

## **The Vale of Glamorgan Council**

### **Cabinet Meeting: 21 January, 2019**

### **Report of the Cabinet Member for Housing and Building Services**

### **Disposal of Small Parcels of Housing Owned Land**

#### **Purpose of the Report**

1. To seek Cabinet approval to dispose of seven small parcels of non-operational housing land suitable for use 'incidental to the enjoyment of an adjacent dwelling house only' as attached at Appendix 1.

#### **Recommendations**

1. That Cabinet declares the parcels of Housing land, identified in Appendix 1, surplus to Council requirements.
2. That the Director of Environment and Housing Services in consultation with the Leader, Cabinet Member for Housing and Building Services and the Head of Finance is granted delegated authority to dispose of the parcels of land by the most appropriate means and on terms and conditions to be agreed.
3. That the Monitoring Officer/Head of Legal and Democratic Services Head of Legal Services be authorised to prepare, complete and execute the required legal documentation in order to formalise the disposal in accordance with Consent E 4.1 of the General Consents for the Disposal of Houses and Land 1994, where the land has been declared surplus to requirement.

#### **Reasons for the Recommendations**

1. To comply with the Council's Constitution.
2. To ensure the Council obtains best consideration for the land in accordance with its statutory and fiduciary obligations.
3. To legally formalise the disposal of the land and to ensure compliance with statute.

#### **Background**

2. The Council owns small parcels of land (which border existing, privately owned properties) that are not suitable for development but are a continuing financial burden on the Council due to their ongoing maintenance and security costs. In many cases

these properties were previously Council owned and have now been purchased by the previous or current owners under the Right to Buy Scheme.

3. In 2011 the Council balloted Council tenants to determine whether tenants wanted their properties transferred to a Housing Association or retained as Council properties. In advance of the ballot a number of Housing Stock Option Appraisals were undertaken and, requests to purchase Housing owned land were delayed until the process was concluded. Following the results of the ballot the Council Housing Division sought and received permission to undertake an Options Appraisal for Housing Owned land. [Minute 745 16th January 2013 refers] - Appendix 2.
4. Cabinet subsequently considered the report on 4th February 2013, when it noted the matter [Minute C1997 4th February 2013 refers] - Appendix 3.

### **Relevant Issues and Options**

5. The Council has received a number of enquiries to acquire small areas of land which are held for the purposes of Part II of the Housing Act 1985 and are currently managed by, or are under the control of, the Housing Department. The Council is able to dispose of such land if it is no longer required for its operational purpose.
6. The Council's Insight Board and the Council's external partners on the Public Service Board (PSB) have been consulted to ascertain if there is a use for the parcels of land within the Council or the PSB. There has been no expression of interest from any of these parties in retaining these parcels of land and the parcels of land are therefore now surplus to the Council's requirements.
7. Permission is now sought to dispose of non-operational Housing owned land, to be used as additional garden space by purchasers. Disposing of the land will generate a receipt for the Council and reduce ongoing maintenance costs associated with retaining the land.
8. Any disposal would also be subject to the Council receiving the best consideration for the land and the purchaser paying all the Council's costs in relation to the sale and any other appropriate terms. There are currently seven parcels of land which officers have highlighted as appropriate for sale. These parcels of land are identified at Appendix 1.
9. It is proposed where appropriate that the Council sell its freehold interest in any area of land and place a covenant on the land to restrict the use of it to a purpose incidental to dwelling-house e.g. domestic garden purposes only. In the event of the Council agreeing to remove a restrictive covenant at a future date, officers will ensure that a suitable claw back provision has been included in the sale documentation to guarantee that the Council benefits from an increased land value that might result from a change of use.

### **Resource Implications (Financial and Employment)**

10. The disposal of the land will generate a receipt for the Housing Revenue Account to be used to increase the supply of affordable housing in the Vale.
11. The timely disposal of surplus assets should assist the Council in the reduction of its maintenance costs.
12. Agreement will be sought at the outset for the prospective purchasers to cover the cost of Agents' fees and Estates and Legal officers costs even if the sale of the land is not completed, so that there will be no financial burden on the Council.

## **Sustainability and Climate Change Implications**

13. Better use of land should be achieved by this proposal which also reduces the Council's land maintenance costs and makes more funding available for Council house repairs and development opportunities.

## **Legal Implications (to Include Human Rights Implications)**

14. Section 32 of the Housing Act 1985 gives the Council discretionary power to dispose of land held under Part II of the Housing Act 1985 (but has not been developed) with the Welsh Government's consent.
15. However, the separate consent of the Welsh Government is not required as the disposal of these areas of land is covered by the "General Consents for the Disposal of Houses and Land 1994".
16. Section 33 the Housing Act 1985 goes on to provide that the local authority may impose such covenants and conditions as they think fit, except that certain conditions specified in section 33(2) can only be imposed with the consent of the Welsh Government. As mentioned above, it is intended that a covenant will be placed on any land disposed of, restricting its use to a purpose incidental to the enjoyment of a dwelling house and also where the appropriate claw back provisions will be incorporated into the sales documentation.

## **Crime and Disorder Implications**

17. By disposing of these small parcels of land to adjoining householders, it will have a positive impact on crime and disorder by reducing the opportunities for vandalism and fly-tipping.

## **Equal Opportunities Implications (to include Welsh Language issues)**

18. There are no equal opportunities implications arising from this report.

## **Corporate/Service Objectives**

19. The disposal of these parcels of land is consistent with the Corporate Plan 2016-20.  
Wellbeing Outcome 1: An inclusive and Safe Vale  
Objective 2: Provide decent homes and safe communities.  
Wellbeing Outcome 2: An environmentally responsible and prosperous Vale  
Objective 4: Promoting sustainable development and protecting our environment.

## **Policy Framework and Budget**

20. This report is a matter for Executive Decision by Cabinet.

## **Consultation (including Ward Member Consultation)**

21. There has been no individual ward member consultation in respect of this report as the parcels of land are located in many areas of the Vale of Glamorgan.

## **Relevant Scrutiny Committee**

22. Homes and Safe Communities.

## **Background Papers**

Appendix 1 - List of parcels and maps

Appendix 2 - Scrutiny Committee Minute 745 16th January 2013

Appendix 3 - Cabinet Minute C1997 4th February 2013

### **Contact Officer**

Carol Price, Housing Strategy Coordinator

### **Officers Consulted**

Pam Toms, Operational Manager Public Housing Services

Lorna Cross, Operational Manager (Property)

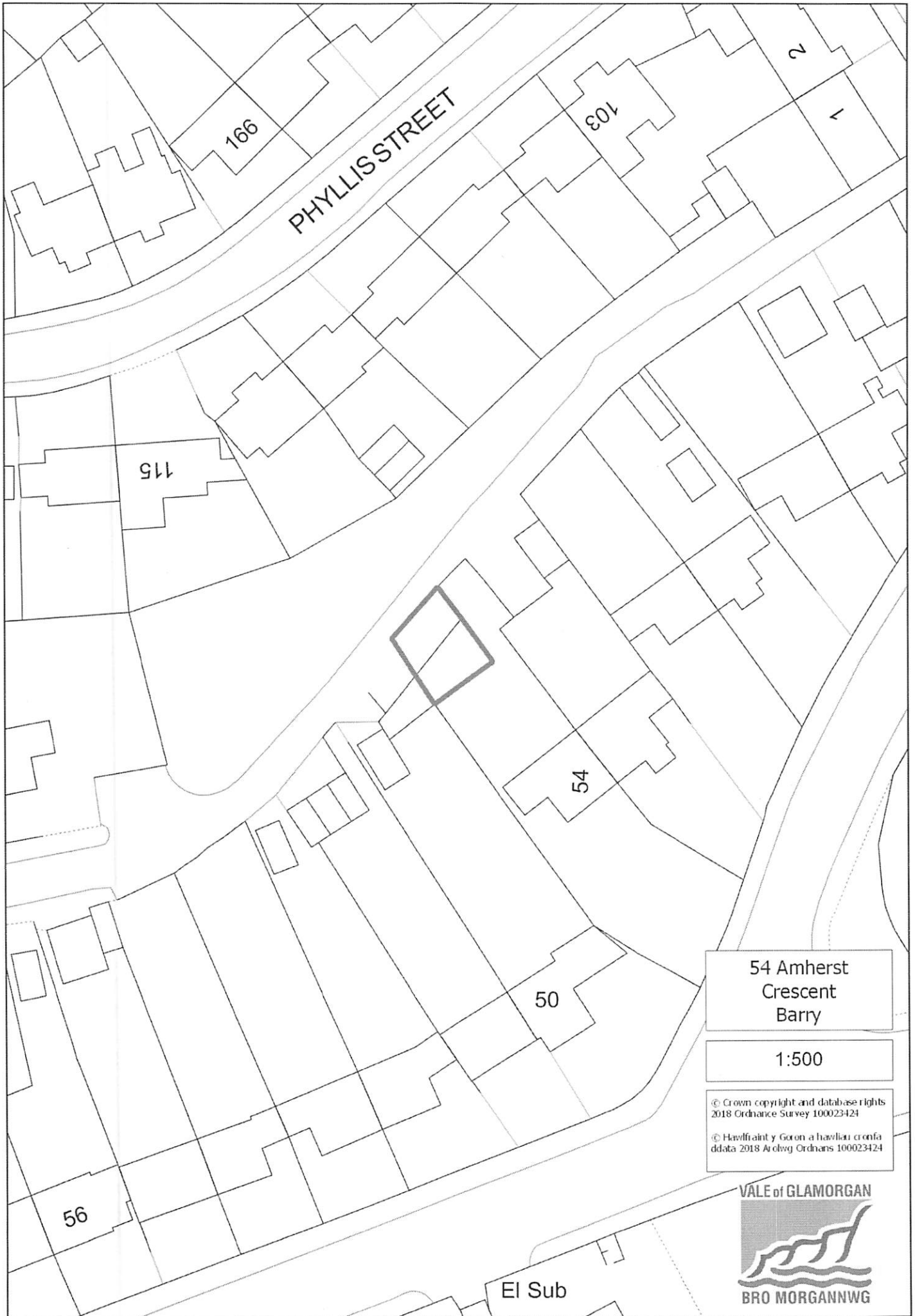
Committee Reports, Legal Services

Elinor Hughes, Accountant

### **Responsible Officer:**

Miles Punter, Director of Environment and Housing Services

# APPENDIX 1 DISPOSAL OF SMALL HOUSING LAND PARCELS

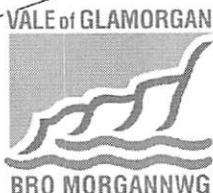


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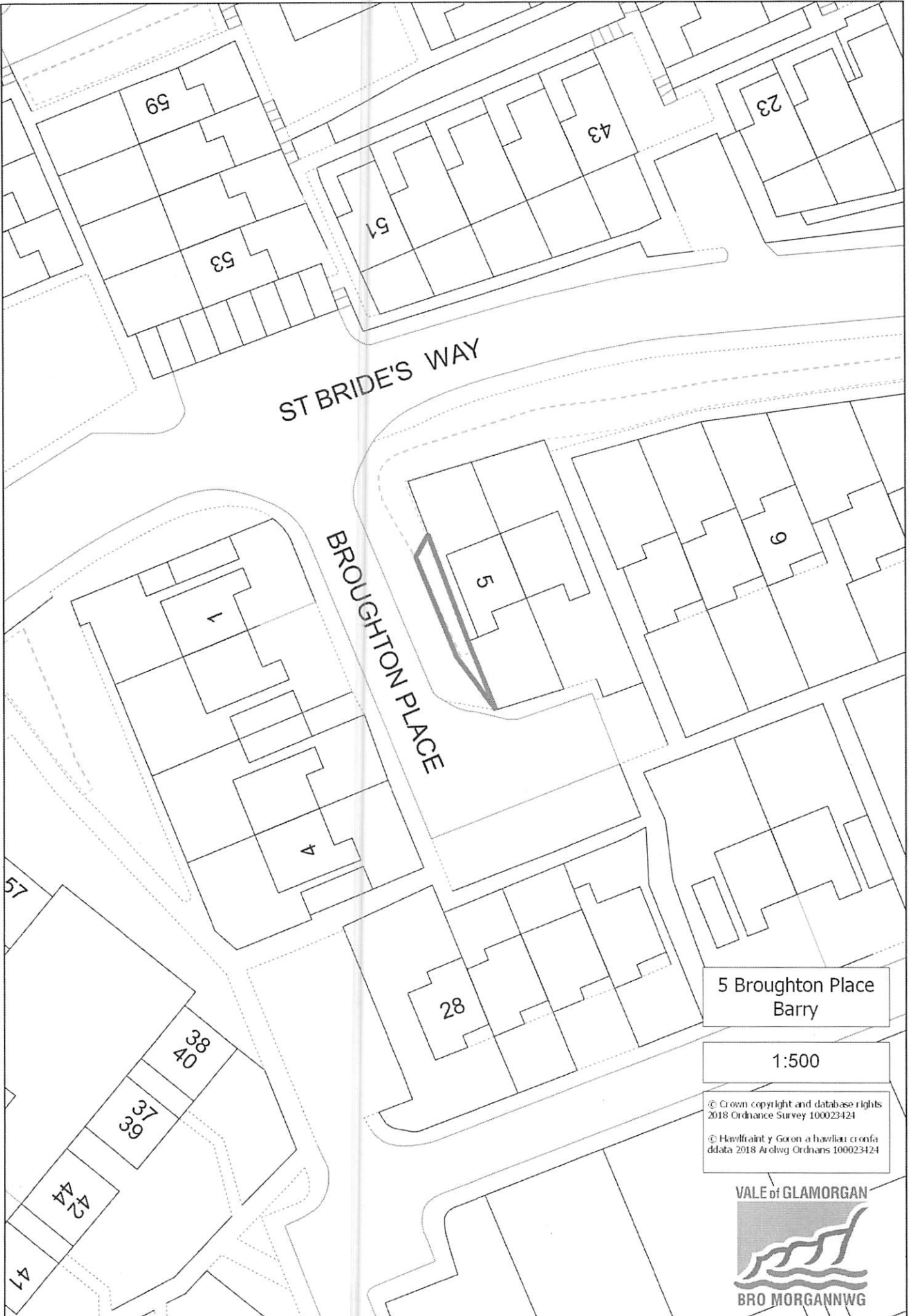
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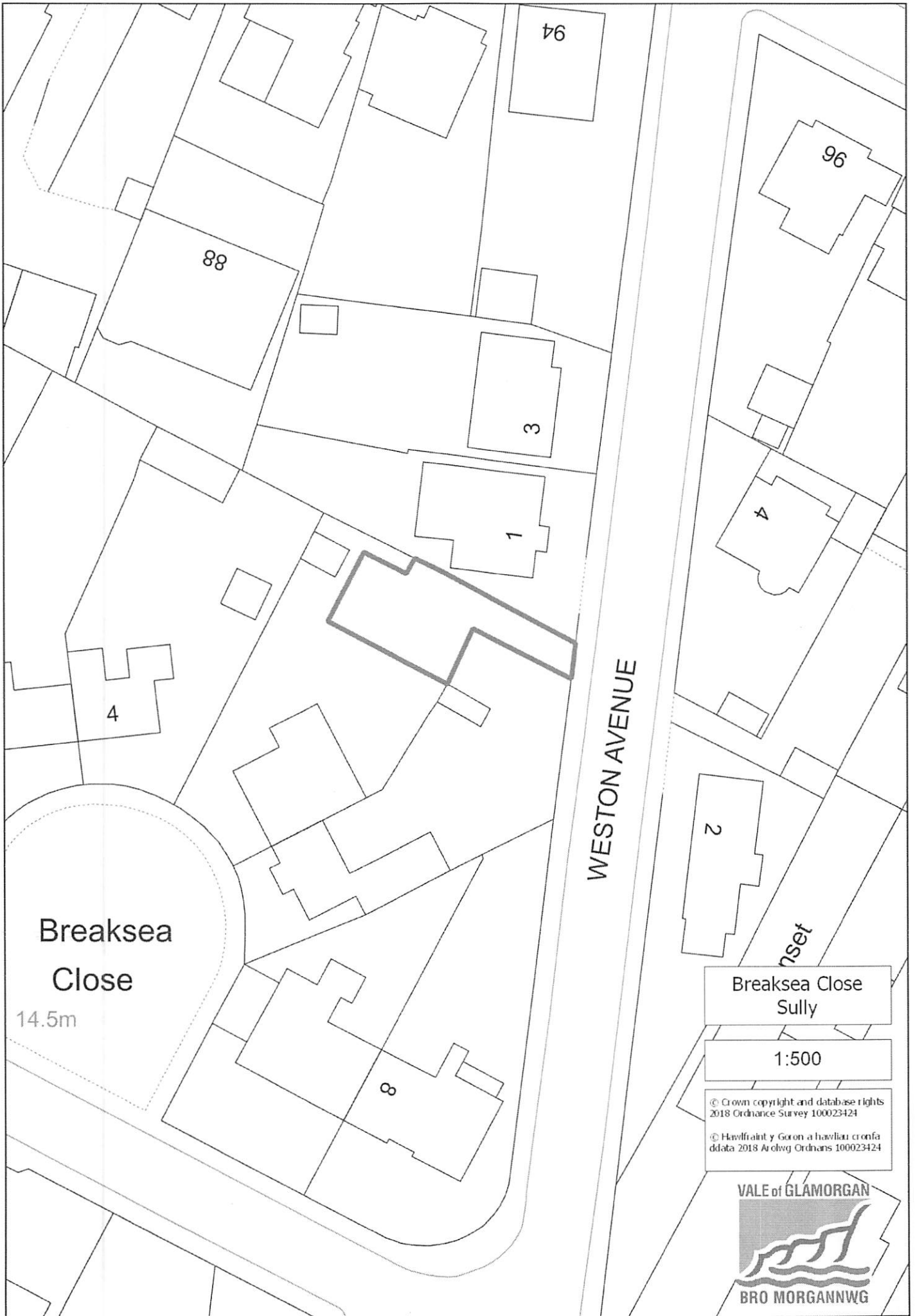
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4

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8

96

4

Breaksea  
Close

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WESTON AVENUE

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Breaksea Close  
Sully

1:500

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VALE of GLAMORGAN



BRO MORGANNWG



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35

39

38

37 St David's  
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Penarth

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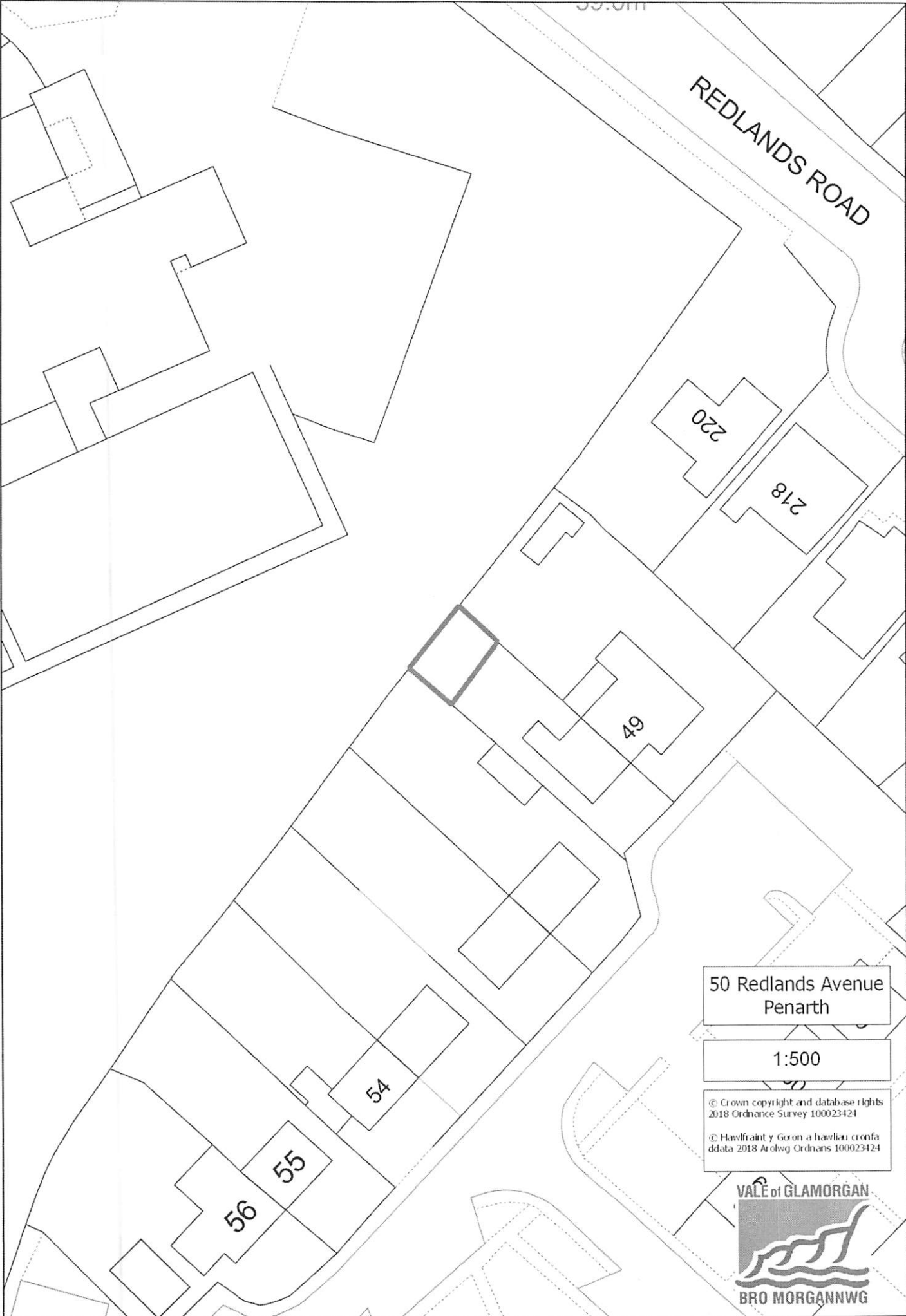
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VALE of GLAMORGAN



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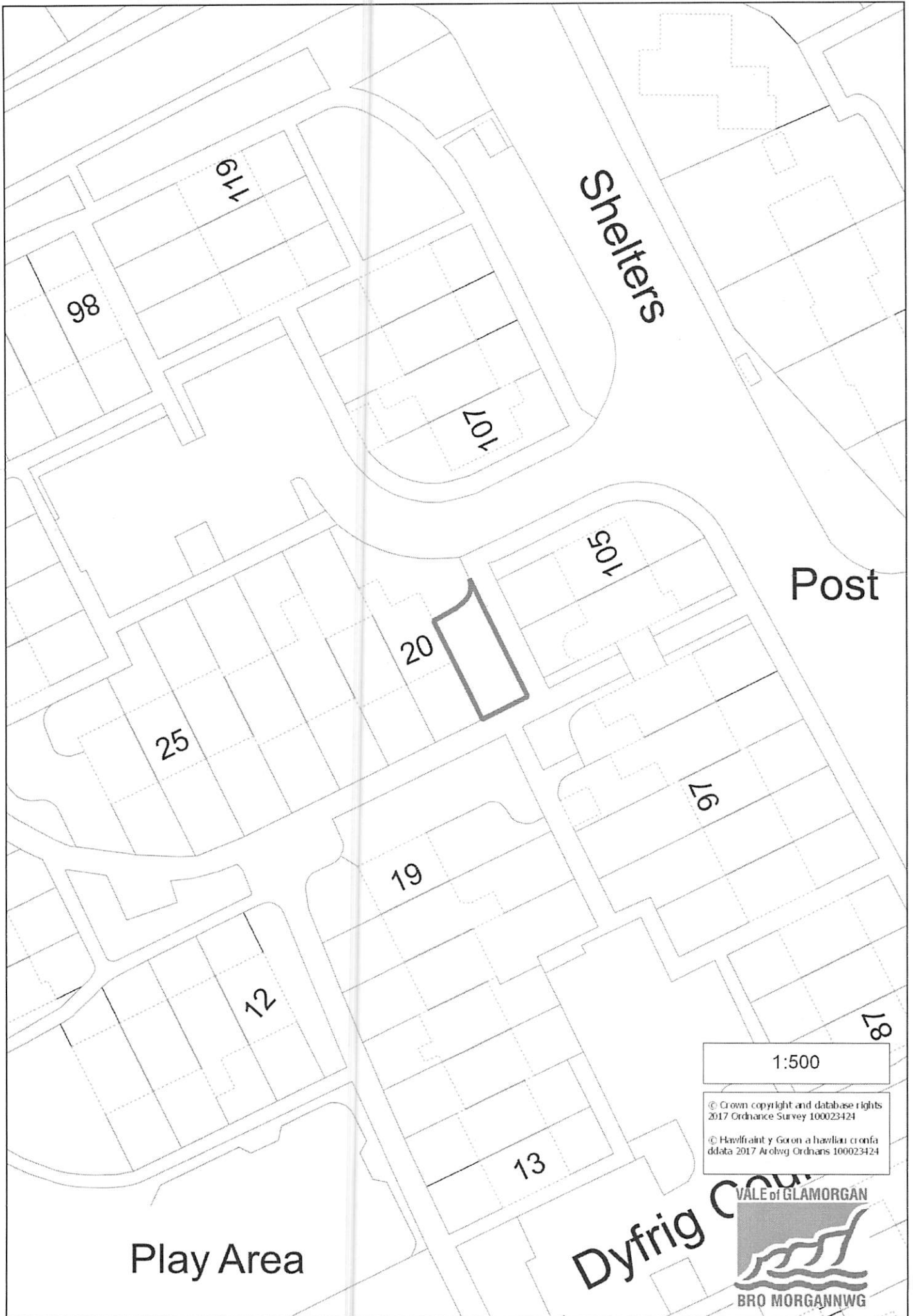
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Shelters

Post

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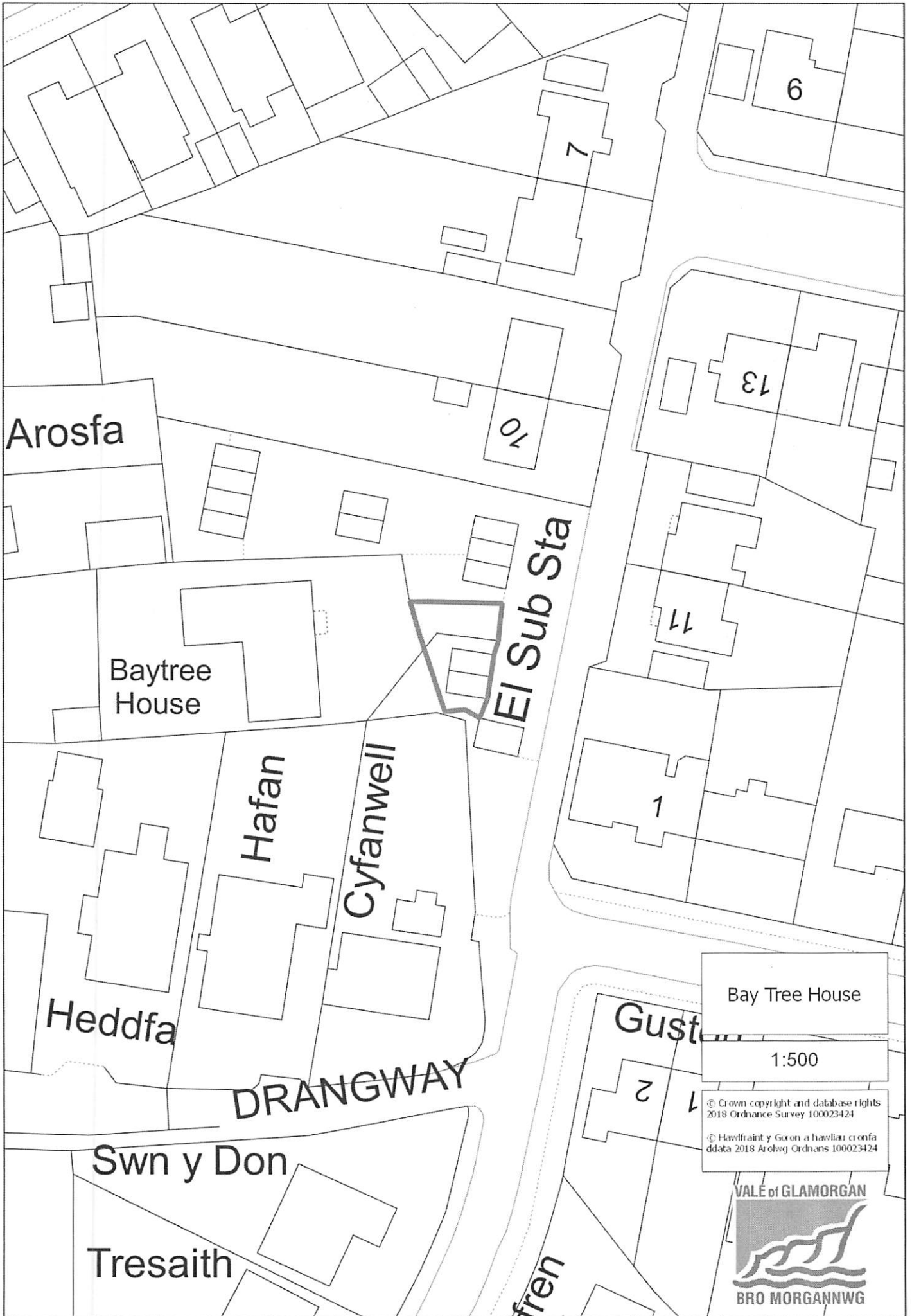
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Play Area

Dyfrig Cou  
VALE of GLAMORGAN  
  
BRO MORGANNWG



Arosfa

Baytree House

Hafan

Cyfanwell

Heddfa

DRANGWAY

Swn y Don

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Bay Tree House

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# **Cabinet Report - Disposal of Housing Land Small Parcels - 21st January 2019 APPENDIX 2**

Minutes – Scrutiny (Housing and Public Protection) Committee: 16<sup>th</sup> January 2013

## 745 OPTIONS APPRAISAL FOR LAND IN HOUSING SERVICES (DVSH) –

The Committee's approval was sought to allow officers to explore options to increase the supply of affordable housing in the Vale of Glamorgan by using land owned by the Council's Housing Service. The Committee's agreement was also sought to allow officers to explore opportunities to dispose of small non development land bordering existing properties in order to reduce the financial cost of land maintenance and security on the Housing Revenue Account.

The Committee had been informed that in December 2010 the Cabinet had previously agreed to adopt an updated Vale of Glamorgan Local Housing Market Assessment (LHMA). The updated LHMA identified that there was a critical need for additional affordable housing with a requirement of 915 additional units required per annum. The LHMA had also identified that the highest need was for social rented units (80%).

There was also a combination of other factors such as the ongoing economic crisis and the proposed Welfare Reform Agenda that were likely to place further pressure on the availability of new affordable housing within the Vale of Glamorgan. The Committee was also informed that there were currently two mechanisms used to deliver affordable housing i.e. Social Housing Grant and Supplementary Planning Guidance for Affordable Housing. However, the delivery of affordable housing under both these themes had been significantly curtailed due to the impact of the economic recession.

The Operational Manager for Public Housing informed the Committee that the Council had a number of varying sized pieces of land or sites suitable for the development of housing which were in the ownership of the Council's Housing Service. Land pursuant to Part II of the Housing Act 1985 (the HRA sites) the Council had power pursuant to the Local Government Act 1988: General Consents A & B for Local Authority Assistance for Privately Let Housing 2004 to dispose of land at an undervalue to a Registered Social Landlord for the purpose of development as housing accommodation provided the benefit did not exceed £2m. in any financial year.

The Council also owned small pieces of land bordering existing properties which were not suitable for development but were a continuing financial burden on the Council due to the ongoing maintenance and security costs. It was noted that the Council received regular enquiries from residents of neighbouring properties who wished to acquire such areas of land to increase the curtilage of their properties.

Accordingly, it was proposed subject to the Cabinet's approval, that the Housing Service undertakes an exercise to identify all sites in its ownership suitable for affordable housing development or disposal and to provide a further report on options for the Scrutiny Committee and Cabinet to consider.

RECOMMENDED – T H A T the contents of the report be endorsed and that the matter be referred to the Cabinet for further consideration.

Reason for recommendation

To allow the Cabinet to give consideration on an options appraisal for land in the ownership of the Council's Housing Service.

# **Cabinet Report - Disposal of Housing Land Small Parcels - 21st January 2019 APPENDIX 3**

Cabinet 4<sup>th</sup> February 2013

## **C1997 OPTIONS APPRAISAL FOR LAND IN HOUSING SERVICES (REF) -**

The Scrutiny Committee (Housing and Public Protection) on 16 January, 2013 considered the above report from the Director of Visible Services and Housing.

The Committee's approval was sought to allow officers to explore options to increase the supply of affordable housing in the Vale of Glamorgan by using land owned by the Council's Housing Service. The Committee's agreement was also sought to allow officers to explore opportunities to dispose of small non development land bordering existing properties in order to reduce the financial cost of land maintenance and security on the Housing Revenue Account.

The Committee had been informed that in December 2010 the Cabinet had previously agreed to adopt an updated Vale of Glamorgan Local Housing Market Assessment (LHMA). The updated LHMA identified that there was a critical need for additional affordable housing with a requirement of 915 additional units required per annum. The LHMA had also identified that the highest need was for social rented units (80%).

There was also a combination of other factors such as the ongoing economic crisis and the proposed Welfare Reform Agenda that were likely to place further pressure on the availability of new affordable housing within the Vale of Glamorgan. The Committee was also informed that there were currently two mechanisms used to deliver affordable housing i.e. Social Housing Grant and Supplementary Planning Guidance for Affordable Housing. However, the delivery of affordable housing under both these themes had been significantly curtailed due to the impact of the economic recession.

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Accordingly, it was proposed subject to the Cabinet's approval, that the Housing Service undertakes an exercise to identify all sites in its ownership suitable for affordable housing development or disposal and to provide a further report on options for the Scrutiny Committee and Cabinet to consider.

RECOMMENDED – T H A T the contents of the report be endorsed and that the matter be referred to the Cabinet for further consideration.

Reason for recommendation

To allow the Cabinet to give consideration on an options appraisal for land in the ownership of the Council's Housing Service

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Cabinet, having considered the recommendation of the Scrutiny Committee (Housing and Public Protection)

RESOLVED – T H A T the contents of the report be noted.

Reason for decision

That consideration be given on an options appraisal for land in the ownership of the Council's Housing Service.