

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET JANUARY 2023</b>
Subject	<b>LEASE OF LAND AT STATION ROAD, KEMBLE</b>
Wards affected	Kemble
Accountable member	Cllr Lisa Spivey - Cabinet Member for Corporate Services Email: <a href="mailto:lisa.spivey@cotswold.gov.uk">lisa.spivey@cotswold.gov.uk</a>
Accountable officer	Claire Locke - Assistant Director Property & Regeneration Tel: 01285 623427 Email: <a href="mailto:claire.locke@publicagroup.uk">claire.locke@publicagroup.uk</a>
Summary/Purpose	<p>Having considered the options for provision of social rented or affordable homes on this site, the substantial subsidy that would be needed to deliver these homes and the ecological constraints, it has been concluded housing development is not viable. The future use has been reviewed in the context of the Cost of Living Crisis and a particular need for more allotments in the District.</p> <p>Based on these factors, the report seeks support to enter into a lease with a Community Group, for the use of the land at Station Road, Kemble, as allotments and community gardens. With the land allocated in the adopted Local Plan for new homes to be deallocated to secure the continued and long term use as allotments and community gardens.</p>
Annexes	None
Recommendation(s)	<p>That Cabinet,</p> <p>(a) agrees to enter into a lease arrangement on mutually agreeable terms for land at Station Road, Kemble for use as allotments and community gardens.</p> <p>(b) notes that the terms of the lease will be agreed in consultation with the Deputy Chief Executive and S.151 Officer in consultation with the Cabinet Member for Corporate Services and the Deputy Leader and Cabinet Member for Finance.</p>

	(c) agrees to instruct the Forward Planning Manager to deallocate the residential site allocation K_2A Land at Station Road, contained with the adopted Cotswold District Local Plan (2011 to 2031), via the Local Plan Partial Update programme of work.
Corporate priorities	<ul style="list-style-type: none"> <li>● Delivering our services to the highest standards</li> <li>● Responding to the challenges presented by the climate crisis</li> <li>● Helping residents and communities access the support they need for good health and wellbeing</li> </ul>
Key Decision	No
Exempt	NO
Consultees/ Consultation	Chief Executive, Chief Finance Officer and Monitoring Officer Leader Deputy Leader and Cabinet Member for Finance Planning

## I. BACKGROUND

- 1.1. In September 2020 Cabinet agreed (Minute CAB.26 refers) to proceed with a development at Station Road, Kemble on Council owned land to deliver 8 affordable homes:

*Cabinet agreed to:*

*(a) progress with a planning application for housing on the site;*

*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;*

*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;*

*d) require the development to be net zero carbon in its build and lifetime to facilitate low carbon living by the occupants.*

- 1.2. In February 2021 as part of a broader Affordable Housing Delivery Strategy the Council agreed to procure a Registered Provider to prepare a planning application and develop a detailed business case for the delivery of affordable, carbon zero homes on the Council's land at Station Road, Kemble:

*(c) subject to satisfactory [legal] advice received that delegated authority is granted... to progress the procurement of a suitable partnership with a Registered Provider and specialist Carbon consultant to bring forward exemplar schemes and test opportunities to deliver carbon zero social rented homes, which are financially sustainable for providers/developers and agree final terms of this agreement;*

- 1.3. Following this decision, the Council appointed Bromford Housing Association as a partner to bring forward affordable, net carbon zero homes on land that either partner owned or acquired in the future. The focus being in accelerating delivery of good quality social rented homes that offered not only affordable rent but affordable living costs with low carbon, low cost heating, lighting and power.

- 1.4. Whilst the Station Road, Kemble site had already been earmarked for this sort of development and the Council had agreed to progress this scheme, the site was known to present a number of ecological challenges. The presence of slow worms and the Council's strong commitment to tackling the ecological emergency meant that substantial preparatory work would be needed to not only build a new habitat and relocate the slow worms but seek to enhance the ecology and biodiversity on the developed site.

- 1.5. Recognising the challenges presented by the site and having identified another site at Broadleaze, Down Ampney that presented a simpler option for development, the decision

was made by Officers in consultation with lead Members, to progress the Down Ampney site first and then to review options for the Kemble site.

- 1.6. Having reviewed the affordability of net carbon zero social rented housing delivery on this site, alongside a range of other factors including the ecological sensitivity of the site and the community need for allotments and access to Green Infrastructure, it has been concluded that the delivery of the tenure of housing to a standard and design that would meet Council's corporate objectives is not practical or affordable on this site.

## 2. MAIN POINTS

- 2.1 Following several public engagement sessions, good progress is now being made with proposals to develop net carbon zero social rented homes at Broadleaze, Down Ampney. In November 2022 the Council agreed to enter into a Collaboration agreement with Bromford Housing Association to ensure the Council's objectives for this innovative development are met. The legal transfer of the land to Bromford, once Planning Permission has been obtained, was also agreed. A Planning application is expected to be submitted in January 2023.

2.2 Officers have reviewed options for the site at Station Road, Kemble to consider whether initial proposals for housing development should be progressed. Considerations have included:

- The options and viability of housing delivery which have included provision of social rented, affordable or self build homes to meet specific local housing needs, together with the related financial challenges that delivery of this tenure of housing would have (due to the additional costs involved in development of such a sensitive site).
- The availability of alternative Council owned sites for housing development across the district which do not have the same ecological constraints.
- Bromford Housing Association's expertise in delivering such sites, (who have concluded the site would be extremely challenging to develop).
- The site ecology
- The limited number of homes that would be provided
- The Council's recent focus on the Cost of Living Crisis, with allotment provision to facilitate locally grown, affordable food being identified as a desired outcome.
- The views expressed to-date by local residents and the Parish Council on the development of the land for housing
- The demand for allotments and desire for Community gardens in Kemble.
- The request from the Parish Council to take ownership of the land to provide community uses.

2.3 Having considered these issues and based on a combination of all of these factors, the best option is considered to be a lease of the land to the community for use as Allotments and Community Gardens. Cabinet are also requested to withdraw proposals for housing development and amend the allocation of this site within the Local Plan.

## **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The Council will lease the land to the Community on mutually agreeable terms based on Heads of Terms which will be agreed by the Deputy Chief Executive and S.151 Officer in consultation with the Cabinet Member for Corporate Services. The Council's constitution and Financial Procedure Rules set out the decision making process based on financial limits. A further report to Cabinet and/or Council may be required to agree any lease arrangements.
- 4.2 The terms of the lease, will set out maintenance obligations which will fall predominantly to the leasee. However, the intended use means the maintenance will be an integral part of the land's use as allotments and gardens. Neither the community nor the Council are likely to incur significant repair or maintenance costs.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 A lease agreement will set out the terms of the lease. The site will be restricted to use as Allotments and Community Gardens.

## **6. RISK ASSESSMENT**

- 6.1 There are no identified risks, subject to the appropriate lease agreement being put in place.

## **7. EQUALITIES IMPACT**

- 7.1 There are no identified equalities impacts from this decision. The Local Plan Partial Update is supported by an Integrated Impact Assessment which considers requirements contained within the Equality Act 2010.

## **8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 8.1 The decision to lease this site for community use, protects the ecology on the site and also provides the opportunity to extend the allotment provision allowing local community based food production. There are significant benefits from this activity including zero food miles, less food waste and community cohesion and wellbeing.

## **9. ALTERNATIVE OPTIONS**

- 9.1 The Council could decide to transfer the site to the Parish Council or a legally constituted community group. However, the land has a significant value of £1.3M and transfer would create legal and financial issues associated with land disposal without achieving best value for the Council.
- 9.2 Alternatively, the Council could develop the site for housing. However, this would require significant investment with no viable business case. This option has been considered against the option to deliver on alternative sites that would potentially provide better value.

## 10. BACKGROUND PAPERS

### 10.1 None

(END)