framework Definition, is as follows: For the construction of the dwellings: "When the amount of carbon emissions associated with a building's product and construction stages up to practical completion is zero or negative, through the use of offsets or the net export of on-site renewable energy." For the use of the dwelling over its lifetime: "When the amount of carbon emissions associated with the building's operational energy on an annual basis is zero or negative. A net zero carbon building is highly energy efficient and powered from on-site and/or off-site renewable energy sources, with any remaining carbon balance offset."
- 8.6 Research suggests that sustainable builds will likely result in ongoing savings realised through reduced utility costs and savings in operations and maintenance.
- 8.8 Officers will progress reviews of other organisations' delivery of such housing with a view to sourcing the best procurement options for such delivery and investigate the planning implications of proposals to deliver this which takes into account all aspects including orientation of the housing on site.

9. OPTIONS

- 9.1 A detailed business case will be presented to a future Cabinet meeting. As part of the preparation of the business case several delivery options are being considered which include:
- Disposal on the open market
 - Disposal to a registered provider
 - Disposal to a Community Land Trust
 - Disposal for self build
 - The Council to develop, retain and rent

10. BACKGROUND PAPERS

- 10.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:
- Delegated Authority given to renew the lease for Land at Station Road, Kemble to Kemble & Ewen Parish Council
- 10.2 These documents are available on the Council's website.

(End)