

EXECUTIVE DECISION NOTICE

DELEGATED EXECUTIVE DECISIONS

A record of delegated decisions made by individual Portfolio holders or officers on Thursday, 10 September 2020.

The reports (unless exempt under Section 100(B)(2) of the Local Government Act 1972, on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the Paragraphs indicated and, in all the circumstances of the case, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing it) are available for inspection from the Solicitor to the Council, South Lakeland House, Kendal.

DEX/3

RAPID REHOUSING PATHWAY

(Director of Strategy, Innovation and Resources) on behalf of (Director of Customer and Commercial Services)

Summary

Consideration was given to the Rapid Rehousing Pathway Local Letting Scheme which sought approval for funding year two of the project. The Ministry of Housing, Communities and Local Government (MHCLG) had opened a round of funding, named the Rapid Rehousing Pathway, which had invited applications from councils across England in order to reduce rough sleeping and homelessness across their areas. Carlisle City Council had submitted a bid on behalf of the Cumbria Districts. The bid was successful and the MHCLG awarded funds to Carlisle City Council as the accountable body. South Lakeland District Council's (SLDC) allocated funding was £38,220. This funding had been paid and committed. A further bid for additional funding was submitted by Carlisle City Council and SLDC was awarded a further £38,774. The first year of the Rapid Rehousing Pathway Project had already been delivered and SLDC were part way through the delivery of year two. The scheme had worked extremely well, with targets being met within the initial six months. SLDC's Homelessness and Rough Sleeping Strategy 2019 to 2024 set out a key action to 'develop the work of Government funded initiatives which supported rough sleepers across Cumbria'. The Rapid Rehousing Pathway Project was consistent with meeting the strategy's priorities which were:

- Homeless prevention;
- Increasing the supply of settled accommodation;
- Ensuring the right support was available to those that needed it; and
- Tackling complex needs.

The funding would continue to support the Council in its role in tackling homelessness and rough sleeping.

Decision

- (1) ***the receipt by the Council of grant funding for year one be noted and year two funding, in respect of the Rapid Rehousing Pathway project following successful bids by Carlisle City Council to MHCLG on behalf of the Districts, be approved.***

- (2) *the Director of Customer and Commercial Services in conjunction with the Lead Specialist Legal Governance and Democracy enter into the appropriate agreements, on behalf of the Council, to receive and administer the grant funding for years one and two of the Rapid Rehousing Pathway project.*

Reasons for Decision

Within SLDC's Homeless and Rough Sleeping Strategy there are four key priorities:-

- Homeless prevention;
- Increasing the supply of settled accommodation;
- Ensuring the right support was available to those that needed it; and
- Tackling complex needs.

The proposal for year two will help in the delivery of these priorities. In addition the proposal will also help in the delivery of the Council Plan's aim to provide 'homes to meet the need'.

Alternative Options Considered and Rejected

The Council could decide not to accept the funding available for year two but this was not recommended as it would not support the work of the Private Rented Accommodation Officer, Support Officer and Rough Sleeping Co-ordinator who was currently in post to reduce homelessness and rough sleeping in South Lakeland. There were no other options available to the Council at the time.

DEX/4

SALE OF COUNCIL-OWNED LAND TO EAST OF MANORSIDE, FLOOKBURGH

(Director of Strategy, Innovation and Resources) on behalf of (Director of Customer and Commercial Services)

Summary

Consideration was given to the sale of Council owned land to the east of Manorside, Flookburgh, in order to facilitate the development of an adjacent allocated residential development site.

Following the housing stock transfer in 2012, The Council had retained freehold ownership of a small area of housing amenity land at Manorside, Flookburgh. The land to the immediate east of the land had been allocated for residential development within the Council's 2013 Land Allocations Development Plan Document (LADPD). The key to the delivery of the planning allocation was to secure appropriate vehicular access. The allocated site could potentially be accessed from Manorside or from Market Street (B5277).

A prospective developer was in the process of finalising an 'option to purchase' with the owner of the allocated housing site. The developer had also approached the Council with a request to purchase the land at Manorside under the terms of an 'option to purchase' in order to facilitate vehicular access to the development site.

The Council's property agent, Lambert Smith Hampton (LSH) had been tasked with leading negotiations with the developer. LSH had attempted to reach agreement in accordance with the principle of 'ransom value' in the context of the extent of

alternative access options to the development site. If access to the development site could only have been achieved over the Council's land, negotiations for the sale/right of access would have started at 50% of the increase in value of the development site (half of the difference between residential development land value and existing use value). This arose from the basis that value could not have been unlocked without the agreement of both parties, the allocated site landowner and the Council as 'ransom' landowner, so any benefit should be shared equally. This approach accorded with relevant case law and the 'best consideration' requirements of s123 of the Local Government Act 1972.

Pre-application advice from the Council's Development Management Team had confirmed that the allocated site could 'in theory' be accessed directly from Market Street (B5277) or from Manorside, subject to County Highways approval. This advice led to the negotiation approach to move to the assessment of 50% of the construction cost saving of utilising the proposed access route from Manorside, versus the alternative option of access from Market Street.

Following evaluation of the respective costs, by LSH, it was provisionally agreed that Manorside was the cheaper of the two access options.

Note – The valuation was detailed in Appendix 1 in Part II of the Agenda which was excluded from inspection by members of the public in accordance with Section 100B(2) of the Local Government Act 1972, copies of the appendix to this report are excluded from inspection by members of the public as they contain information as described in Schedule 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006, as follows:-

- Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Paragraph 3)

The developer subsequently agreed to the valuation and was looking into entering into an 'option agreement' to purchase the land from the Council. The 'option agreement' would run for a maximum period of three years.

Established local authority policy on the sale of small ad-hoc areas of land was generally that:-

- Each case should be treated on its own merits; and
- A sale would usually be approved where:-
 1. The land was not required for service provision;
 2. The land had no conceivable development potential (existing or future) either in isolation or in conjunction with adjoining council retained land; and
 3. Disposal would not result in and adverse effect on retained council property.

None of the above three reasons was present to resist the decision to dispose of the land.

Part of the subject area of land was temporarily let to a local resident on a garden tenancy basis. The arrangement could be terminated upon three months' notice.

Decision

(1) the sale of Council owned land to the east of Manorside, Flookburgh, for the sum, as per the valuation by Lambert Smith Hampton and as noted in the Part II Appendix 1 to the report, to facilitate residential development of an adjacent area of land which has been allocated for housing in the South Lakeland Local Plan Land Allocations DPD be authorised.

(2) the negotiation and documentation of the terms of the sale be delegated to the Operational Lead for Delivery and Commercial Services in conjunction with the Lead Specialist for Legal, Governance and Democracy.

Reasons for Decision

(1) To assist in the delivery of the Council Plan priorities for Housing and Communities:

Creating balanced communities by delivering affordable homes to meet need (through the facilitation of the adjoining allocated development site) with:-

- a) new affordable homes to rent (Adopted local policy will require ten affordable homes on the adjoining site, including five affordable rent units); and
- b) a range of housing to attract and retain young people.

(2) To assist in the achievement of the Council Performance Indicators:-

- a) The number of completed permanent dwellings each quarter within South Lakeland; and
- b) The number of new affordable homes for rent provided this quarter.

Alternative Options Considered and Rejected

To sell the land upfront without an 'option agreement'. The adjoining allocated development site did not yet have planning consent and the developer had not yet completed due diligence site enquiries and investigations. Consequently the upfront sale of the subject land by the Council would increase risk to an unacceptable level from the perspective of the developer. The developer would also be reluctant to expend significant upfront capital outlay.

To offer the land for sale on the 'open market.' This option would not be appropriate in this instance as the proposed developer purchaser had control of the adjoining allocated development site. The subject land would have little value in existing use without the potential to serve as a vehicular access for the adjoining development site.