

Part A

Report to: Cabinet
Date of meeting: 6 June 2016
Report of: Martin Jones Regeneration and Property Section Head
Title: Hemming Way- Watford

1.0 **Summary**

1.1 Watford Community Housing Trust (WCHT) wish to redevelop their existing land holding at the above location. This will involve demolishing 10 affordable units which are single storey and replacing them with 32 new homes, all of which will be affordable. Planning consent for the scheme was granted in January 2016.

1.2 To implement the above scheme a small area of land is required which is in the Council's ownership and forms part of Leavesden Green. This land is classed as Open Space. Appropriating this land will enable WCHT to regularise the shape of their development site and significantly improve the entranceway to Leavesden Green. An assumption in their planning submission is that the land is included in the scheme

A plan showing the areas of land to be swapped are shown in Appendices 1.

1.3 WCHT and the Council have agreed that the land, if appropriated, will be exchanged for land that fronts onto Hemming Way and will significantly improve the entranceway to the park. Works to the improved entranceway will form part of WCHT's works

2.0 **Recommendations**

2.1 To APPROVE the appropriation of land shown blue on the attached from open space to planning under the provisions of s 122(2A) of the Local Government Act 1972. To declare the land surplus to requirements and to agree for the transfer of the land to WCHT and to acquire the land shown green on the attached plan from WCHT.

- 2.2 To NOTE that Watford Borough Council will have 100% nomination rights for the new housing less any settlement of displaced tenants who wish to relocate within the scheme.
- 2.3 To NOTE the land received in exchange from WCHT will be used to improve the entranceway to the park.

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Report approved by: Jane Custance Head of Regeneration and Development.

3.0 **Detailed Proposal**

- 3.1 WCHT's existing ownership at this location consists of 10 bungalows. WCHT has obtained planning permission to build 32 new homes:-
- 6 one bedroom homes
 - 26 two bedroom homes

This represents a net gain of 22 housing units, additional parking will also be provided for the additional homes.

- 3.2 In addition to the new homes a new and improved park entrance will be provided. Elevations of the new development are shown in Appendix 2.
- 3.3 The Homes and Communities Agency (HCA) are providing finance towards this development to WCHT. The funding is time limited and an agreement to transfer the land shown edged red in appendix 1 is part of the HCA's condition of funding
- 3.4 The land to be transferred from the Council to WCHT comprises an area of 1071 sq m whilst the land to be acquired from WCHT in exchange comprises an area of 1,395 sq m. This will allow for a more efficient development as well as a much enhanced entranceway to the Park. WCHT are working with the Council to agree an appropriate landscaping specification which will also include upgrading a further 118 sq m of Council land.
- 3.5 During the duration of the works, estimated to be 12 months, a temporary diversion of the footpath leading to Leavesden Green will be necessary.

- 3.6 WCHT are finalising negotiations with the last tenant that needs to be relocated, agreements have been reached with all other tenants of existing bungalows.
- 3.7 As the land the WCHT require from the Council is designated open space the Council were required to advertise it's intention to dispose of it in a local newspaper for two consecutive weeks. This it did in the Watford Observer on 13 and 20 May 2016. No objections were received.
- 3.8 Cabinet is therefore asked to agree to appropriate the land shown edged red on the plan at appendix 1 from open space to planning and declare it surplus to requirements and agree to a transfer of it to WCHT. In return WCHT will transfer the land shown on the plan hatched red to the Council. This will result in a net gain of land for the Council and a better configured development for WCHT.

4.0 **Implications**

4.1 **Financial**

- 4.1.1 WCHT have agreed to pay the Council's costs associated with the statutory advertisement and legal costs associated with the disposal and acquisition and Corporate and Client services state that maintenance of the new area can be incorporated into the existing contract with Veolia at minimum cost.

All costs and risks associated with the development are at WCHT's risk.

4.2 **Legal Issues** (Monitoring Officer)

The Council can appropriate land for any purpose for which it is authorised to acquire land by agreement. The appropriation process is set out in the Local Government Act 1972. Section 122 (1) provides:

- (i) subject to the following provisions of this section, a principal Council may appropriate for any purpose for which the Council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a Council by virtue of this sub section shall be subject to the rights of other persons in, over or in respect of the land concerned.

The Council is a principal Council and so must follow the process set out in Section 122. Cabinet should only resolve and authorise the Council to appropriate land for another purpose if it is satisfied that the land is no longer required for the purpose for which it is held. Whilst the Council currently holds the land as public open space, it is clearly required for the building of the new development and obtains replacement land in return. It should therefore be appropriated for planning purposes.

Requisite notices required under the 1972 Act were published in the Watford Observer on May 13th 2016 and May 20th 2016 notifying of the intention to appropriate the land from open space to planning purposes.

No objections have been received.

Due diligence has been carried out on both areas of the land to be exchanged and there are no significant issues.

4.3 **Equalities**

4.3.1 Consultation on the development took place via the planning process.

4.3.2 The council will be able to nominate tenants for the new properties to be built. The council's allocation policy will apply.

4.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Development is delayed because of land transfer issue.	2	3	6
Legal objections to the transfer of land	1	4	4
Delays in transferring the land add to development costs	2	3	6
Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.			

4.5 **Staffing**

4.5.1 None

4.6 **Accommodation**

4.6.1 None

4.7 **Community Safety**

4.7.1 Security by Design should make both the park and development safer with a much improved entranceway to the park.

4.8 **Sustainability**

4.8.1 The proposed new buildings will meet the latest building regulations and be far more efficient than the existing buildings

Appendices

Appendix 1----- Plan of Exchange Land

Appendix 2----- Plans of new development