

**Notice of a public
Decision Session - Executive Member for Housing and Safer
Neighbourhoods**

To: Councillor Craghill (Executive Member)

Date: Thursday, 15 April 2021

Time: 10.00am

Venue: Remote Meeting

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00pm on Monday 19 April 2021**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by 5.00pm on Tuesday 13 April 2021

1. Declarations of Interest

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which she may have in respect of business on this agenda.

- 2. Minutes** (Pages 1 - 4)
To approve and sign the minutes of the meeting held on 18 March 2021.

- 3. Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm on Tuesday 13 April 2021**.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

- 4. Disposal of a parcel of land between Fossway and Sturdee Grove to enable the delivery of new affordable homes** (Pages 5 - 16)
The Executive Member is asked to consider a report that identifies an opportunity to utilise an area of largely unused land between Sturdee Grove and Fossway to support new affordable housing delivery.

5. Urgent Business

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Louise Cook

Contact details:

- Telephone – (01904) 551031
- Email louise.cook@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Housing and Safer Neighbourhoods
Date	18 March 2021
Present	Councillor Craghill (Executive Member)

47. Declarations of Interest

The Executive Member was asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests or any prejudicial or discloseable pecuniary interest that she might have in respect of the business on the agenda. None were declared.

48. Minutes

Resolved: That the minutes of the previous meetings held on 17 December 2020 and 12 January 2021 be approved and then signed as a correct record by the Executive Member at a later date.

49. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

50. Update on the Housing Energy Retrofit Programme

The Executive Member considered a report that outlined the level of progress on the Housing Energy Retrofit Programme since the December Executive approval.

The Interim Assistant Director of Housing and Community Safety was in attendance to provide an update. He explained the approach to delivering improvements to around 60 energy inefficient council houses, utilising £1m of allocated budget from the Housing Revenue Account (HRA) to bring these homes up to an EPC C rating. The work was being delivered with technical support provided through the Energy Accelerator project operated by West Yorkshire Combined Authority (WYCA). The Executive Member noted that good progress had

been made in agreeing the terms of the contract and that an activity schedule had been agreed, which was summarised in the report.

The Executive Member noted that:

- The council had been successful in achieving a grant totalling £535,000 from the consortium bid for the LAD1B competition to delivering energy efficiency measures to households in York, Harrogate, Selby and Craven.
- The grant would be used to improve around 40 houses with poorly insulated rooms in roof spaces within the Clifton area which were all fuel poor households, in addition, across the four local authority areas, households who had inadequate/no loft insulation would be given the opportunity to receive free loft insulation and draught proofing.
- The grant funding required the work to be completed by the end of September 2021 and the grant would allow for temporary staff to be recruited to support the grant allocation.
- LAD2 was the second phase of Government funding and the deadline for submission of the application to the Energy Hub was 26 March 2021, with a decision expected the week commencing 19 April. It was proposed that the submission be made for the full £1,129,780, which was the maximum grant available to York.
- The LAD2 guidance dictated that £5000 was the maximum funding which could be drawn down on each social property. This would allow a potential contribution of £300k to improve 60 homes through the Council House Retrofit Phase 1 project.
- Officers were also exploring the possibility of funding a number of Solar PV installations to some private homes, council homes and homes owned by a local Registered Provider.

The Interim Assistant Director confirmed there was a commitment to create a retrofit strategy and he noted the primary aims and four main stages, as highlighted within the report. He then suggested that recommendation ii), as noted in the report, be amended to provide greater clarity on what the funding would be used for and he requested that delegated authority be given to the Executive Member of Housing and Safer Neighbourhoods to approve any reallocation of the grant

funding in line with the capacity of the supply chain and the grant funding terms

In answer to questions raised by the Executive Member, it was confirmed that officers:

- had identified a number of archetypes within the city and surveys would be undertaken to inform the design work. Once this had been undertaken, engagement with residents would commence to promote the offer, its benefits and respond to any concerns raised.
- would arrange a post completion assessment of the works to measure the effectiveness of the improvements.

The Executive Member thanked the Interim Assistant Director for his update and she welcomed the progress made and the funding bids received to date. She agreed that the development of the retrofit strategy was crucial to support the council's climate change targets and she encouraged eligible residents to consider the home improvement offer.

The Executive Member supported option 1 in the report and agreed that the amended wording to recommendation ii) would maximise the use of the LAD2 grant, support the existing council house retrofit programme and the installation of additional solar panels, therefore it was

Resolved:

- (i) That the successful application to the Department of Business, Energy and Industrial Strategy (BEIS) for investment under their Local Authority Delivery 1B scheme, be noted and the grant allocation approach outlined in the report, be supported.
- (ii) That the submission of a grant application under the Local Authority Delivery 2 scheme be supported and that the utilisation of this funding to support, 1) Council Housing Energy Retrofit Programme Phase 1 works as approved by Executive in December 2020; 2) an expansion of room in the roof and other insulation works being delivered as part of LAD1B project; and 3) to install solar PV on council homes utilising some of the remaining funds within the £1m allocated budget, alongside LAD2 funding, be approved. That delegated authority to the Executive Member of Housing and

Safer Neighbourhoods to approve any reallocation of this grant funding in line with the capacity of the supply chain and the grant funding terms, be agreed.

- (iii) That the scope of the retrofit strategy be approved and the timescales and resource implications for its completion be noted.

Reason: To improve the energy performance of some of our poorer performing homes to both reduce residents' energy bills and to support our ambition of York being carbon neutral by 2030.

Cllr Craghill, Executive Member

[The meeting started at 10.00am and finished at 10.17am].



**Decision Session – Executive Member for
Housing and Safer Neighbourhoods**

15 April 2021

**Disposal of a parcel of land between Fossway and Sturdee Grove
to enable the delivery of new affordable homes**

Summary

1. The City of York Council has an ambition to accelerate the delivery of new high quality affordable housing in the city with the Housing Delivery Programme at the forefront of this ambition. Alongside this council led direct delivery of new homes we are working closely with our housing association partners to unlock barriers to further affordable housing delivery in the city.
2. One such opportunity is to utilise an area of largely unused land between Sturdee Grove and Fossway (shown edged red on the plan in Annex 1) to support new affordable housing delivery. This land is currently owned by the council and measures approximately 787 square metres. This land sits between council homes on Fossway and some car parking and a wardens bungalow owned by Joseph Rowntree Housing Trust (JRHT) at Sturdee Grove. JRHT's land is approximately 429 square metres. As separate parcels of land they offer few opportunities for new affordable housing delivery, but combined they could facilitate the development of around eight new homes.
3. JRHT have offered £50,000 for the council land subject to the securing of planning permission and the finalisation of legal terms. To ensure the land is used for the intended purpose we would impose a restrictive covenant in the Transfer Deed limiting the land for use to solely affordable housing. It has also been agreed that as part of the sale the council would hold nomination rights on lettings of the proposed dwellings such that residents on our housing waiting list will benefit from the provision of these new homes. A new boundary and smaller communal space for the flats on Fossway would be created as part of the development.

4. JRHT have a long history of developing good quality homes in York and the surrounding area. They are committed to delivering 1,000 new affordable homes between 2019 and 2029 which will make a significant contribution to increasing the availability of affordable homes locally (<https://www.jrht.org.uk/development>). They have a commitment to delivering lower carbon homes using a fabric first approach to reduce the energy demand for the homes, supporting a reduction in carbon emissions and fuel poverty.
5. JRHT's priority is to provide two and three bedroom family houses, reflecting the priority need in York and the surrounding areas. On this site they are proposing eight x two bedroom houses, five of which would be for social rent and three for shared ownership.

Recommendations

6. The Executive Member is asked to:
 - i. Approve the disposal of the land between Fossway and Sturdee Grove for a sum of £50,000 to JRHT for the development of affordable housing. Disposal subject to JRHT obtaining planning permission, finalising legal terms and delivering a new boundary fence and communal space to the rear of the council flats on Fossway.
 - ii. Delegate authority to the Corporate Director of Place to agree the final terms of the legal agreement.

Reason: To make better use of our assets and support the delivery of much needed new affordable housing in York.

Analysis

7. The land which is subject to an offer from JRHT is 'land locked'. JRHT own the land to the north, to the south are council homes along Fossway. JRHT's land currently accommodates a warden's bungalow and resident parking. JRHT intend to demolish this bungalow as part of plans to change the way they provide support for their residents and in order to maximise the capacity of the site for new affordable homes.
8. To the south of the land are sixteen flats, fourteen occupied by council tenants with the other two sold under the Right to Buy

(RTB). These flats have access to two areas of neighbouring land – (i) private rear gardens associated with the ground floor flats and (ii) the land subject to an offer for purchase. This land can currently be accessed by residents of all flats within 21-51 Fossway but not by the general public. Access to this land from the flats at 21-51 Fossway is through a locked gate. Engagement with the residents of these flats indicates that the land is largely unused by them. Under the plans JRHT would erect a new boundary fence along the new boundary (see Annex 2) and would seed or turf the reduced communal space area retained by CYC. Alongside this we would engage with the existing residents to support the use of this space, which could include seating, raised beds for communal growing and washing lines. The remaining land would then be combined with the existing JRHT land ownership to create a development site for new affordable housing, subject to planning permission.

9. The council owned land has been valued independently and the JRHT offer of £50,000 is consistent with this valuation.
10. The Council will impose a restrictive covenant in the Transfer Deed for the land limiting the use to solely affordable housing. JRHT have requested this covenant be subject to a 'mortgagee protection provision' entitling JRHT's funder/lender to dispose of the land released from the covenant if JRHT falls into arrears with loan repayments. This is because JRHT consider their funder/lender would struggle to sell the Property for an acceptable price if it remained subject to such a restriction. Accordingly, JRHT state that they will only be able to obtain the necessary loan funds to cover the costs of constructing the development if the restrictive use covenant is subject to such a mortgagee protection provision. This is not an unusual request, and it matches the requirements in the council's standard Section 106 Agreement. The mortgagee clause would be triggered if JRHT defaulted on their mortgage, it would then allow the lender/mortgagee to sell the Property free/released from the restrictive use covenant. Whilst this risk is low, it is an important consideration when agreeing to this land disposal.

Options

11. Option 1: Approve the sale of the Property for £50,000 to JRHT to develop affordable housing subject to JRHT securing Planning Permission and finalising legal terms with City of York Council and

to create a new boundary and communal space to the rear of the council homes.

12. Option 2: Retain the land for the use of residents in the flats at 21-51 Fossway.

Analysis

13. Option 1

- The sale contributes to the delivery of much needed affordable housing in York.
- Makes positive use of a largely unused HRA land asset.
- Gives the council nomination rights, ensuring the development benefits those on the housing waiting list.
- The sale of the site would release a receipt of £50,000 to support other investment priorities.
- Opportunity for residents to influence how the new smaller communal space is used.

14. Option 2

- The site is underutilised at present and doesn't make a positive contribution to the area.
- No additional affordable houses would be provided on this site.
- Loss of a potential capital receipt of £50,000.

15. It should be noted that this site sits less than 100m from the significant open space available at King George's Field which also includes formal children's play facilities.

16. For the reasons outlined above Option 1 is recommended.

Consultation

17. Discussions between JRHT, Property Services, Housing Management and Legal Services have taken place on a number of occasions.
18. Residents in the flats at 21-51 Fossway were invited to an engagement event in September 2020 to discuss JRHT's proposals, these discussions were positive and although the land

is occasionally used by existing residents, there was an appreciation from them of the need for new affordable housing in York.

19. Local ward members have been kept informed of progress and advised that we will be seeking permission to dispose of the land to JRHT to support the delivery of new affordable housing.

Council Plan

20. This proposal contributes directly to, Creating Homes and World Class Infrastructure, as well as supporting the other key priorities through the provision of affordable homes where people can live safely and thrive.

Implications

21. Financial – There are no significant financial implications to the HRA from the sale of this piece of land. The capital receipt will be utilised to repay debt, pay for repairs of existing stock or for future affordable housing delivery.
22. **Human Resources (HR)** - None
23. **Equalities** – None
24. **Legal** - It is understood from Housing that the land currently sits within the Housing Revenue Account (HRA) rather than the Council's General Fund. Section 32 of the Housing Act 1985 states that consent from the Secretary of State for Housing, Communities and Local Government ("SoS") is needed for the Council to dispose of HRA land. However pursuant to paragraph A3.2 of the S.32 General Consent Order SoS consent has been given to the disposal of 'vacant' HRA land – the land falls within that category since there are no dwellings currently standing on the land.
25. Section 25 of the Local Government Act 1988 requires that consent from the SoS is required for the giving of any financial assistance or gratuitous benefit by a local authority in connection with the provision of housing. However as the proposed sale price of £50,000 is in line with the valuation of the land it is considered that the sale of the land to JRHT for that price does not constitute a financial

assistance or gratuitous benefit so SoS consent under Section 25 is not required.

26. It is understood from Housing that residents of the neighbouring flats at 21-51 Fossway occasionally use/have used the land for recreation such as dog-walking. Whilst it is considered that they do not have any formal established legal rights to use the land, it is understood from officers in Housing that JRHT's proposed Development plans allow for a smaller space to be created that can be used by the residents of these flats.
27. It is understood from officers in Housing that the land is not accessible by/used by the general public for recreation (as it can only be accessed via a locked gate). Therefore it is considered that the land is not 'open space' land for the purposes of Section 336 of the Town and Country Planning Act 1990. Accordingly it is considered a Section 123 open space disposal notice does not need to be published in a local newspaper regarding the proposed sale of the land to JRHT.
28. **Crime and Disorder** - None
29. **Information Technology (IT)** - None.
30. **Property** - Property implications are contained within the main body of the report.
31. **Other** - There are no further implications

Risk Management

32. The land sale is subject to JRHT successfully obtaining planning permission for the delivery of affordable housing on this site. The site is in a sustainable residential location which is suitable for new affordable housing development. The likelihood of JRHT falling into arrears on loan repayments and therefore enacting the 'mortgagee protection provision' clause to allow the land to be sold and used for non-affordable housing use is considered low and therefore acceptable in this case.

Contact Details

Author:

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Regeneration Officer
Housing and Community
Safety
Tel No. 01904 554071

Chief Officer Responsible for the report:

Michael Jones, Interim Assistant
Director of Housing and Community
Safety

Report
Approved



Date 1 April 2021

Specialist Implications Officer(s)

Financial
Samantha Sidebottom
Housing Accountant
Tel No. 01904 551633

Legal
Gerard Allen
Senior Solicitor
Tel No. 01904 552004

Property Services
Tim Bradley
Asset Manager
Tel: No: 01904 553355

Wards Affected: Heworth

For further information please contact the author of the report

Annexes

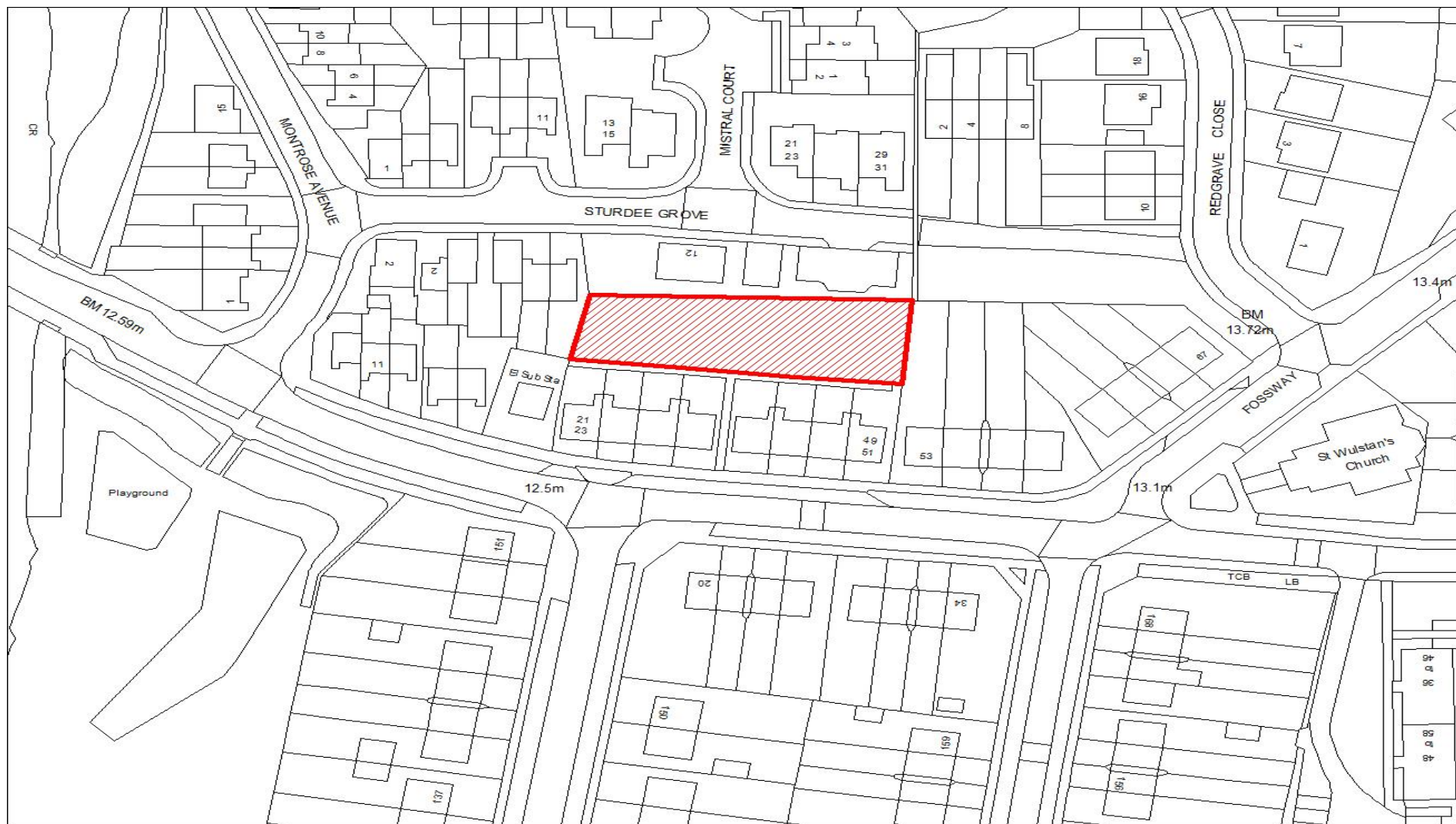
Annex 1 – HRA land
Annex 2 – Joseph Rowntree Housing Trust's draft development
proposal

Abbreviations

CYC – City of York Council
HRA – Housing Revenue Account
JRHT - Joseph Rowntree Housing Trust
RTB - Right to Buy
SoS - Secretary of State for Housing, Communities and Local
Government

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Sturdee Grove Infill site at rear 21-51 Fossway / Site ref: HD8 (19)



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ANNEX 2

Schedule of Accommodation Option One

	Type		
	2 Bed	79m ²	- 8no.
	Total		- 8no.

Site Area:
 Hectares - 0.127ha Density: - 62.9 units per ha
 Acres - 0.313ac Density: - 25.5 units per ac



Revision: C	Date: 07.08.20	Drawn: MAI	Checked: AG
Rear garden dimension updated.			
Revision: B	Date: 07.08.20	Drawn: MAI	Checked: AG
RLB revised, rear garden dimension added.			
Revision: A	Date: 07.04.20	Drawn: MAI	Checked: RPM
Parking revised and allocated. Pedestrian gate introduced.			

Suitability:	S2	Information
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Proposed Residential Development

Feasibility Site Plan Option One

Location:
 Sturdee Grove
 York

Client:
 Joseph Rowntree Housing Trust

UPRN	Originator	Zone	Level	Type	Role	Number	Revision
STURD	WBA	XX	XX	DR	A	FS-001	C

Date: March 20 Drawn:RPM/Checked:RJ Scale:1@500@A3 Int Job No: tent
 CAD REF:

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FUTURE BUILT

Note: Do not Scale from this drawing. All dimensions to be checked on site.



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