CABINET

26 June 2012

This report is submitted under Agenda Item 8. The Chair will be asked to decide if it can be considered at the meeting under the provisions of Section 100B(4)(b) of the Local Government Act 1972 as a matter of urgency in order to progress the proposals as soon as possible.

Title: Provision of Elderly Persons' Bungalows on Council Owned Sites					
Report of the Cabinet Member for Housing and Cabinet Member for Regeneration					
Open Report	For Decision				
Wards Affected: Heath and Eastbrook	Key Decision: Yes				
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Accountable Divisional Director: Jeremy Grint, Divisional Director of Regeneration					
Accountable Directors: Tracie Evans, Corporate Director of Finance and Resources and Darren Henaghan, Corporate Director of Housing and Environment					

Summary:

This report proposes the use of two Council Owned sites for the provision of new build bungalows suitable for occupation by older persons funded via the Housing Capital Investment Programme.

The sites identified for these developments are:

- The site of the former Lawns older persons home on Rainham Road South
- The former Wood Lane Sports Centre site in Wood Lane

The provision of these one and two bedroom bungalows will assist with releasing larger Council Homes for family occupation across the Boroughs stock. The funding for the development and construction of these bungalows will be met from the Council's five year rolling Housing Investment Programme which is set out in a report due to be presented to Cabinet in July. This report is being brought to Cabinet in advance of the Housing Investment Report to enable these developments to be started without delay.

This report seeks to delegate authority to the Corporate Director of Finance and Resources, in consultation with the Corporate Director of Housing and Environment, the Divisional Director for Legal and Democratic Services and the Lead Member for Housing, to agree terms and detailed financial cost plan and award appropriate contracts in respect of each scheme.

Recommendation(s)

The Cabinet is recommended to:

- (i) Agree the proposal to develop circa 24 one and two bedroom bungalows for elderly persons at the Wood Lane Sports Centre site in the manner and with the funds referred to in this report, subject to the formal appropriation of the Wood Lane Sports Centre site from the General Fund to the HRA.
- (ii) Agree the proposal to develop circa16 one and two bedroom bungalows for elderly persons at the former Lawns site in the manner and with the funds referred to in this report.
- (iii) Agree in principle to the appropriation of the Wood Lane Sports Centre site from the General Fund to the HRA, with a requirement that officers take necessary steps to seek formal appropriation of the site.
- (iv) To agree a contribution to the General Fund of £1m in respect of the land value for the Wood Lane development site.
- (v) Delegate authority to the Corporate Director of Finance, in consultation with the Corporate Director of Housing and Environment, the Divisional Director for Legal and Democratic Services and the Lead Member for Housing, to agree terms and a detailed financial cost plan and procure the necessary design, consultancy and related services and works necessary to realise the developments in the manner proposed in this report and to award and enter into all necessary and appropriate contracts and documentation to realise each schemes.

Reasons

For the older community, the proposal would be consistent with the Council's overall objective of 'Building a Better Life for all'. It will also deliver tangible benefits under all four core guiding themes in the Policy House, particularly the 'Better Together', 'Better Health & Well-Being' and 'Better Future' themes.

1. Introduction and Background

- 1.1 The Council's current commitment to its large scale estate renewal programme brings with it the need to ensure that a supply of properties that can be let at a social rent are completed so as not to put a further strain on the housing waiting list. In order to try and maintain a balance from the HRA business perspective, it is beneficial to look at all opportunities for providing replacement stock.
- 1.2 A report will shortly be presented to Cabinet to agree the provision of a rolling five year Housing Investment Programme for a number of identified Council New Build schemes.
- 1.3 This report seeks approval in advance of the Housing Investment Programme report, for the use of the former Lawns older people's home in Rainham Road South and the site of the disused Wood Lane Leisure Centre in Wood Lane for the delivery of bungalows specifically designed for use by older people. The provision

of non Warden Controlled one and two bedroom bungalows designated for older people has been proposed on these sites for a variety of site-specific and needsrelated reasons.

- 1.4 Firstly the sites in question are both situated in areas classified as Green Belt. Any schemes brought forward in these areas have to ensure that they do not significantly impact on the green belt area. It is felt that the low level nature of bungalow development with moderate levels of parking and sensitive landscaping would be suitable development and would not cause an adverse impact and be viewed favourably in Planning terms.
- 1.5 Secondly the need for older person's bungalow accommodation is evidenced by demand and a notable number of current under occupation cases waiting for suitable one and two bedroom accommodation. The current policy which allows for persons under occupying properties to downsize has over 20 cases waiting for suitable one bedroom properties of which the majority are over statutory retirement age but not necessarily in need of Sheltered Accommodation. Last year over 80 under occupation cases were re housed and 32 of these were older people.
- 1.6 Further evidence from Adult and Community Services confirms that over 300 cases are currently waiting via normal transfer arrangements for single floor accommodation with wet room type facilities that are not necessarily controlled by a Warden or Manager. The Boroughs Housing Strategy confirms the need for this type of accommodation, a statement to support this is attached as Appendix 3.

2 Site context and background

- 2.1 The site of the former Lawns older people's home (map attached as Appendix 1) is bounded by Rainham Road North and is located to the south west extremity of the designated Green Belt Area. The Lawns building has now been demolished and the cleared site is hoarded to prevent unlawful access. Prior to demolition, the Lawns building shared open plan grounds with the Georgian Grade II listed Woodlands building to the south. The garden area between the site and the Woodlands contains many mature trees and hedges and the provision of a suitable fence will be necessary as part of the development. The Woodlands building is shortly to undergo refurbishment for use as the Boroughs Registry Office by the end of this year.
- 2.2 The Lawns site has a current Planning Consent for 29 flats for Sheltered Accommodation which expires in February 2013. It is essential that either this is renewed or an alternative scheme is brought forward to ensure that in planning terms we are able to secure the development of the area.
- 2.3 The site of the Wood Lane Leisure Centre (map attached as Appendix 2) is bounded by Wood lane, the Wantz Lake (currently used by Crowlands Golf Centre as a Golf Driving Range) and the open space surrounding West Ham Football Clubs training facilities (formerly Fords Sports and Social Club). Again this area is classified as Green Belt and has other constraints including an area that cannot be developed adjacent to the lake meaning that bungalow type, low density development would be appropriate.

3. Cost Estimate Proposal and available Grant Funding

- 3.1 Initial Feasibility has indicated that that these sites could accommodate circa 16 units at the Lawns and circa 24 units at Wood Lane. These units would be predominately 1 bedroom with a small number of 2 bedrooms, all the units would be self contained with small courtyard gardens. Whilst more feasibility work and discussions regarding planning are ongoing the financial cost assumptions for the schemes contained in this report are based on these indicative unit numbers.
- 3.2 The cost assumptions used in this report for construction costs and associated fees are based on the recent Council House New build schemes and an approximate floor area of 60 sq metres per unit. The table below sets out approximate development costs;

Site	Space Standard	No of units	Total Development cost
Wood Lane	60 sq m	24	£2,700,000
Lawns	60 sq m	16	£1,800,000
Wood Lane	Contribution in lieu of land	to General Fund d value	£1,000,000
Total			£5,500,000

- 3.3 The Wood Lane site has previously been marketed for disposal and whilst we did receive bids for the site, the disposal was not taken forward and other uses for the site were considered. This proposal for its use for HRA new build provision is considered to be an appropriate use for the site. To off set the loss of income to the General Fund in lieu of land receipt a contribution of £1m is proposed.
- 3.4 The next steps following the approval of the recommendations in this report would be the finalisation of a detailed design and development brief for each site. A full design and consultant team shall be appointed via the Council's Professional Services Framework to draw up detailed options for the sites for further consultation prior to a detailed planning application. Concurrent to the planning application a Main Contractor would be sought from the Council's Construction Framework. The management of this process will be handled by an in-house team led by the Regeneration Team supported by Asset and Capital Delivery Team in full consultation with the Planning Development Management team.
- 3.5 The Council has been successful in being allocated £18.3m of grant funding to deliver a programme of 762 new homes in the Borough before March 2015 from the current HCA Affordable Housing Programme. This grant is non scheme specific and equals an agreed grant rate of £24,015 per unit delivered, paid on completion. To deliver this programme we have entered into a Framework Delivery Agreement with the HCA/GLA for named schemes, however, the programme has been specifically constructed to allow for schemes to be substituted during the programme period to ensure flexibility and assist the HCA/GLA with early delivery.
- 3.6 The HCA/GLA have indicated that they are happy for new schemes which can guarantee early delivery to be substituted and it would be our intention to claim grant on completion of these units. The Capital Housing Investment Report shows that investment levels can support the current proposed programme with the level

- of grant agreed, it is in our interest to bring forward and claim this grant as early as possible and to have pipeline schemes that could possibly benefit from any HCA/GLA under spend towards the back end of the current programme.
- 3.7 For all new Council Homes built after 2 April 2012 the "Cost Floor" principle applies. This principle limits the "Right to Buy" discount to ensure that the purchase price of the property does not fall below what has been spent on building, buying, repairing or maintaining it over a certain period of time. This period is 15 years for properties built or acquired after 2 April 2012.

4 Benefits of the Proposal

- 4.1 This proposal allows in principle for 40 larger homes to be released for occupation by families across the borough whilst developing two constrained sites in Green Belt areas where low rise development is considered appropriate to mitigate impact on the local environment.
- 4.2 The 40 Bungalows will allow older people to remain independent for longer with the inclusion in these homes of high levels of thermal comfort, low energy bills and walk in wet rooms. All the homes will fully meet normal planning requirement of Lifetime Homes which again assists towards the ability of residents to remain independent in their own homes for longer.
- 4.3 These proposals allow for the delivery of 40 units on unencumbered sites ensuring early delivery against our current HCA Affordable Housing Programme target of 762 units. This proposal brings back into use two currently vacant sites, in the case of Wood Lane it would bring forward the demolition and redevelopment of a vulnerable empty building which requires ongoing revenue expenditure of approximately £230,000 per year to maintain.
- 4.4 Funding is available for the Demolition of the existing building at Wood Lane from the current Estate Renewal Demolition Budget and can be expedited to ensure that the ongoing revenue burden is eased. The Capital Programme Management Office has agreed to review the current approvals to include these sites as they represent the ability to provide new supply to assist the current decant programme.

5. Options Appraisal

- 5.1 The following options have been considered:
- Option 1: 'Do nothing' This option would leave the two sites undeveloped and would require alternative proposals or disposal on the open market to a developer. As set out in this report both sites are constrained by their location in the Green Belt which puts major limitations on their development potential and hence their value. The sites are currently vacant and require ongoing and costly management and maintenance. In the case of Wood Lane the building is currently occupied by a Guardian Company to prevent break-ins but recently the roof has failed and would need major repair if the building is not demolished. If the Lawns site is not developed it is likely that the site would have to revert to be open space.
- 5.3 **Option 2: Market the sites for Existing use or redevelopment** The sites could be marketed, for Wood Lane for the use of the existing building or redevelopment

and for the Lawns for redevelopment. This option has been pursued in the past but due to the sensitivities around the Green Belt location this option has not been taken forward. It is vital that a planning consent for the Lawns site is achieved before the expiry of the current consent as it may be difficult to achieve due to its Green Belt status now this site is cleared. This would be difficult to control if a third party was making the application.

5.4 Option 3: Develop the sites for Elderly Persons Bungalows – Chosen option. This chosen proposal enables the delivery of circa 40 bungalows on sites that would be difficult to bring forward for alternative development, the resulting development will give the opportunity for 80 households to be more appropriately housed through the release of larger homes consistent with the Council's overall objective of 'Building a Better Life for all'. It will also deliver tangible benefits under all four core guiding themes in the Policy House, particularly the 'Better Together', 'Better Health & Well-Being' and 'Better Future' themes.

6. Consultation

- 6.1 The proposal for the inclusion of a number of older person's bungalows in the current new build programme was requested by the Portfolio Lead Members for Housing and Regeneration and supported by a number of Ward Members across the borough and particularly those currently actively involved with the Estate Renewal Programme via the Estate Renewal Steering group.
- 6.2 Further local consultation will be undertaken with the communities adjacent to the identified sites during both the Design Development and Planning stages of the project, Ward Members for the areas will be fully briefed and invited to participate in any events or meetings held in relation to these schemes.

7. Financial Implications

Implications completed by: Jo Moore, Group Finance Manager

- 7.1 From 1 April 2012 the HRA has been operated as a self-financing ring-fenced business unit within the Council. The HRA has borrowed £265.9m which has been paid to the Department of Communities and Local Government (DCLG) as part of the self-financing arrangements. The HRA will not be allowed to borrow beyond its debt cap and therefore it is important that the cumulative financial impact of individual new build schemes needs to be modelled as accurately as possible to ensure that all committed schemes can be funded to completion and proposed schemes can be assessed for affordability.
- 7.2 A ten-year HRA business plan was approved by Cabinet in March 2012 which outlined the resources available for investment over the first ten years of the new self-financing arrangements. There is an inherent degree of estimation within the business plan e.g. future rent increases which could impact on the resources available depending on decisions taken. Within the original business plan £50m was allocated to the provision of the Council's new build programme of which £18.3m of was to be funded from HCA Grant.
- 7.3 The allocation of this £50m to new build schemes was originally earmarked for the provision of new social homes on the three Estate Renewals sites: Goresbrook;

Gascoigne and the Leys. The proposed incremental revenue arising from these new units was built into the original business plan. However, there have been a number of other new build schemes which have since been approved and are now to be funded from the original £50m (with revised incremental revenue streams).

- 7.4 Under the latest New Build programme the following schemes are to fully funded from the original £50m new build allocation: Abbey Road; Marks Gate 1; Leys 1; Gascoigne 1, the Lawns and Wood Lane. The funding of the remainder of the schemes in the latest programme is dependent on incremental net surpluses arising from completed new build units, RTB receipts and potentially deferring investment in existing stock beyond the ten-year business plan. However, the profile of the remainder of the new build programme could be subject to change. A Housing Capital Investment report will shortly be brought to Members which will also include the revised HRA Business Plan showing the new amounts proposed for each of the approved investment streams. This will show an increased allocation for New Build schemes over and above the £50m included within the original business plan and how this will be funded.
- 7.5 The exact resources required for investment in the existing stock should be finalised shortly in line with revised policy requirements and only then will any shortfall / surplus be identified from those earmarked in the original Business Plan.
- 7.6 New Right-to-buy rules were introduced on 1 April 2012 and the Council has signed up to the Government's re-provision scheme. This means that the Council is able to retain a proportion of RTB receipts for new build investment (based on a formula) under a 70:30 match-funding arrangement. The latest Business Plan has been modelled on the assumption that the retained receipts will be used for Council new build (although this not a requirement of the scheme). The Council will need to ensure that it is able to fund the 70% requirement. Completed units under the HCA grant scheme cannot be included as part of the 70%.
- 7.7 Due to the fluid nature of the investment streams the Director of Housing and Environment has now asked for an updated Business Plan, incorporating the latest financial information relating to the Estate Renewals and New Build programmes, to be a standing agenda item at the Strategic Housing Board.
- 7.8 Council new homes build investment schemes are not currently appraised on a commercial basis e.g. on the shortest pay-back period. However, there will be net revenue surpluses arising from practical completion of these units which will then provide additional resources for further capital investment.
- 7.9 The costs of development of £5.5m associated with this scheme have been included within the latest New Build programme as highlighted above.
- 7.10 The report does not quantify the amount of the demolition costs but these are to be contained within the existing Estate Renewals Programme approved allocation within the original business plan.
- 7.11 The valuation of Wood Lane at £1m is considered to be reasonable bearing in mind both the green belt and other planning constraints with regard to the site.

- 7.12 Any Council new build programmes have financial implications in terms of New Homes Bonus (NHB), Community Infrastructure Levy (CIL) and the Council Tax base. There will also be various other revenue implications in terms of the direct services to these properties, such as refuse collection and street lighting.
- 7.13 A New Homes Bonus is awarded to each <u>net</u> addition to the housing stock, equal to £7,500 per new home. There is also an additional £2,100 per <u>gross</u> new affordable home built, regardless of the number of demolitions. The Council is required to pay the Mayoral CIL in respect of net new development (£20 per sq m) until 2018/19.
- 7.14 The recent Right-to-Buy regulations as announced by the central government protect local authorities from having to offer discounts below the 'cost floor' for up to 15 years. In addition local authorities will retain the right for exemption from pooling for any properties built after 2008.

8. Legal Implications

Implications completed by Eldred Taylor-Camara, Legal Group Manager

- 8.1 This report is seeking Cabinet's approval to use two Council-owned sites for the provision of new build bungalows suitable for occupation by elderly persons funded via the Housing Capital Investment Programme. The report also seeks agreement in principle to the appropriation of the Wood Lane Sports Centre site from the General Fund to the HRA.
- 8.2 The value of the design and consultancy elements of the project exceeds the EU threshold for services contracts and would therefore ordinarily require to be procured by tender exercise. The Council will however be using its existing Professional Services framework to procure these services and its Construction framework for the construction works. Both frameworks were procured following fully EU-compliant tender processes.
- 8.3 This strategy complies with the EU public procurement rules as contained in the Public Contracts Regulations 2006 (as amended) and the Council's Contract Rules.
- 8.4 The freehold interests in the sites are held by the Council. The transfer of the sites from General Fund to the HRA will constitute a disposal. The Lawns was acquired by the Council for the provision of elderly accommodation. The proposed development will comply with this use. A large part of the land forming the Wood Lane Sports Centre was acquired or received by the Council for public recreation and enjoyment. The land is held on trust for these purposes.
- 8.5 A disposal of the Wood Lane Sports Centre is required to be made in accordance with the Physical Training and Recreational Act 1937 or some other Act or Authority. The Council's disposal powers are contained in section 123 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 also provides local authorities with a general power of competence.
- 8.6 The Council will need to appropriate the Wood Lane Sports Centre site from the General Fund to the HRA. Officers will be required to advertise, consider objections received and report outcome to Cabinet and seek formal appropriation of the site

8.7 The Legal Practice should be consulted regarding the call-offs from the Council's frameworks and be involved in the preparation of any contract documentation required.

9. Other Implications

9.1 **Risk Management** – These proposed schemes will be subject to the Council's internal Capital Programme Management Office structure, this process requires all of the identified project risks to be identified and mitigated via an actively managed risk management plan before approval is given for the scheme to commence. A number of the key risks are identified in the table below with impacts and mitigation.

Risk	Impact	Mitigation				
Site Appropriation and existi	Site Appropriation and existing buildings					
The freehold interests in the sites are held by the Council. But the Wood Lane Sports Centre does require appropriation from the General Fund to the HRA.	If we are not able to complete the appropriation for any reason this would add a delay to the programme	This report seeks approval in principle to the appropriation of the Wood Lane site to ensure that Officers can commence the necessary actions to complete the appropriation in line with the construction programme.				
The existing buildings if they are left in situ incur revenue expenditure to keep them secure, maintained and pay NDR.	Delays in demolition could result in extra revenue expense in non domestic rates, maintenance and security costs.	Once approved the proposals contained in this report set out that the current Wood Lane Sports Centre Building would be demolished as soon as possible.				
Planning Consent and Green						
Both sites are situated in designated Green Belt areas.	This adds a level of risk to the planning process as any scheme would have to evidence a negligible impact on the surrounding environment; any development over 1000sq m is automatically referable to the Secretary of State and the GLA.	The schemes have both previously been developed and this has had a minor impact on the green belt. The proposed development is for low level bungalows which would cause no greater impact, this can be adequately evidenced if referral is necessary.				
The Lawns current planning consent expires in February 2013 and after this time achieving consent could present problems due to the location of the site in the Green belt.	This could impact on the ability to achieve a planning consent on the site for any type of development.	The current consent expires in February 2013 which allows sufficient time to achieve a new consent; the project programme will ensure that this time frame for consent is achieved.				
Objections received at planning application stage	Objections received at planning stage could delay or have a major impact on the ability to achieve planning consent.	Early consultation with the local community should ensure that their views can be incorporated into the design process and likely areas for concern such as parking and access can be fully considered.				
Ensuring that the internal specification of units is acceptable to Housing.	Failure to deliver the correct internal specification could lead to difficulty letting units	The completed units will have to meet both Life Time and Homes and the GLA/HCA combined				

	or add extra costs to retro fit items not specified on construction.	housing standards which cover most areas of the general issues relating to internal specification. The Officers will create a project team which includes officers from all the relevant teams to fully consider the internal specification in addition a focus group of age appropriate residents will be formed for consultation on these issues.			
Procurement, Construction a	and Project Management				
Procurement risk	Failure to procure all Contracts in a proper manner could add delay and the risk of challenge to the project.	All Contracts will be procured through the Council's existing Professional Services and Contractor Frameworks; these have been procured in accordance with the Council's Constitution, the Public Contracts Regulations 2006 and European Procurement Directives. The Council (as a contracting authority) will also procure in line with the general EC Treaty principles of i.e. non-discrimination, equal treatment, transparency, proportionality and mutual recognition.			
Construction Project Management risk	Insufficient Construction Project Management could add delay to the construction programme	All Council New Build Projects are subject to the Council's Capital Programme Management Office (CPMO) process which includes a full risk management process from inception through to design, construction and completion.			
Demand and allocation of units					
Over demand for the bungalows on first letting	Risk of negative media coverage if allocations policy is not clear on first letting of the units	The allocations issues will be fully considered with the relevant officers to ensure that the allocation of these units is in accordance with the current under occupation policy.			
Not developing the sites for Bungalow accommodation.	This impacts upon the ability to house over 80 households in more appropriate housing.	The proposals contained in this report for the development of circa 40 bungalows enable 80 households to be housed in suitable accommodation addressing a need across the borough for family and older person's accommodation.			

- 9.2 **Contractual Issues** The proposal to deliver the two proposed schemes will be through the use of the Council's existing Construction and Professional Services Frameworks to ensure compliance with both the Council's Contract Rules and the Public Contracts Regulations 2006 (as amended).
- 9.3 **Staffing Issues** There are no staffing implications arising from this report, the Procurement of a suitably qualified design Team, the scheme development to planning application stage, the tender of a main contractor and the Project Management of the Construction period can be dealt with by officers from Regeneration, Development Management and Asset and Capital Delivery in the course of their normal duties.
- 9.4 **Customer Impact** Approval of the recommendations contained in this report contribute directly to the delivering the Council's Housing Strategy. Improving housing conditions and the quality of life for people living in Council Accommodation is a key aspiration of the Housing Strategy. In addition these bungalows will be built to Code for Sustainable Homes level 4 meaning that residents should have extremely low fuel bills, the resulting development will also give the opportunity for 80 households to be more appropriately housed through the release of larger homes consistent with the Council's overall objective of 'Building a Better Life for all'. It will also deliver tangible benefits under all four core guiding themes in the Policy House, particularly the 'Better Together', 'Better Health & Well-Being' and 'Better Future' themes.
- 9.5 **Safeguarding Children -** Whilst there are no direct impacts to children from the proposals contained in this report as a result of this building programme a number of larger homes will be released for family occupation contributing to improved housing conditions for the children of these families.
- 9.6 **Health Issues** -These proposals directly affect the housing conditions of 40 households and represent an improvement in Housing Conditions for all of the affected residents. The move to smaller purpose built bungalows for older people with excellent levels of thermal comfort and appropriate walk in wet room facilities will have a direct and beneficial impact on the health of residents. As mentioned above families benefiting from the released larger accommodation moving from overcrowded accommodation should also see positive impacts on the health of residents.
- 9.7 **Crime and Disorder Issues -** Section 17 of the Crime and Disorder Act 1998 places a responsibility on local authorities to consider the crime and disorder implications of any proposals. Levels of crime and disorder will be taken into consideration at the Planning stage of any new development to address the design of the built environment to improve community safety.
- 9.8 **Property / Asset Issues** It is considered that the valuation of £1m for the Wood Lane is a reasonable value taking into account the green belt and planning constraints. The proposal to redevelop these sites will keep the ownership of the sites within the Council's ownership, the homes developed will be designated as older person's accommodation and will be exempt under the cost floor rule for Right to buy applications for 15 years. There are no other direct issues for Property and Assets.

Background Papers Used in the Preparation of the Report:

Draft Housing Capital Investment Report

List of appendices:

Appendix 1 – Map of the Lawns site

Appendix 2 – Map of the Wood Lane site

Appendix 3 – Statement from Housing Strategy relating to Older People