

# Council House Building Programme - ACF Sea cadets, Caterham

## Housing Committee Thursday, 16 March 2023

Report of: Chief Finance Officer (Section 151)

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Purpose: For decision

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Publication status: Restricted

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Wards affected: Westway

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### Executive summary:

This report seeks approval for a budget in order for Officers to prepare proposals for and seek pre-planning application advice for the affordable housing development on the Sea Cadets site in Caterham, land which the Council is currently in the process of purchasing.

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**This report supports the Council's priority of:** Creating the homes, infrastructure and environment we need

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### Recommendation to Committee:

It is recommended that:

- A. Subject to acquisition of the site - Officers prepare proposals for and seek pre-application planning advice for the development of the Sea Cadet site for up to 16 new affordable dwellings; and to approve a budget for the pre-application stage of £50,000. This budget will cover the appointment of an architect, employers agent and other specialist consultants and surveyors to act for, or advise, the Council and the commissioning of necessary reports. These are necessary to take the

proposal to pre-application advice stage, all subject to the Council's Standing Orders and Financial Regulations.

- B. That in the case of recommendation A, authority also be given for Officers to commence the process of appropriating the land for planning purposes in accordance with Section 122 (1) of the Local Government Act 1972.

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## **Reason for recommendation:**

The recommendation supports one of the Council's key strategic objectives as the purchase of this piece of land will enable the delivery of a scheme of new affordable family rented units as part of the Council House building programme.

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## **Introduction and background**

- 1 A key part of the Council's Strategic Plan is the building of affordable homes. At its meeting on 11<sup>th</sup> March 2021 the Committee approved an extension to the house building programme of a further 200 homes over 5 years. The majority of new council homes are to be delivered on land that the Council already owns with 30% of the programme delivered on purchased land.
- 2 In September 2022 a report was circulated to the Committee seeking approval to purchase the Sea Cadet site from the Ministry of Defence (MoD).
- 3 The site is currently owned by the Ministry of Defence (MoD) and is separated into three sections. The Northern part of the site has two connected huts, and these are currently used by the Sea Cadets two evenings per week. The Sea Cadets will be relocating to a site in Coulsdon. The south western part of the site contains one hut, and this is understood to be vacant. The south eastern part of the site comprises of hard standing following the demolition of barracks that were situated there in 2013. This has been unused although the Council currently has a licence to use this space temporarily as a car park for contractor's vehicles working on the nearby Windmill Close development site.
- 4 The Council had become aware of the sale of the Sea Cadet site before it was advertised to the open market. As another public sector body, it was able to jointly instruct a Red Book valuation of the site. This enabled the Council to offer a price of market value, but one which was not raised by interference of competitive bidding that a sale on the open market would have created.
- 5 As part of the valuation process, the Council sought informal pre-app advice with an initial architect's feasibility study it had commissioned. This was necessary to feed into the valuation. The Council does now require formal pre-application advice to ensure that the scheme is well

designed and the necessary required information for a planning application is sought.

- 6 The acquisition of the site is in progress, having been delayed by the MoD due to seeking vacant possession of the site from the Sea Cadets. The Council is still working towards a completion date of 31<sup>st</sup> March 2023.
- 7 The pre-application process allows us to appoint an employer's agent, architect and appoint other detailed surveys and reports ready for planning advice. Our employers agent will also advise us on the expected costs of a scheme; ready for when we return to Committee for a full budget request.
- 8 Property and land that is already held in the general fund can be appropriated for planning purposes and then held by the Council under the statutory provisions of Part 9 of the Town and Country Planning Act. The practical consequence (by virtue of section 237 of the Town and Country Planning Act 1990, as amended by Schedule 9 of the Planning Act 2008) is that the demolition, erection, construction or carrying out of any maintenance of any building or work on the land and subsequent use of the land is authorised under those planning powers, if the works are done in accordance with planning permission, even if they interfere with third party rights. On completion of any development the land would need to be appropriated to housing land.

### **Other options considered**

- 9 Officers need this Committee's approval to seek full planning consent for an application for the Sea Cadet site and Officers will return to a future Committee with that request.
- 10 If the Council decided not to appropriate the land there is the potential that third parties could bring injunction proceedings which could stop the construction of a future development or delay its delivery. By exercising appropriation powers, the threat of injunction proceedings for the infringement of third parties rights would be extinguished. Affected parties would still receive compensation but they will not be able to delay or stop the development.

### **Consultation**

- 11 Ward Members have been consulted.
- 12 Prior to this Committee Officers have written to local residents and the Parish Council to inform them that the Council intends to purchase the site and to build affordable housing.
- 13 Following a pre-application planning meeting and before the full planning submission Officers will hold a public consultation event to gather feedback from local residents and make any necessary changes.

## **Key implications**

### **Comments of the Chief Finance Officer**

The funding for the pre application stage will be met from existing budgets and contained within the Housing Revenue Account. This cost is necessary to establish detailed plans. Full development costs will be subject to future committee approval.

### **Comments of the Head of Legal Services**

Members are advised that on the basis of the information that is available to Officers at present, that Officers are of the view that there is likely to be a compelling case in the public interest for appropriation. Therefore, the use of appropriation powers in this case is likely to be proportionate. Without the use of these powers, the redevelopment of the land may not be achievable. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

The Housing Development Team will continue to liaise with the Council's Legal Services team on all legal matters concerning the project, necessary to complete the acquisition of the land.

### **Equality**

The letting rather than the development of housing for sale is key to issues of equality. New housing developed reflects the housing priorities at the time it is conceived, is designed to mitigate against fuel poverty, be mobility friendly (with wheelchair homes included where there is demonstrable need at the time the scheme is designed); and be of a size sufficient to promote working from home and homework.

### **Climate change**

The new housing will achieve the Council's adopted target of Net Zero Carbon (operational).

### **Appendices**

None

### **Background papers**

None

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