

Subject:	Request to sell piece of HRA land at Connell Drive		
Date of Meeting:	Housing Committee 17 June 2015		
Report of:	Executive Director of Environment, Housing and Development		
Contact Officer:	Name:	Simon Pickles	Tel: 01273292083
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Ward(s) affected:	Woodingdean		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 A request has been made by an individual to buy a piece of HRA land, which Housing Committee and P&R Committee are required to consider since the value of the land exceeds £25,000 (which exceeds the Executive Director's delegated powers).
- 1.2 The applicant is former councillor Geoffrey Wells, who did not stand for re-election, and who ceased to be a councillor on 11th May 2015.

2. RECOMMENDATIONS:

- 2.1 That Housing Committee recommend to Policy & Resources Committee that the council sells the freehold of the subject land at Connell Drive, Woodingdean to the applicant, Geoffrey Wells.
- 2.2 That Housing Committee recommends to Policy & Resources Committee that the capital receipt is used to support the housing capital programme.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 The request to buy the piece of HRA land at Connell Drive, Woodingdean

- a. The applicant has planning consent for an end-of-terrace house adjoining his property at 64 Connell Drive. The consent is for the demolition the applicant's two existing garages and the erection of a 2 storey, 3 bedroom end of terrace dwelling. A map of the piece of HRA land is attached at Appendix 1. Photographs of the site and area are attached at Appendix 2.
- b. The applicant wishes to buy the land as a garden, parking area and access for the new house.
- c. The land currently consists of shrubs and attracts litter. While the size of the land is probably just large enough to build one small property, the combination of its size and position means that planning consent would not be granted. The subject land is not considered suitable for development for the council.

- d. The surrounding properties are part of a private estate, but the HRA owns the wider green spaces, which includes the subject land.

3.2 Guidance on this issue

- a. Extracts from the housing protocol on selling or leasing pieces of HRA land follow. The responses in this case are in bold:

Factors considered to ensure any sale or lease would be in the best interests of BHCC, include:

Factors against sale

- *Does the land in question have development potential for the council?*
No, it is not considered feasible to develop.
- *Does the land impact on the potential development by the council of an adjoining or nearby piece of land?*
The council does not have plans in the foreseeable to develop on the adjoining green space.

Factors for sale

- *Is the land unusable by the council?*
Yes, it is not considered feasible to develop.
- *Is the land a management problem: i.e. an eyesore, subject to vandalism, graffiti or litter?*
The site does attract litter.

3.3 The housing service response to previous requests by members of the public to buy pieces of HRA land

- a. Since February 2014 the HSRM (who became responsible for this work area in November 2013) has received and determined 10 applications (including Connell Drive) to buy or lease small pieces of HRA land.
- b. Two applications have been approved in principle (leasing a large verge to the resident for off street parking – not pursued by the applicant, and a hardstanding parking space - sale in process). The rest have been refused.
- c. The reasons for refusal include: the sale or lease would inhibit the council's development ambitions to meet pressing housing needs and/ or the land is needed by the council to access its buildings for maintenance.

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 Please see table below:

	Anticipated benefits	Identified risks
Option 1: Agree to sell the land	<ul style="list-style-type: none"> • Capital receipt • Reduction of litter on 	<ul style="list-style-type: none"> • Development constraint on the council should green spaces be developed in

	this land <ul style="list-style-type: none"> • Reduced grounds maintenance 	future <ul style="list-style-type: none"> • Public perception
Option 2: Agree to lease the land	<ul style="list-style-type: none"> • Revenue income • Reduction of litter on this land • Reduced grounds maintenance 	<ul style="list-style-type: none"> • Would not be accepted by the applicant (because it does not provide long term certainty)
Option 3: Turn down the request	<ul style="list-style-type: none"> • The council reserves its options on the use of the land 	<ul style="list-style-type: none"> • No capital receipt • Litter issue remains

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The ward councillor, Cllr Dee Simson, has been consulted and has responded as follows: 'I have no objection to the sale of this land as it appears it has no potential for any other use by either the Council or Community. It is an extremely small section that will allow access and parking for a new house that already has planning permission'.
- 5.2 The Area Panels were consulted on 14th May 2015. Some residents expressed support for securing a capital receipt to reinvest in social housing. Other residents questioned the correctness of permitting a former councillor to buy council land that would enable a profitable development.

6. CONCLUSION

- 6.1 To date the housing service's approach to requests from members of the public to purchase pieces of HRA land has been to reject them, unless the sale clearly benefits the council and does not inhibit its development ambitions.
- 6.2 In this case, if approved, the council would receive a capital receipt, and a communal piece of amenity land would be tidied up and would no longer require grounds maintenance by the council.
- 6.3 However, should the council decide in future to develop on green spaces in order to address pressing housing needs, a building on this piece of land could potentially restrict the development of the neighbouring green space.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

- 7.1.1 On 29th January 2015 the council's Property & Design Estates Team valued the piece of land at £26,500, representing market value and best consideration.
- 7.1.2 The council can retain the capital receipt from the sale of HRA land provided that it is spent on affordable housing, regeneration projects or the repayment of housing debt. Subject to the Committee's decision on this application, in accordance with the councils accounting policies, the capital receipt will be retained in the councils' capital receipts reserve until a decision is made for its

use either to support a capital scheme or repay debt. This decision would require approval by the Policy & Resources Committee.

- 7.1.3 The council's legal fees for conveyancing will cost approximately £500 and will be paid by the purchaser..

Finance Officer Consulted: Susie Allen

Date: 20 May 2015

7.2 Legal Implications:

- 7.2.1 Consideration was given to subjecting this piece of land to open competition. However, it is considered that this situation is unique because the applicant's property is the only property which adjoins the land, and open competition would not be reasonable.

- 7.2.2 A former councillor is not debarred from transacting with the council as an individual. However, it is incumbent on both parties to manage any transaction openly.

- 7.2.3 Under section 32 of the Housing Act 1985 the council has the power to dispose of HRA land. A disposal under this section may be effected in any manner, but must be made with the consent of the Secretary of State. Consent may be given generally to all local authorities or to a particular authority. In 2013 the Government issued the General Housing Consents 2013. It provides that a local housing authority may dispose of land for a consideration equal to its market value. Disposal of the land at market value, £26,500, is therefore within the council's powers. On a disposal under this section, the council may impose such conditions and covenants as it thinks fit (such as keeping any new structures behind the existing building line).

- 7.2.4 Under the council's constitution, the Executive Director of Environment, Development and Housing can only approve disposals of land for a consideration of £25,000 or less. Disposals of land falling outside officers' delegated powers must be referred to Policy & Resources Committee for determination.

Lawyer Consulted: Liz Woodley Date: 12/03/15

7.3 Equalities Implications:

There are no equalities implications.

7.4 Sustainability Implications:

The subject land attracts low level litter and private ownership should reduce that.

7.5 Any Other Significant Implications:

Even though the applicant is making the request as a private individual, it should be acknowledged that the individual was also a ward councillor until 11th May 2015.

SUPPORTING DOCUMENTATION

Appendices:

1. Localview map of the site.
2. Photographs of the site and surrounding area.

