

Name of meeting: Cabinet

Date: 25th February 2020

Title of report: Small Affordable Housing Sites Programme (SAHS) – Consideration of an objection received to the Section 123 Notice on the proposed disposal of land at Kitson Hill Crescent, Mirfield

Purpose of report: To report on the outcome of the Section 123 open space process for land at Kitson Hill Crescent, Mirfield and seek Cabinet approval to proceed with the disposal of the site.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes The decision will have a particular effect on one ward (<i>Sub-section 14.6 of Access to Information Rules</i>).
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	Key Decision – Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 14.02.2020
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 14.02.2020
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 13.02.2020
Cabinet member portfolio	Cllr Cathy Scott Cllr Peter McBride

Electoral wards affected: Mirfield

Ward councillors consulted: Ward Councillors were informed of the Section 123 Notice for the site and were consulted on the Small Affordable Housing Sites prior to the Cabinet Report of 29th August 2018.

Public or private: Public

Has GDPR been considered?

Yes. There is no personal data contained in this report.

1. Summary

A Cabinet decision is required on the outcome of the statutory consultation process which has been carried out under Section 123 (2A) of the 1972 Local Government Act on the proposed disposal of land at Kitson Hill Crescent, Mirfield.

It is a requirement that any objections must be considered by Cabinet before the land can be disposed of.

The site is one of eight Council owned site which are to be disposed of to Registered Housing Providers as part of the Small Affordable Housing Sites Programme. The Programme was approved by Cabinet on 29th August 2018.

2. Information required to take a decision

On 29th August 2018 Cabinet:-

- Approved the disposal of a portfolio of sites to a Registered Provider through a competitive exercise
- Endorsed the issue of statutory notices to advertise the disposal of sites that constitute open space
- Delegated authority to the Service Director for Legal, Governance and Commissioning Support and the Strategic Director for Economy and Infrastructure, to negotiate and agree terms and complete the sale of sites once planning permissions have been obtained, unless further authority is required in respect of the disposal of any site where objections have been received following the publication of statutory notices advertising the disposal of the particular site
- Delegated authority to the Service Director for Legal, Governance and Commissioning Support to enter into and execute any agreement and other ancillary documents necessary to enable the sale and transfer of the sites in the Small Affordable Housing Sites portfolio.

Accent Development Consortium (ADC) were appointed as the Council's Preferred Partner to deliver the Small Affordable Housing Programme following a competitive exercise which was undertaken in December 2018.

Land at Kitson Hill Crescent (shown on the attached plan in Appendix A) is one of eight Council owned sites in the Small Affordable Housing Sites Programme and is to be developed by Johnnie Johnson Housing Trust (JJHT) who are part of ADC. It is one of three sites in Mirfield and Liversedge to be developed by JJHT between April 2020 and March 2021.

Section 123 (2A) of the 1972 Local Government Act requires local authorities wishing to dispose of any land consisting of or forming part of an open space to advertise their intention to do so for two consecutive weeks in a local newspaper. The Council must then consider any objections to the proposed disposal. There is a 21 day objection period.

As the Kitson Hill site is classed as open space, a notice of the Council's intention to dispose of the land was published in the Dewsbury Reporter series on Thursday 28th November and Thursday 5th December. One objection was received. The grounds of the objection focus on planning application 2019/9369 which was submitted by JJHT for 6 bungalows in November 2019 and can be summarised as follows:-

- The construction of the bungalows will have a considerable effect on their property
- Concerns that there will be flooding to the rear of their property and that this will cause damage to their drive and property

- Concerns about access to their property during and after construction work
- Concerns about disturbance during the construction works
- Concerns that the value of their property will depreciate

A copy of the objection, with personal details removed, is included in Appendix B.

Heavy Woollen Planning Sub-Committee resolved to grant planning permission for 6 bungalows on the site on the 9th of January 2020. A Decision Notice has now been issued.

The planning concerns are acknowledged and have been considered as part of the planning process. Access to the existing homes will be safeguarded and significantly improved by the proposals. Requirements relating to flooding and drainage are included in the Decision Notice as a Planning Condition.

However, as the objection relates to the effect on a neighbouring property rather than the loss of open space to the community, Cabinet are asked to dismiss the objection and agree to the disposal of the site.

Six of the sites in the Small Affordable Housing Sites Programme were advertised under Section 123 in November 2019. The objection to the Kitson Hill Crescent site is being brought to Cabinet now as it is one of the first sites in the programme to be developed. A decision is required to allow the site to be disposed of at the earliest opportunity and avoid delays to the programme. The outcome of the Section 123 process for the other sites will be brought to Cabinet at a later date as part of a more detailed programme update.

3. Implications for the Council

This report is prepared primarily to address the requirements of S123 of the 1972 Local Government Act. It is however important to note that the proposed development will address core council objectives.

- **Working with People**

The scheme will provide much needed affordable rented housing for the over 55 age group, providing access to rent quality affordable housing accommodation for those people who are unable to access market housing without intervention.

This scheme will be managed by JJHT and prior to construction, JJHT propose to liaise with the community to outline the scheme and opportunities for applying to live in the development.

- **Working with Partners**

The scheme involves working collaboratively with Registered Providers in the Accent Development Consortium

- **Place Based Working**

The development of the site will contribute to the attractiveness of the area by improving an overgrown area of land. The access to the existing adjacent properties will also be improved.

- **Climate Change and Air Quality**

ADC are committed to delivering homes which will achieve high levels of energy efficiency to mitigate any negative impacts on the environment. This will involve the use of building materials with good insulating properties. Other measures aimed at reducing the impact on the environment include maximising natural sunlight in the design of the homes to reduce artificial light usage and reducing water usage through the use of specific sanitary fittings.

Air quality has been considered as part of the planning application process. The report to Heavy Woollen Planning Sub Committee on 9th January 2020 confirmed that the proposal is classed as a minor proposal in the West Yorkshire Emissions Strategy, requiring the provision of vehicle charging points. The scheme provides vehicle charging points for each dwelling.

- **Improving outcomes for children**

As the scheme will provide housing for the over 55 age group, there will be no particular impact.

4. Consultees and their opinions

Ward Councillors were informed of the Section 123 Notice for the site and were consulted on the Small Affordable Housing Sites prior to the Cabinet Report of 29th August 2018.

5. Next steps and timelines

If Cabinet agree to the recommendations in the report, the disposal of the site to JJHT under the delegated authority agreed by Cabinet on 29th August 2018 will be progressed.

6. Officer recommendations and reasons

It is recommended that Cabinet:-

- Consider the objection to the Section 123 open space consultation and dismiss it on the grounds that it primarily relates to planning issues and the effect of the scheme on a neighbouring property rather than the loss of open space to the community.
- That approval be given to dispose of the land at Kitson Hill Crescent, Mirfield as described in the report
- That authority be delegated to the Strategic Director for Economy and Infrastructure, to negotiate and agree terms and complete the sale of the land at Kitson Hill Crescent, Mirfield.
- Note that a detailed update on the overall Small Affordable Housing Sites Programme will be brought to Cabinet at a later date. This will include the outcome of the Section 123 consultation process for other sites in the programme.

A decision to proceed with the disposal of the site will allow a start on site at the earliest opportunity and will reduce programme risk.

7. Cabinet Portfolio Holder's recommendations

Portfolio Holders are supportive of the disposal.

8. Contact officer

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9. Background Papers and History of Decisions

Cabinet Report - Small Affordable Housing Sites. Approved 29th August 2019.

10. Service Director responsible

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