

**Name of meeting:** Cabinet

**Date:** 21<sup>st</sup> December 2022

**Title of report:** Proposals for the redevelopment of Sycamore Grange and tenant engagement

**Purpose of report:** Cabinet is asked to approve the redevelopment of Sycamore Grange, a retirement living scheme in Golcar, to address building safety issues, and to support formal engagement with tenants and other stakeholders on the future plans.

<b>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?</b>	<b>Yes</b>  <b>If yes give the reason why</b> It is likely to result in spending or savings of £250k or more.
<b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</b>	<b>Key Decision – Yes</b>  <b>Private Report/Private Appendix – No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <u>Strategic Director</u> &amp; Name</b>  <b>Is it also signed off by the Service Director for Finance?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>David Shepherd</b> <b>24<sup>th</sup> November 2022</b>  <b>Eamonn Croston</b> <b>29<sup>th</sup> November 2022</b>  <b>Julie Muscroft</b> <b>2<sup>nd</sup> December 2022</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Cathy Scott</b>

**Wards affected:** Golcar

**Has GDPR been considered?** Yes (subject to approval, GDPR is a key consideration in the application of the Decant and Engagement Plans)

## 1. Summary

- 1.1. Sycamore Grange is a two storey 40-unit Retirement Living Scheme in Golcar constructed in the 1970's. Cabinet approval is sought to demolish and redevelop the site to address major building safety issues identified last year, and to formally engage with tenants and other stakeholders on the plans starting in January 2023. Issues are as follows: Asbestos Insulating Board (AIB) to communal corridors/lounge; high-risk fire risk actions (FRA) to complete to communal areas but which cannot proceed until the asbestos is removed; and repeated legionella samples, in particular in one flat.

- 1.2. Mitigants are in place to manage the issues and ensure tenant safety. However, detailed assessments carried out by BTP architects last year, confirm the status quo is not sustainable in the long term due to health and safety, and the remediation works needed cannot be safely undertaken whilst the tenants remain living in the scheme. In addition, the building is circa. 50 years old and requires significant investment to bring it up to a modern standard.
- 1.3. Therefore, the most straightforward solution is to rehouse all remaining tenants, demolish the existing scheme and redevelop the site. Any redevelopment will include as a minimum new housing for older people. The opportunity to increase the council's housing supply will also be considered.
- 1.4. If the recommendations are supported and subject to the outcome of the formal engagement in January, the rehousing of tenants (decant process) is expected to begin by April 2023. The process will be managed and balanced against wider demands on the council's housing register and, the approach will be phased, supportive and considerate of individual needs. Collaboration with residents/family members/other services/partners will be critical in ensuring the process is handled sensitively, given the age profile and potential vulnerabilities of the tenants.
- 1.5. Subject to approval, it is anticipated that it will take up to 12 months to rehouse all remaining tenants. All tenants will have the option to return once the site has been redeveloped, should they choose to do so.
- 1.6. Final redevelopment proposals and a robust financial appraisal will be presented to Cabinet for approval, by summer 2023. Following decant and demolition, it will take a further 18-24 months to redevelop the site.

## **2. Information required to take a decision**

### **2.1 Background**

- 2.1.2 Sycamore Grange, is a two storey 40-unit Retirement Living Scheme in Golcar constructed in the 1970's. See location plan at **Appendix 1**. The site is vested in the Housing Revenue Account (HRA). In summer 2021, it was confirmed that the scheme has a range of building safety issues that pose a significant health and safety risk to the people living there, namely:
  - Asbestos Insulating Board (AIB) debris in both the ground floor and first floor ceiling voids (communal corridors and lounge)
  - A long-standing AA (High Risk) Fire Risk Action to complete compartmentation between the communal corridors and flat. However, this cannot proceed without the removal and clean of the asbestos contaminated ceiling voids
  - Repeated presumptive legionella samples, particularly in one flat, the source of which cannot be fully investigated (pipework) until the asbestos contamination is cleared from the ceiling voids. More recent monitoring of the situation has identified that this risk has increased (the tenant in the high-risk flat was rehoused at the start of December and other mitigants put in place to protect the health and safety of the remaining tenants).
- 2.1.3 Last summer, the council requested more detailed investigations and approved short term emergency repair works to be carried out to the building, whilst tenants could remain living in the scheme. This complemented existing fire safety measures in place including sprinklers, a Part 1 alarm in communal areas and Part 6 alarms in the flats plus emergency

lighting which is fitted with a 3-hour battery and will come on when the normal lighting fails due to power failure. It is not connected to the fire alarm system.

A part 1 alarm system is compliant with BS5839-1 and is a fire alarm you would see in a commercial building. It has a control panel and is wired in fireproof cable. It feeds various detectors around the building, manual call points (red break glass units), sounders and flashing beacons. It also has the ability to activate certain devices in the event of a fire such as shut down ventilation systems, release doors and locking mechanisms and send a signal to the alarm receiving centre to contact the fire service.

A part 6 alarm system is compliant with BS5839-6 and is a single or system of numerous domestic type smoke alarms. They are not fault monitored or wired in fire resisting cable and are wired into the mains electric but also supplied with a 10yr Lithium battery.

- 2.1.4. Letters were sent to all tenants and two open days held at the time, updating on the situation.

## **2.2 Options**

- 2.2.1 A detailed assessment of the building and site was carried out by the council's procured architect, Bernard Taylor Partnership (BTP) and, considered at the Homes and Neighbourhoods' New Build Programme Board in July this year. This work identified that maintaining the status quo to manage the building safety issues is not sustainable in the long term, and the problems cannot be permanently resolved whilst the tenants remain in the building due to health and safety. Due to the age of the scheme and level of investment needed to bring it up to a modern and compliant standard, it was concluded that the most feasible and viable solution is to rehouse all remaining tenants, demolish the existing scheme and redevelop the site.

## **2.3 Costs Breakdown**

- 2.3.1 If Cabinet approve the demolition of Sycamore Grange and redevelopment of the site, the priority next year will be to rehouse the remaining tenants (at the time of reporting 25 out of 40 units remain occupied). Each household will be entitled to Statutory Home Loss Payments upon moving permanently. This is set by Government and is currently £7,800 (from October 2022). The costs of furniture removals plus additional discretionary payments for blinds, flooring and additional help with packing and unpacking, will also be offered based on individual circumstances.
- 2.3.2 The total estimated cost of moving, per property, is between £9,000 - £12,000 dependent on adaptation requirements and support needs. Based on the number of tenants remaining at the scheme, the maximum total relocation cost for this scheme is c£300,000.

## **2.4 Timescales**

- 2.4.1 If Cabinet approve the recommendations set out in this report, the council will commence the formal engagement process on the plans for the scheme, with tenants, their family/carers and other key stakeholders including Ward Members. This is anticipated to start in January 2023.
- 2.4.2 Assuming a start date by April 2023 for the decant plan to begin, it is anticipated that it would take up to 12-months to rehouse the remaining tenants at the scheme into suitable alternative accommodation.
- 2.4.3 Subject to approval, the preparation of detailed redevelopment proposals of the site can take place, which will include as a minimum, new housing for older people. In addition, the

opportunity to increase the council's overall supply of social housing and achieve economies of scale within a modern, purpose-built superstructure will also be prioritised. Final proposals informed by further public consultation and a robust financial appraisal will be presented to Cabinet for approval, by summer 2023.

- 2.4.4 Following demolition of the existing building, redeveloping the site is anticipated to take a further 18-24 months. Existing tenants will have the option to return to the new development if they wish to do so or they may choose to stay where they have moved to.

## **2.5 Expected impact/ outcomes, benefits & risks (how they will be managed)**

### **Formal Engagement**

- 2.5.1 Last summer, the council wrote to all the tenants about the safety concerns at Sycamore Grange and the steps taken to ensure tenant safety. Tenants and ward members are aware that the plans for the future of the scheme will be discussed at the Council's Cabinet in December 2022. Golcar Ward members were able to attend a briefing on 10<sup>th</sup> November 2022 and letters were hand delivered to every household to reassure tenants about the next steps week commencing 14<sup>th</sup> November 2022.
- 2.5.2 The proposed engagement process is expected to start in January 2023 and the details are set out below. The approach builds on the principles of the successful place-based engagement activity, undertaken by the council, at the two high-rise blocks at Berry Brow in 2021 and will include:
- tenants and their family members/carers will be invited by letter to attend face-to-face group meetings to discuss their rehousing options, including evening events at Sycamore Grange. Individual conversations will not be encouraged at these meetings as this will happen as part of the decant process (see below).
  - completion of a printed short form including freepost envelope for tenants/family members or carers to share their views and raise questions in advance of the meetings. This will be posted out prior to face-to-face meetings. Tenants can also complete the form online for those who wish to do so (all tenants have access to the internet in the scheme) or, by speaking to an officer on the phone.
  - the survey will also be available in another format or language, on request.
  - meeting reminders will be posted through every letterbox the day before the meeting by the Independent Living Officer and posters displayed on communal notice boards in the building.
  - each household will also receive an information pack prior to the meetings including a Frequently Asked Questions sheet.
  - Specific individual assessments will be completed with individuals where further tailored information packs will be available

### **Decant Plan**

- 2.5.3 In November 2022, 25 of the 40 units at Sycamore Grange remain occupied (15 voids). Last year a decision was taken to leave void flats empty until a final solution is identified to deal with the building safety issues. Voids are also currently being held at another local retirement living scheme, Lynroyd, Royds Avenue, Linthwaite to help facilitate any future plans. At the time of writing this report, there are currently 7 voids in this scheme which is approximately 4 miles from Sycamore Grange.
- 2.5.4 Across Kirklees there are also a further 16 suitable voids which, although not being held specifically to support this decant, demonstrates a steady flow of vacant units (excluding those in Lynroyd and Sycamore). A recent discussion paper prepared by Adult Social Care

on local demand for housing with support and housing with care, in Golcar and surrounding areas, suggests there may also be specific care home sites in the area that could support the decant of current tenants, if additional or more complex needs are identified.

- 2.5.5 The Decant Plan is set out at **Appendix 2**. The plan aims to ensure each household is provided with support and information to meet individual needs. The decant options will involve close working with tenants, family members and carers. The intention is to ensure all tenants are rehoused either temporarily or permanently in a timely way and with full consideration given to their individual circumstances and preferences.
- 2.5.6 Subject to Cabinet approval and the outcome of the formal engagement with tenants on the proposals, the application of the decant plan can begin. This includes taking a phased and supportive approach to ensure the needs of individuals is balanced with the demands on the council's housing register. Each household will be awarded Band B on the council's housing register (Choose n Move) based on an agreed category in the Band B award to reflect those residents displaced due to relocation for demolition. A local lettings plan will be considered to ensure tenants at Sycamore Grange can access alternative and suitable independent living accommodation as this becomes available.
- 2.5.7 There will be a team of staff from Homes and Neighbourhoods to provide support to each household on their options, to register their application, help them to bid on suitable alternative accommodation and work alongside them throughout the whole decant process. Homes and Neighbourhoods will also work alongside other council services and partner agencies, including the Accessible Homes Service to ensure that the current and future housing needs of the tenants are considered when finding suitable accommodation.
- 2.5.8 Where a tenant owes money in the form of rent or other debt, under normal circumstances, any payment due to them may be offset in part or full against those debts in line with council policies relating to the repayment of debt.

### **Sustainability**

- 2.5.9 Although mitigants are in place at Sycamore Grange to manage building safety issues, detailed assessments carried out by BTP architects, confirm the status quo is not sustainable in the long term due to health and safety, and the problems cannot be resolved whilst the tenants remain living in the scheme. The proposals in this report offer a long term, viable solution to address the issues, safeguard tenant safety and create new, modern, and safe housing for older people in Golcar, as a minimum.
- 2.5.10 If supported the redeveloped site will, as a minimum, include new high-quality housing for older people. A recent discussion paper prepared by Adult Social Care on local demand for housing with support and housing with care in Golcar and surrounding areas, confirms the demand for rental housing with support (retirement/sheltered) accommodation even when the current local market is considered. The demand for Housing with Care is lower.

### **Services and Agencies involved**

- 2.5.11 Given the age profile of the tenants and the potential degrees of vulnerability, decanting will be handled sensitively. Collaboration with colleagues in Adults including Occupational Therapy (OT) Services and Aids and Adaptations will therefore be critical to this process. Closer working with Community Plus and other support services such as the Kirklees Better Outcomes Partnerships (KBOP) will take place where greater levels of support are identified.

## **3. Implications for the Council**

### **Working with People**

- 3.1 In Homes and Neighbourhoods, putting tenants at the heart of the decisions affecting them is central to the way we work. The redevelopment of the site at Sycamore Grange offers a response to building safety issues that, although currently mitigated, continue to impact on the lives of older and more vulnerable council tenants. The proposals in this report demonstrate that the views and opinions from tenants, their family, and carers on the future of the scheme and, the implications for tenants are critical in achieving successful outcomes.
- 3.2 Due consideration has also been given to the way proposals will contribute to the council's strategic priorities and the anticipated impact the outcomes arising from the implementation of this report will have in the following areas:

### **Working with Partners**

- 3.3 As described in this report, a collaborative approach informed the response to the building safety issues identified at Sycamore Grange last year and, will continue to inform the work as the proposals are progressed. In addition, the tenants are all 60 years plus, therefore working with relevant council services, partners, the tenants, their family and/or carers is very important and will play a vital part in shaping and delivering successful outcomes.

### **Place Based Working**

- 3.4 The engagement proposals are informed by intelligence and evidence gathered from previous successful place-based engagement programmes delivered by Homes and Neighbourhoods and other partner services. This includes consultation at the high-rise blocks at Berry Brow and Harold Wilson Court in 2021 to inform full regeneration and fire safety improvement programmes, working with ward members and tailored to the needs of Kirklees as a place and the individual needs of its distinct communities.

### **Climate Change and Air Quality**

- 3.5 If the site at Sycamore Grange is redeveloped, this would see the removal of an existing building heated by fossil fuelled gas boilers built to the building standards and requirements of the early 1970s. In removing the existing and outdated building, and combining new heat and power technologies, any future scheme is likely to lead to a net reduction in carbon emissions over its lifetime.

### **Improving outcomes for children**

- 3.6 As part of the redevelopment of the site and in addition to housing for older people, the opportunity to increase the council's housing supply including family homes, will be carefully considered.

## **4. Financial Implications for the people living or working in Kirklees Council**

### **Cost of Living**

- 4.1 The cost of living crisis refers to the fall in 'real' disposable incomes (adjusted for inflation and after taxes and benefits) that the UK has experienced since late 2021. It is being caused by high inflation outstripping wage and benefit increases and has been further exacerbated by recent tax increases.
- 4.2 In October 2022, the Portfolio Holder for Housing and Democracy, received a report detailing how council housing services are working alongside the wider council, to mitigate the risks to all tenants and the business in relation to the cost of living crisis. The report identified a number of measures that will be taken to monitor identified risks such as increasing rent arrears, fire safety and food poverty. The Portfolio Holder's report complements the proposals presented to Cabinet on 11<sup>th</sup> October 2022 setting out proposals to provide support for households in 2022/24 in response to the cost of living crisis through the Household Support Fund.

## **Housing Revenue Account (HRA)**

- 4.3 The Sycamore Grange site is vested in the Housing Revenue Account (HRA) and is designated for housing and street scene. Whilst, at this early stage the costs of the new development are unknown, the HRA 30-year business plan has made a prudent financial provision for the works and associated costs.

## **5. Other (e.g., Integrated Impact Assessment/Legal/Financial or Human Resources)**

### **Legal**

- 5.1 As set out in Section 105 of the Housing Act 1985, (HA 85) the council (as a landlord) has a statutory duty to consult on the basis that secure tenants who are likely to be substantially affected by a matter of housing management have a right to be informed of the council's proposals; and make their views known and, the council is required to consider representation. Housing Management relates to management, maintenance, improvement, or demolition of dwelling houses let under secure tenancies. Subject to Cabinet approval, the council will adopt the \*'gunning principles' relating to the Act, namely that consultation must be at a time when proposals are at the formative stage. Sufficient reasons must be put forward for any proposal to permit " intelligent consideration and response" Adequate time is given for consideration and response. The decision maker conscientiously considers the product of consultation.
- 5.2 Legal powers to carry out the redevelopment, subject to Cabinet approval, are covered by the " general power of competence" under section 1 of the Localism Act 2011. All works and services contracts must be let in accordance with council's Contract Procedure Rules and the Public Contracts regs 2016 (or new Procurement Act when in force) for above threshold procurements.
- 5.3 Article 1 of the First Protocol of the Human Rights Act 8 provides every person with a right to peaceful enjoyment of their possessions, and no one should be deprived of such possessions except in the public interest. (a demolition notice may do this in relation to a RTB application – see below). In determining the level of interference permitted (Art 8 right to respect for private & family life). The council's aims must be proportionate to the benefits resulting from redevelopment of the site and a fair balance struck between the public interest and the rights of the individual.
- 5.4 Certain dwelling houses for persons of pensionable age are excluded from Right to Buy (RTB) rights by virtue of Schedule 5, para 10 to the HA 85. The tenants at Sycamore Grange are secure tenants and therefore eligible for the RTB, although the likelihood of this happening is not significant to the council. However, as part of the decant process, the council will issue interim and final demolition notices at the appropriate time. The Initial Demolition Notice suspends any sales pursuant to RTB applications that have been submitted by qualifying tenants whilst proposals for regeneration are being considered or progressed to the point where a Final Demolition Notice is served.
- 5.5 Whilst every household will be provided with support to move, the council can use legal powers (Ground 10, Schedule 2, Part II of the Housing Act 1985) to seek possession '...where the Landlord intends to demolish or reconstruct the building and cannot reasonably do so without obtaining possession of the dwelling'.

### **Financial**

- 5.6 The council has a duty to comply with its Financial Procedure Rules and Contract Procedure Rules and when procuring goods, Works and services above certain thresholds

must procure in accordance with the Public Contracts Regulations 2015 and comply with the new rules on Subsidy Control which replace the State Aid rules.

### **Integrated Impact Assessment (IIA)**

- 5.7 The completed IIA Stage 1 and Stage 2, dated 7<sup>th</sup> November 2022, are attached at **Appendices 3 and 4**. The assessment acknowledged that this project is going to have a significant impact on tenants. The approach to have individual conversations with all tenants will seek to mitigate impact on protected characteristics, namely age and disability. The small group of tenants affected will enable a prominent level of support to be provided - this will help to foster positive relationships through direct support from the Independent Living Officer and Housing Management Officers. Officers will work with carers, adaptations team, early support services and adult social care to further mitigate risks associated with rehousing tenants.

Section 149 of the Equality Act 2010 sets out the public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics, i.e., race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment. The public sector equality duty requires public authorities to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited under that act
- Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and
- Foster good relations between those who share a protected characteristic and those who do not share it, which involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, including, in particular, steps to take account of disabled persons' disabilities;
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Compliance with the duties in section 149 of the Act may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Act.

The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken - that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.

The Climate Emergency Motion passed on 16 January 2019 committed the council to consider the environmental impact as part of any new policy or service change. The IIA carried out in November 2022 considers effects of service changes across the full range of equality, environmental and sustainability impacts.



## **6. Consultees and their opinions**

- 6.1 If Cabinet approve the proposals to demolish and redevelop the site to rectify building safety issues, the council will need to formally engage with tenants about the plans and how this will affect them. If agreed, this is anticipated to start in January 2023.
- 6.2 On 31<sup>st</sup> October 2022, the Portfolio Holder for Democracy and Housing was briefed on the contents of this report. Cllr Scott endorsed the proposals and in particular, the commitment to ensure the plan is progressed in a timely manner to work around the needs of tenants and, that tenants will be reassured that their rehousing options will be carefully considered. Cllr Scott also agreed on the importance of ensuring ward members are fully briefed to respond to any enquiries as the proposals are progressed.
- 6.3 The Portfolio Holder for Health and Social Care joined the briefing on 31<sup>st</sup> October 2022. Cllr Khan was supportive of the proposals and, agreed on the importance of progressing the plans in collaboration with Adult Social Care and other services who can provide additional support and reassurance to meet the needs of this older age group.
- 6.4 The council's Housing Advisory Board was briefed on 22<sup>nd</sup> November 2022 and the Tenant Advisory and Grants Panel on 30<sup>th</sup> November 2022. Both groups were supportive of the proposals as set out in this report.

## **7. Next steps and timelines**

- 7.1 Subject to Cabinet approval and the outcome of the formal engagement planned for January 2023, the rehousing of tenants (decant process) is expected to begin before April 2023. Final redevelopment proposals, informed by further public consultation, and a robust financial appraisal will be presented to Cabinet for approval, by summer 2023.

## **8. Officer recommendations and reasons**

- 8.1 A decision is needed to address major building safety issues at Sycamore Grange, a retirement living scheme in Golcar. The plans to demolish the existing building and redevelop the site is proposed as the problems cannot be fully addressed in the longer term, whilst the building remains occupied due to health and safety.
- 8.2. It is recommended that Cabinet:
  - 8.2.1. Approve the proposal to demolish Sycamore Grange and redevelop the full site within the Housing Revenue Account as shown edged red on the attached location plan at **Appendix 1** to this report;
  - 8.2.2. Authorise formal engagement with affected tenants as set out at paragraphs 2.5.1. and 2.5.2. of this report;
  - 8.2.3. Delegate authority to the Service Director Homes and Neighbourhoods to carefully consider responses from the formal engagement, and any resulting mitigating steps before implementing the next stage of the redevelopment proposals, namely the application of the decant plan;
  - 8.2.4. Note the Integrated Impact Assessment at **Appendices 3 and 4** and that Human Rights issues have been considered;
  - 8.2.5. Authorise officers to serve Initial Demolition Notices followed by final Demolition Notices pursuant to the Housing Act 1985, for Sycamore Grange, at the appropriate time as may be required in order to suspend Right to Buy rights;

8.2.6. Authorise officers to seek a Possession Order under the Housing Act 1985 for Sycamore Grange if required (following granting of planning permission for redevelopment of the site); and

8.2.7. Request a report back to Cabinet by summer 2023, for approval, setting out the final redevelopment proposals informed by further public consultation and including a robust financial appraisal.

## **9. Cabinet Portfolio Holder's recommendations**

The Cabinet Portfolio Holder agrees with the officer's recommendations and reasons set out at paragraph 8.1. and 8.2. above.

## **10. Contact officer**

Michelle Anderson-Dore, Head of Housing Management and Partnerships

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## **11. Background Papers and History of Decisions**

Appendix 1 - Sycamore Grange Location Plan

Appendix 2 - Decant Plan

Appendix 3 - Integrated Impact Assessment Stage 1

Appendix 4 - Integrated Impact Assessment Stage 2

## **12. Service Director responsible**

Naz Parkar, Service Director, Homes, and Neighbourhoods