

In the District - Update 7 October 2014

Report of Chief Officer (Health and Housing)

PURPOSE OF REPORT					
To update Cabinet on the progress being made to establish a council house building and acquisition programme, and to seek Cabinet approval to move to a detailed appraisal of potential development sites.					
Key Decision	X	Non-Key Decision		Referral from Cabinet Member	
Date of notice of forthcoming key decision 5 September 2014					
This report is public.					

RECOMMENDATIONS OF COUNCILLOR LEYTHAM

- (1) That Cabinet decides which council owned sites should go forward to a detailed Stage 2 appraisal by the Lancashire Regeneration Property Partnership.
- (2) That the outcome of Stage 2 appraisals be reported back to Cabinet on the viability or not of using council owned sites and should this not prove viable, then options for utilising other land be put forward for consideration, including estimated Stage 2 appraisal costs.
- (3) That where appropriate, Officers in consultation with the Chief Officer (Health and Housing) and the Chief Officer (Resources) be given delegated authority, to enter into discussions concerning the acquisition of land on a case by case basis, for delivery of the new build development, informed through an asset management approach, and that detailed proposals be brought back to Cabinet for approval prior to entering into any contractual commitment.
- (4) That the Chief Officer (Environmental Services) continues discussion with the Lancashire Regeneration Property Partnership to see if a viable Lancaster SmartBuild™ team could be established to deliver the building of council housing and report back to Cabinet on any proposals which evolve.
- (5) That the Chief Officer (Health and Housing) and the Chief Officer (Resources) undertakes a review to establish a rent setting policy that supports the development of an on-going council housing building programme meeting identified housing needs and taking into account the impact on the HRA 30-

- year Business Plan.
- (6) That the Chief Officer (Health and Housing) be given the delegated authority, in consultation with the Chief Officer (Resources), to negotiate and approve the acquisition of ex-council housing on a case by case basis, taking into account the whole life costing of any proposed acquisition together with the location, need and demand for the particular type of property.
- (7) That subject to the outcome of Recommendations 1 and 6 delegated authority be given to the Chief Officer (Resources) to update the Housing Revenue Account (HRA) accordingly.

1.0 Introduction

- 1.1 The delivery of a programme of new council homes is one of the actions within the council's Corporate Plan and Priorities supporting the key priority of positive health and wellbeing of residents in the district.
- 1.2 Cabinet of 5 November 2013 approved the following:
 - That a programme of new build council housing be established as set out in the report.
 - That the council works with the Lancashire Regeneration Property Partnership to develop a scheme to deliver a programme of new build council housing as set out in the report and that detailed proposals be brought back to Cabinet for approval prior to entering into any contractual commitment.
 - That a scheme for acquiring ex-council housing properties also be established as set out in the report, and that detailed proposals be brought back to Cabinet for approval.
- 1.3 This report focuses on reviewing the progress in delivering a council housing building programme; looking at five critical areas:
 - Establishing the "development team"
 - Financing the programme funding
 - Search for sites land availability
 - Acquisition of land for council housing
 - Establishing a "delivery team" SmartBuild™
 - Acquisition of ex-council housing property acquisition programme

2.0 Establishing the "development team"

2.1 Due to the limited capacity within the council to support a development programme, Cabinet of the 29 July 2014, approved the establishment of a Building Programme Manager for a fixed term of 3 years. This post will act as the client and will provide a critical interface between the council and the Lancashire Regeneration Property Partnership and other parties during all the stages of the development process, from preparation of brief to handover and close out of the individual schemes; ensuring they are delivered to the council's required quality, and also cost effectively.

3.0 Financing the programme - funding

- 3.1 As previously reported to Cabinet, prior to entering into any commitment to deliver the new build housing programme or acquiring ex-council properties, there was a need for HRA officers in conjunction with Resources (Financial Services) to review the current 30-year Business Plan and Rent Policy regarding ongoing affordability associated with the increased housing stock, and that detailed proposals for new build (including identified sites, numbers of properties to be accommodated within each site, and accommodation typologies) and identification of ex-council properties deemed appropriate be brought back to Cabinet for approval.
- 3.2 This work still needs to be undertaken in more detail, but in the broad perspective, the HRA Business Plan, based on the latest projections, is considered to be robust, and for the immediate future it is anticipated that an initial council housing building programme by the HRA can be funded through revenue generated reserves.
- 3.3 After taking into account allocation of funding for the establishment of the new 3 year fixed term Building Programme Manager (29 July 2014 Cabinet, minute no. 25), there is currently £8.5M in the HRA Business Support Reserve, which in principle can be allocated to cover the cost of creating new 1 bed accommodation, potential land acquisition and acquisition of ex-council housing stock within the district.
- 3.4 Whilst the council's HRA, through its reserves can support a council housing building programme on a short term basis ultimately any programme will need to cover its costs and contribute to the income stream to sustain future programmes. In order for the council to have a long-term on-going council housing building programme it is important the council develops a model that does not have a detrimental financial impact on the current forecast HRA 30-year Business Plan. For example, the future maintenance investment needs of any new housing needs to be taken into account as well as the outcome of the Rent policy review. In considering this and the need to develop a sustainable development model the council should aim for developments to break even within 30 to 35 years of construction. In exceptional cases this could be extended to 40 years. These are industry norms.
- 3.5 The evidence from the council's own housing resister show growing demand for one-bedroomed accommodation and continues to support the original Cabinet view that the council should invest in new one-bedroom accommodation within the district. Development needs beyond the initial programme will be identified through an asset management approach to determine future years programmes. As was stressed earlier in the report, it is important that the council only develops when it is appropriate to do so and where an individual development makes a positive contribution to the long term viability of the council's HRA account. Whilst there are always good reasons to provide additional affordable housing it is important this does not create unnecessary financial risk within the HRA. It is being recommended that the Chief Officer (Health and Housing) and the Chief Officer (Resources) establishes a rent setting policy for new council housing that supports the development of an on-going council housing building programme to meet identified housing needs.

4.0 Search for sites – land availability

- 4.1 Developing on land the council owns is the most cost effective way forward, and should enable rent to be maintained at an affordable level. Land availability is the council's greatest constraint, and the biggest challenge. Historically land on the council's housing estates has been identified and used to facilitate development by housing associations. The majority of the more obvious sites ranging from garage sites and other open spaces have already been developed in this way.
- 4.2 Over the last 9 months officers have undertaken an exercise to identify potential council housing development sites within existing council land holdings. The search for council housing sites has also coincided with the council's wider search for new housing sites to support the need for additional new homes across the district. As has been previously reported it was felt that some scope existed for small developments of sixteen to twenty units to initiate a council housing building programme.
- 4.3 To date the search for potential council housing development sites has identified only a limited number of council owned locations. These sites present potentially the most financially viable development sites as the sites are already in council ownership. However, each site has individual issues and currently none have planning consent for developing housing. The sites have development potential, but it has to be stressed that at this stage no detailed appraisal or detailed design work has been carried out. Through the Lancashire Regeneration Property Partnership outline sketches have been produced for each site but again it must be stressed that detailed appraisals have not taken place nor do they form detailed development briefs or proposals.
- 4.4 Cabinet needs to decide which sites to move forward with to a formal appraisal and costed design proposal by the Lancashire Regeneration Property Partnership. The Lancashire Regeneration Property Partnership will then produce what is known as a Stage 2 report for each proposed site. A detailed viability appraisal will be undertaken, and, if viable, detailed scheme proposals will be drawn up which will include the design and specification of the development, planning application, site surveys, the method of delivery; in effect a fully costed "construction ready" design proposal for Cabinet to consider.
- 4.5 There is a cost in commissioning Stage 2 reports from Lancashire Regeneration Property Partnership and the indicative budget costs for each site are set out below which would be met, subject to Cabinet's approval from the HRA Business Support Reserve.
- 4.6 The following potential sites are being recommended for Cabinet's consideration to move to a Stage 2 appraisal and costing:
 - Charnley Street/Furness Street, Lancaster A play area and car parking area with potential for small-scale development of 12 one bedroom accommodation. This area is a council General Fund asset. The area has not been identified within the council's Strategic Housing Land Availability Assessment 2014 -Site Assessment Map Book.

The site presents a number of issues which need to be overcome including the loss of play provision, community impact, site issues relating to underground services may restrict the site.

A more detailed Stage 2 appraisal of this site would be required establish viability. The indicative fee to reach a "construction ready" proposal for a scheme on this site is £48K.

Honister Road, Lancaster

Currently open space and amenity land with the potential for up to 55 units of accommodation. This area is a council Housing Revenue Account asset. The area has been identified within the council's Strategic Housing Land Availability Assessment 2014 - Site Assessment Map Book as potentially deliverable as a housing site within a 1 to 5 year timescale. Although the SHLAA conveys no policy position it is an indication that the council officers have considered the site and believe it is deliverable – i.e. that it is available, achievable and suitable.

Again community impact is an issue with this site and a petition was presented to Council on the 16 July 2014 seeking to remove this site from the council's SHLAA. Decision on the petition was deferred by Council to allow for more information.

A more detailed Stage 2 appraisal of this site is recommended to establish viability. The indicative fee to reach a "construction ready" proposal for a scheme on this site is £192K.

Windermere Road, Carnforth - Site 1

There is an area at the junction of Windermere Road that has been used in the past as an ad hoc "lorry park" which is little used. This area is a council Housing Revenue Account asset. The site has the potential for the development of 14 one bedroom flats. The area has been identified within the council's Strategic Housing Land Availability Assessment 2014 - Site Assessment Map Book as "Undeliverable" - Flood zone. However development has been allowed on similarly designated land adjacent to this site.

A more detailed Stage 2 appraisal of this site is recommended to establish viability. The indicative fee to reach a "construction ready" proposal for a scheme on this site is £48K.

Windermere Road, Carnforth - Site 2

A further potential site exist on Windermere Road which is currently partly used as garage plots. This area is a council Housing Revenue Account asset. There is the potential to release this site from its current usage making alternative provision for the small number of garage users on this site to provide a development site for 14 or more one bedroom properties. The area has been identified within the council's Strategic Housing Land Availability Assessment 2014 - Site Assessment Map Book as "Deliverable 6 -10 years". This site could be brought forward sooner.

A more detailed Stage 2 appraisal of this site is recommended to

establish viability. The indicative fee to reach a "construction ready" proposal for a scheme on this site is approximately £48K.

Ridge Square, Lancaster

This area is different all the other sites being considered in this report and is a mixed commercial, residential, community and public space, and is in mixed ownership and tenure. It is a typical local "shopping precinct" designed in the late 1950's. The area no longer serves these diverse and mixed functions well. The area needs to be looked comprehensively at as a neighbourhood regeneration scheme and as a medium to long term initiative requiring greater consideration, and detailed appraisal.

A more detailed Stage 2 appraisal of this site is recommended to establish viability. The indicative fee to reach a "construction ready" proposal for a scheme on this site is approximately £84K.

ParksideCourt/Altham Walk, Morecambe
There are two adjacent sheltered housing schemes on Westgate,
Morecambe. On the site are two scheme managers' houses. As a
result of changes in the management of sheltered housing one of the
properties is no longer need as a scheme manager house. It is being
proposed that the property is demolished to create a site for two one
bedroom bungalows. This area is a council Housing Revenue
Account asset. Again this proposal requires a more detailed Stage 2
appraisal.

A more detailed Stage 2 appraisal of this site is recommended to establish viability. The indicative fee to reach a "construction ready" proposal for a scheme on this site is approximately £13K.

5.0 Acquisition of land for council housing

- 5.1 Although consideration should be given to all other council owned land and its suitability prior to any acquisition, it is clear, given the overall lack of council owned sites, the council will probably need to look at land acquisition if it is to develop a greater council housing programme over future years beyond any initial development. The timing of this will depend on the approach taken to whether or not to use land already in the council's ownership.
- 5.2 Land acquisition will present new practical challenges in identifying and purchasing suitable land, the additional costs create further financial challenge in ensuring that developments are financially viable. The use of a "surveyor/land agent" may be necessary if the council is to successfully acquire land on the open market. The need to use of an external "surveyor/land agent" would be dependent on the capacity and workloads within the Property Group.
- 5.3 Approaches have been made to the County Council, and through the Lancashire Property Regeneration Partnership in a search for sites outside the council's ownership, but to date no additional sites have been identified that could be brought forward.
- 5.4 It should be noted that any new build development brought forward through

these routes would also have land acquisition costs that would have to be factored into the overall build costs; this has been a major factor affecting the viability of affordable homes schemes that have been considered and brought forward by Private Registered Providers (housing associations).

- 5.5 Acquiring land for council housing would be a competitive process against commercial developers. Consultations have taken place with the council's Property Group who have advised that there are indications that the values of brownfield sites are rising, and these sites would come at a premium.
- A more detailed analysis of the impact of site acquisition would need to be undertaken on a case by case basis. Prior to the purchase of any site a full option appraisal, including whole life costing, would need to be carried out which would involve appraisal of all the options for delivery of the final objective, the new build development, and both the operational and financial impact on the HRA.
- 5.7 It is proposed at this stage that where considered appropriate, that officers enter into discussions concerning the acquisition of land on a case by case basis for delivery of new housing with proposals being brought back to Cabinet (including Stage 2 appraisal estimates) for further consideration prior to entering into any contractual commitment
- 5.8 Looking ahead, the council, through the planning framework, will be designating strategic housing sites. Cabinet may wish to adopt a policy which supports direct development on sites identified through that process where the council is able to do so. This still requires further investigation by officers and consideration of the options to enable Cabinet to come to a view. This will be subject to future report.

6.0 Establishing a "delivery team" - SmartBuild™

- Discussions have also taken place with the Lancashire Regeneration Property Partnership about how the construction of any new council housing could be delivered on the ground. The Lancashire Regeneration Property Partnership have proposed that the council adopts their SmartBuild™ methodology.
- 6.2 SmartBuild™ is a commercial entity with a social purpose established to deliver quality homes whilst providing local people with employment and training opportunities.
- 6.3 The SmartBuild™ approach is adaptable to our local circumstances and should enable the council to develop and enhance its own in-house repairs and maintenance service, and will use a local workforce supported by innovative design, management and production processes. The establishment of a council housing building programme should provide significant employment opportunities within the district together with wider economic benefits.
- 6.4 Based on experience, the Lancashire Regeneration Property Partnership estimates that a core team of 10 full time equivalents, supported by other part

time supplementary trades can build approximately 20 units a year.

6.5 It is proposed that discussions continue with the Lancashire Regeneration Property Partnership to see if a viable Lancaster SmartBuild™ team could be established.

7.0 Acquisition of ex-council housing -- property acquisition programme

- 7.1 In November 2013 Cabinet agreed to establish a scheme for acquiring excouncil housing properties.
- 7.2 Development is the preferred route as it increases the total housing stock in the district, however the numbers of affordable dwellings to rent in the district can be achieved by changing the tenure of existing properties. Purchasing properties on the open market is an option that could achieve an increase in the number of council housing dwellings to rent. As previously identified properties originally sold under the right to buy scheme are a natural target group. Since the original recommendation further analysis has been undertaken as to the feasibility and viability of such a scheme.
- 7.3 At the time of writing the report there were 10 ex-council leasehold flats on the market for sale, 4 one bedroom flats, and 6 two bedroom flats. The average asking price for the 1 bedroom flats was £81.2K; ranging from £59,950 to £94,950. The average asking price for the 2 bedroom flats was £99.1K; ranging from £60,000 to £130,000.
- 7.4 Many of these properties also represent entry level dwellings for the owner-occupation market. Purchasing such properties would reduce the number available to this group of purchasers. The acquisition of former council properties would also require investment to bring them to our current council housing standards in addition to any purchase cost. The overall costs of acquiring such properties may be greater than developing new properties on our own land and or developing housing on land subject to Section 106 affordable housing obligations.
- 7.5 In any acquisition there would be additional costs above and beyond the initial purchase cost, for example, survey and legal fees. These would need to be met from the HRA Business Support Reserve. However, under the government's current Pooling of Capital Receipts regulations any acquisition would be a 'buy-back' transaction, and in effect would generate a contribution of up to 50% of the cost though a reduction in the amount of Right to Buy receipts that the council has to pay to the DCLG from capital receipts received through the Right to Buy Scheme generally.
- 7.6 All secure council housing tenants have the Right to Buy, and any former council properties acquired under an acquisition programme could still be bought under the Right to Buy at a future date. However, the 'cost floor' rules prevent any acquired properties being sold for less than the investment made in the property for 15 years.
- 7.7 In considering any acquisition the 'whole life cost' will need to be taken into account on an individual property basis taking into account the property

market value, purchase price, cost any initial refurbishment works, future maintenance and investment costs, and rental income.

7.8 It is proposed that the Chief Officer (Health and Housing) be given the delegated authority in consultation with the Chief Officer (Resources) to negotiate and approve the acquisition of ex-council housing with vacant possession, offered to the council under the Right of First Refusal or is available on the open market for sale, on a case by case basis taking into account the 'whole life cost' of any proposed acquisition together with the location, need and demand for the particular type of property.

8.0 Options and Options Analysis (including risk assessment)

8.1 Approval of council owned sites for Stage 2 appraisal

	Option 1: All the council owned sites identified in the report go to Stage 2 detailed appraisal	Option 2: Cabinet prioritises which the council owned HRA sites identified in the report go to Stage 2 detailed appraisal	Option 3: None of the sites identified in the report go to Stage 2 detailed appraisal
Advantages	An initial programme of council house building can be established. Initial council housing building programme more financially sustainable due to minimal land purchase costs. Full appraisal undertaken to establish viability of all proposed sites allowing programming options to be considered with full information.	Option to prioritise and target council housing building programme within the district to existing council HRA land. An initial programme of council house building can be established. Initial council housing building programme more financially sustainable due to no land purchase costs.	The HRA Business Support Reserve will have greater funds to support other HRA service improvements.
Disadvantages		Not all potential sites are fully appraised.	Land will need to be acquired to deliver a council housing building programme, and this will impinge on the viability of any development through increased costs resulting in a smaller new build programme

			being delivered.
Risks	Potential for abortive appraisal costs.	Potential for abortive appraisal costs.	The council housing building programme is either smaller or not delivered at all.

8.2 Acquisition of land for council housing

	Option 1: The council adopts a land acquisition strategy to enable the development of the new council housing	Option 2: The council does not adopt a land acquisition strategy to enable the development of the new council housing
Advantages	Sufficient land is made available to support new council housing development.	
Disadvantages	Outcome more costly than developing existing council owned sites.	Insufficient land is made available to support new council housing development.
Risks	Acquiring land for council housing would be a competitive process against commercial developers, and purchase cost may make development unviable. Potential for abortive appraisal costs.	The council's ambitions to build new council housing are not delivered.

8.3 Establishing a "delivery team" – SmartBuild $^{\text{TM}}$

	Option 1: Explore the feasibility of introducing a SmartBuild™ delivery model	Option 2: Do not explore the feasibility of introducing a SmartBuild™ delivery model
Advantages	Uses local delivery teams where possible to ensure investment is retained within the local community. Opportunity to build and enhance the capacity and capability of in-house RMS team. Local training, apprentice and employment opportunities. Potential tighter control of development costs.	None
Disadvantages	Potentially extended lead in time to building up organisation and skills.	Opportunity to enhance the capacity and capability of the inhouse RMS team is not realised.
Risks	Diversion from existing priorities.	In-house skills not developed.

8.4 Acquisition of ex-council housing

	Option 1: The council adopts a policy to acquire ex-council housing to address identified housing needs following satisfactory appraisal.	Option 2: The council does not adopts a policy to acquire excouncil housing to address identified housing needs
Advantages	An opportunity to increase the housing stock in a cost effective way to meet demand.	Greater budget available for new build
Disadvantages	Purchasing such properties would reduce the number available to first time purchasers entering the housing market. Less money available for new build	An opportunity to increase the council housing stock is not realised to meet demand for affordable rented housing
Risks	Risk of future Right to Buy but partially mitigated by "cost floor" provisions.	

9.0 Officer Preferred Option (and comments)

9.1 The officer preferred options are:

Approval of council owned sites for Stage 2 appraisal - Option 1: All the council owned sites identified in the report go to Stage 2 detailed appraisal as this will ensure full appraisal undertaken to establish viability of all proposed sites, allowing programming options to be considered with full information.

Acquisition of land for council housing - Option 1: The council adopts a land acquisition strategy, informed by an asset management approach, to enable the development of the new council housing as this will ensure that sufficient land is made available to support new council housing development.

Establishing a "delivery team" – SmartBuild™ - Option 1: Explore the feasibility of introducing a SmartBuild™ delivery model to maximise the opportunities of local employment and to maximise the opportunity to build and enhance the capacity and capability of in-house RMS team.

Acquisition of ex-council housing - Option 1: The council adopts a policy to acquire ex-council housing to address identified housing needs following satisfactory appraisal as this will provide an additional opportunity to increase the housing stock in a cost effective way.

10.0 Conclusion

10.1 The proposals set out in the report form coherent strategy for the council to deliver much needed new affordable council homes in the district and also

provide added value in meeting the wider social, environmental and economic objectives of the council.

RELATIONSHIP TO POLICY FRAMEWORK

This report supports the council's priorities of clean, green & safer places, health and wellbeing, and community leadership.

Housing Strategy and Action Plan 2012 – 2017 seeks to maximise opportunities to increase the existing portfolio of affordable housing in Lancaster district.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

None directly arising out of this report.

LEGAL IMPLICATIONS

The council is able to acquire land, houses or building for housing purposes (s17 Housing Act 1985). They are also entitled to appropriate any land currently vested in them for the purpose of housing (s19 Housing Act 1985). Development of council owned land, the acquisition of land for development and the purchase of ex-council housing all have legal implications. Legal advice will be needed to explore any existing legal rights/obligations on council owned land. Legal services will have to be consulted and will have to assist in the acquisition of any land or the purchase of ex-council housing. Legal Services will have to be consulted and used in the execution of contracts for feasibility studies.

With regard to the amendment of the council's rent policy, officers will have to consider statutory requirements under the Housing Act 1985 (as amended) and the Housing and Regeneration Act 2008. Consideration will also have to be given to the Council's equality obligations under the Equality Act 2010.

FINANCIAL IMPLICATIONS

Subject to the outcome of recommendation 1, estimated costs range from £13K up to a total of £433K if all 6 sites are taken forward to detailed Stage 2 appraisal, noting that there is a risk that these could prove abortive if none of the council owned land is considered viable. At this stage there are no additional financial implications arising from recommendations 2 to 5, other than existing officer time in undertaking further discussions with relevant parties. Subject to the outcome of recommendation 6, there would be additional financial implications arising as a result of acquiring ex-council properties including ongoing management and maintenance liabilities, however it is recommended that acquisitions would only take place if considered viable in the context of the HRA 30-year Business Plan.

As set out in the body of the report there is currently £8.5M available in the HRA Business Support Reserve, which in principle can be allocated to cover the cost of creating new 1 bed accommodation, potential land acquisition and acquisition of ex-council housing stock within the district. There is also the potential to utilise Right to Buy receipts towards the acquisition of ex-council properties (Section 7.5), although further investigation is required to fully understand the specific implications for Lancaster.

As previously reported, there is still a need for HRA officers in conjunction with Resources (Financial Services) to review the current 30-year Business Plan and Rent Policy regarding ongoing affordability associated with the increased housing stock and this will need to be completed prior to entering into contractual commitment for acquisition of ex-council properties (recommendation 6).

Subject to the outcome of recommendations 1 and 6, delegated authority will need to be given to the Chief Officer (resources) to update the Housing Revenue Account budget.

OTHER RESOURCE IMPLICATIONS

Human Resources/Information Services/Property:

As outlined in the report, alongside developing plans and bringing detailed proposals forward, there will be a need to ensure there are sufficient resources available within support services, i.e. Property Group, Accountancy, HR, Legal, etc. in terms of being able to support delivery of any new build programme. This will need to be led by Council Housing.

Open Spaces:

It is recognised that there are potential issues as outlined in the report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS	Contact Officer: Chris Hanna
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