



# REPORT TO EXECUTIVE

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**PORTFOLIO AREA: HEALTH AND WELLBEING**

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**Date of Meeting:** 11<sup>th</sup> June 2007

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**Public**

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**Key Decision:** No

**Recorded in Forward Plan:** No

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**Inside Policy Framework**

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**Title:** EXTRA CARE HOUSING - RESULTS OF CONSULTATION

**Report of:** DIRECTOR OF DEVELOPMENT SERVICES

**Report reference:** DS.51/ 07

## **Summary:**

This report provides Members of Executive with feedback from the public consultation held regarding the proposed development of an Extra Care Housing Scheme for elderly residents at Raffles (*Appendix 1*). The consultation tied in with the requirement to advertise the change of use of the land, which had previously been identified as open amenity space in the Local Plan (*Appendix 2*).

## **Recommendations:**

Members are asked to consider the comments of local residents and ward members.

**Contact Officer:** Simon Taylor

**Ext:** 7327

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None  
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## 1. BACKGROUND INFORMATION

### 1.1 Decision of Executive based on Recommendations of Report of 19 March 2007 (DS 30/07):

1. That the Executive agrees to be part of the partnership seeking to take forward the Extra Care Housing Scheme.
2. That the Executive Agree to consider the disposal of the land identified in *Appendix 1* of DS.30/07 to the selected housing provider at a nominal fee, subject to compliance with any relevant provisions in the *Local Government Act, 1972*, relating to the disposal of public open space in so far as they may apply to the land.
3. That the Executive agrees to support the housing provider in its bids to the Housing Corporation for capital funding and to the Supporting People Team for revenue funding for the scheme.

- 1.2 As the piece of City Council land in question was previously allocated as open amenity space in the Local Plan, it was necessary to advertise the change of use of the land. A planning appraisal carried out by the Local Plans section of Development Services had highlighted the benefits of the change of use due to the condition of the site:

*Officers have recognised the problems associated with the current state of the site for some time. The general air of neglect, vandalism and mis-use mean that the space has little amenity value for the locality. It is considered that the exceptional need for Extra Care housing within Carlisle justifies releasing part of this greenfield site, with a view that there would be a net gain in terms of quality on the part of the site that is to developed.*

The appraisal also noted the above average level of open space in the Belle Vue ward:

*The Open Space, Sports and Recreation Facilities audit shows that Belle Vue has 28.51 hectares of both informal and formal grassed, wooded or landscaped land, and small amenity areas of public open space, (made up of amenity greenspace, natural and semi-natural urban greenspace and parks and gardens). This results in a figure of 5.21 hectares per 1000 population, well over Policy LC2 standard of 3.6 hectares per 1000 population.*

- 1.3 The Executive had requested that a wider initial consultation (in addition to the requirement to advertise the proposed change of use of the land), informing local

residents of the proposals at an early stage, would be appropriate (detailed in section 2).

## **2. CONSULTATION**

### **2.1 Consultation Process**

- Advertisement re change of use of land in local press 6 & 13 April (closing date for comments: 18 May).
- Information packs containing details of proposed scheme (*Appendix 3*), site map & copy of details in advertisement, posted to 185 households (on Low Meadow; Brookside; Shadygrove Road; Berkeley Grange; Lister Court) adjoining/ in close proximity to site early April to coincide with advert. Details of the event on 10 May were also included.
- “Drop-in” event held at Living Well Family Centre, Shadygrove Road between 3.00 & 6.30 p.m., Thursday 10 May, with the Housing Development and Enabling Officer, Carlisle City Council and a representative from Cumbria County Council on hand to answer questions from local residents. Considerable interest was shown in the proposed scheme by local ward members – two Members attended, and the third sent an e-mail supporting the proposals the following day. The Portfolio Holder for Environment and Infrastructure also attended, and the Portfolio Holder for Sustainable Communities had been due to attend but had to send apologies. Living Well staff also expressed considerable interest. Only around half a dozen local residents visited the event but this could be taken to indicate that the proposal is not controversial. There was a general consensus that development of the site (currently used by youths on motorbikes & as a dumping ground) would be a great benefit to the community, as well as the Extra Care aspect.

### **2.2 Comments from local residents and ward members**

The consultation closed on May 18<sup>th</sup> 2007 - no objections were received.

However, the following comments/ observations have been received and have been dealt with as detailed below:

- Occupiers of a property at Berkeley Grange wrote in April to say they would be concerned if the trees at the back of their home were to be removed. The matter has been referred to Planning colleagues to see if a tree preservation order would be warranted. The trees may have value anyway as part of the landscaping of the site.

- A ward member sent an e-mail on 13 May saying he had concerns that the last cul-de-sac on Brookside (which had been considered as a possible location for vehicular access) was too narrow and that the bottom of Low Meadow would be a more suitable entrance. This could be a more acceptable solution, as access via the bottom of Low Meadow could also service any future scheme on the section of land already allocated for residential development. Relevant details have been passed to the Head of Housing and Planning Services to raise the matter with County Council Highways.
- At the drop-in event, another ward councillor was also concerned about vehicular access from the Brookside cul-de-sac & queried an apparent footpath on the map from Property Services on our display. Having checked the County Council's website, any path across the site is not a public right of way. Furthermore, the site is skirted by a proper footpath (round the back of Berkeley Grange up to High Meadow) so this should not be an issue. The only other minor issues raised were: leaves falling into a neighbouring garden in Berkeley Grange from existing trees – & a telephone request from a resident unable to attend the drop-in event to be kept informed of future developments (which officers will do once a housing partner has been selected & plans have been drawn up etc.) Both residents were supportive of the scheme.

### **2.3 Summary of Consultation**

No objections were received in relation to the change of use of land or the proposal to develop an Extra Care scheme for elderly residents on the site.

Both the local community and ward members have proved supportive.

## **3. RECOMMENDATIONS**

- 3.1 Members are asked to consider the comments of local residents and ward members.

## **4. REASONS FOR RECOMMENDATIONS**

- 4.1 To ensure the views and comments of local residents and ward members have been taken into account.

## 5. IMPLICATIONS

Staffing/Resources – N/A as report on consultation only

- Financial – N/A as report on consultation only but if this scheme goes ahead following the consultation exercise, it would involve the disposal of a parcel of land for a nominal sum. This land has been valued at £330,000 on the open market. At 5.5% this sum would earn interest of £18,150pa. Alternatively, the capital sum would be available to fund other capital expenditure proposals. There is therefore an element of financial loss to the Council from this proposal.

Any disposal should be in accordance with corporate priorities and be identified as surplus to requirements in line with the Council's surplus land policy.

If the scheme goes ahead, it will require funding from both the Housing Corporation (capital grant) and Cumbria County Council (via Supporting People) and possibly an element of private finance. At this stage, it is not possible to comment further on any financial implications.

The scheme would involve a partnership agreement with the County Council and the housing provider and the necessary protocols would need to be followed.

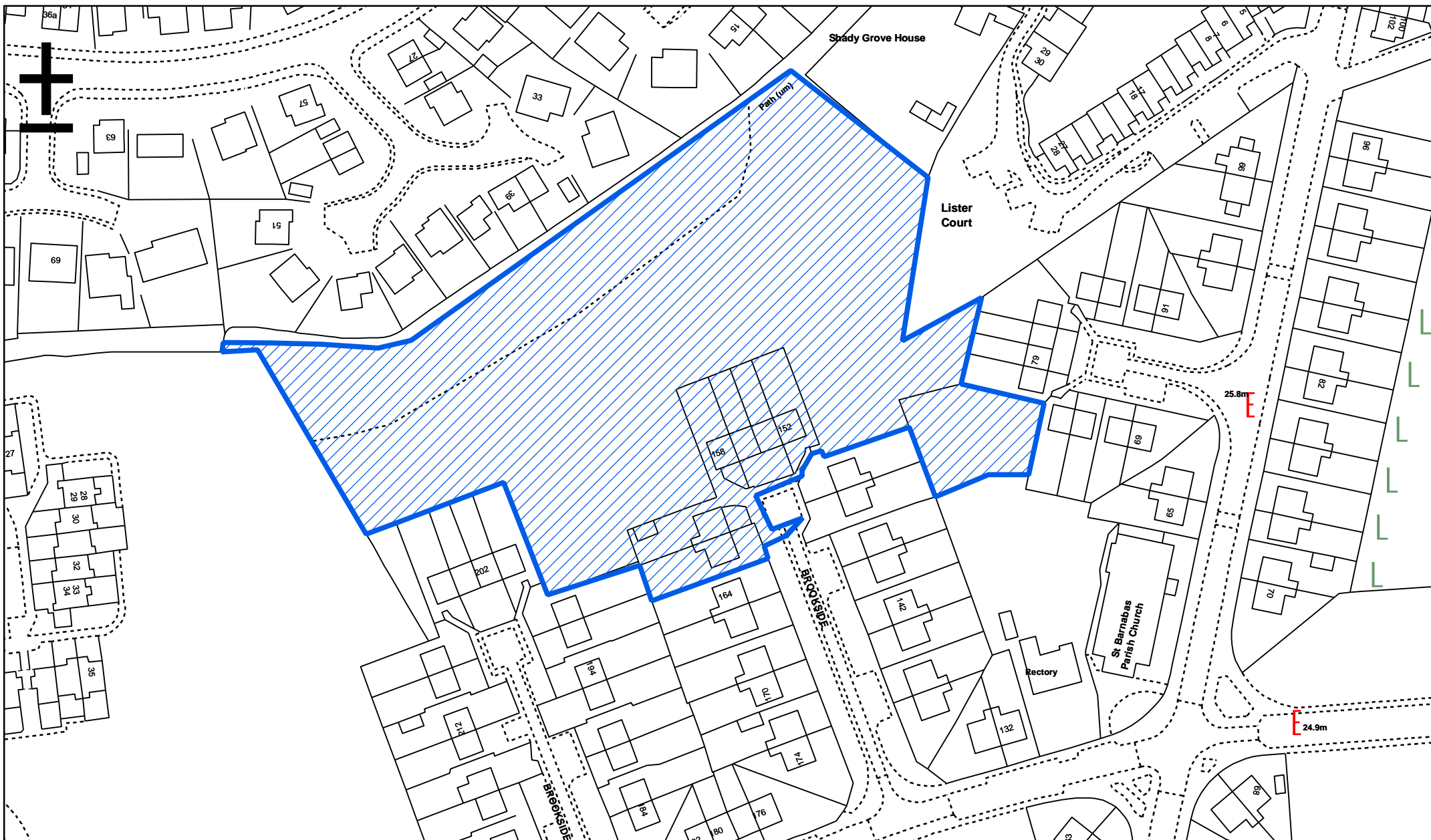
- Legal – consultation period on change of use of land ended 18<sup>th</sup> May 2007. Legal documentation will be required to enable the transfer of the freehold of the properties to the housing provider.
  - (1) The Council has power under Section 123 of the Local Government Act 1972 to dispose of land in any manner it wishes, including sale of a freehold interest, granting a lease or assigning any unexpired term of a lease, and granting easements. The only constraint on this power is that the disposal must be for the best consideration reasonably obtainable (except in the case of the disposal of short tenancies), unless the Secretary of State consents to the disposal being made at less than best consideration.
  - (2) Consent from the Secretary of State can be given in one of two ways. It is automatically given if the disposal at less than best consideration falls within the terms of a general Consent given by the Secretary of State in 2003. An important caveat in this Consent, however, is that the under value for which the land is disposed of must not exceed two million pounds. If it is proposed to dispose of land at an under value exceeding two million pounds, then a

specific consent must be obtained from the Secretary of State on a case by case basis.

- (3) It is therefore a matter for the Executive to consider whether they wish to recommend in this case that the land be disposed of to the housing provider at a nominal consideration. It is not clear at this stage what the value of the land is and what any discount on the sale price would therefore represent. If it were to amount to a disposal in excess of two million pounds less than the market value then the consent of the Secretary of State would be required. If the discount is less than this figure then the Council has power itself to approve of any disposal.
- (4) The Council has supporting powers in Section 2 of the Local Government Act 2000 enabling it to do anything which it considers is likely to achieve the promotion or improvement of the economic, social or environmental wellbeing of its area. In deciding whether or not to proceed to dispose of the land to the housing provider at the proposed under value, the Council should first consider carefully whether, as set out in the 2000 Act, such a disposal will promote the economic, social or environmental wellbeing of the area and should have regard to its own community strategy and the objectives set out therein when making this judgement. The Director of Development set out in report DS.30/07 the contribution which she believes the disposal would make to the Council's housing objectives and the wellbeing of the area and Members need to take into account all those factors when determining whether or not to proceed at a disposal at the under value proposed.
- (5) The relevant Government Circular guidance on the matter (General Disposal Consent (England) 2003) sets out that it is Government policy that Local Authorities should dispose of surplus land wherever possible. Whilst it is expected that land should be sold for the best consideration reasonably obtainable in general circumstances, the Circular recognises that there may be circumstances where an authority considers it is appropriate to dispose of land at an under value. Hence, the Consent regime referred to above has been put in place. The Guidance makes the point that, when disposing of land at an under value, Authorities must be aware of the need to fulfil their fiduciary duty in a way which is accountable to local people and make sure that they obtain the view of a professionally qualified valuer as to the likely amount of the under value, so that they are fully informed of all the relevant circumstances, and the Head of Property Services therefore needs to advise on the market value of the land for Members to consider. It is a matter,

therefore, for the Executive to consider how it wishes to proceed in the light of the above circumstances.

- (6) The Council's current policy on disposals is that land should be sold at market value only. Any proposal to sell at less than this, therefore, would be a departure from current Council policy and would require the consent of the full Council prior to proceeding.
- (7) Prior to deciding whether or not to dispose of land which forms open space, the Council has a duty under the Local Government Act 1972 to advertise its proposals for disposal in the local press and consider any representations which might be received prior to deciding how to proceed. The land has been advertised as mentioned in the report and it is for the Executive now to consider how to proceed in the light of any representations received.
- Corporate – The Council is required to consider comments pertaining to the public consultation.
  - Risk Management – Failing to consider comments on the Extra Care scheme would be detrimental to the Council.
  - Equality Issues – Nil.
  - Environmental – The consultation has revealed concerns from local residents and ward members on the current overgrown condition of this piece of land.
  - Crime and Disorder – The consultation has revealed concerns from local residents that the land is currently being used for fly-tipping, dog fouling and the dangerous use of motorbikes and quad bikes by youths.
  - Impact on Customers – Resident comments to be taken onboard in order to progress the Extra Care scheme project.



**Possible Development Site Brookside / Lister Court/Berkeley Grange**  
**Approx Site Area = 1.258 Ha (3.106 Acres)**  
 Rasffles Development Land, CARLISLE



**Civic Centre**  
**Rickerate**  
**Carlisle**  
**CA3 8QG**

Scale: 1:1,250 Date: 22/03/2007

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# **CARLISLE CITY COUNCIL**

## **LOCAL GOVERNMENT ACT 1972 SECTION 123(1)(2A)**

### **LAND BETWEEN BROOKSIDE LISTER COURT AND BERKELEY GRANGE**

#### **DISPOSAL OF OPEN SPACE**

Notice is hereby given that the Council of the City of Carlisle of Civic Centre Carlisle CA3 8QG intends to dispose of an area of land between Brookside, Lister Court and Berkeley Grange Carlisle having an area of 1.258 ha (3.106 acres) and which forms part of an open space. The land to be sold will be used to build an Extra Care Scheme for the elderly comprising approximately 40 flats and bungalows.

A plan showing the land can be inspected at the Customer Contact Centre situated on the ground floor of the Civic Centre between the hours of 9.00 am to 4 pm Monday to Friday.

Objections to the intended disposal must be made in writing and addressed to:

J M Egan  
Director of Legal and Democratic Services  
Carlisle City Council  
Civic Centre  
Rickergate  
CARLISLE CA3 8QG

by no later than 18 May 2007.

Dated the 5 day of April 2007

J M Egan

Director of Legal and Democratic Services



Dear Resident,

Please find enclosed an advertisement that recently appeared in the local press (copy enclosed) regarding a proposed change of use for a piece of land to the North of Brookside, South of Berkeley Grange, and adjacent to Lister Court, which is currently designated as open space. A plan showing the exact location of the land is also enclosed for your information. We are writing to you because as a local resident we wanted to keep you informed of the proposals in case you don't see the newspaper advert.

We are proposing to use the land to build an Extra Care scheme for the elderly – approximately 40 flats and bungalows. The scheme would involve a partnership between Carlisle City Council and Cumbria County Council, as well as a housing provider with expertise in delivering quality specialist housing schemes for the elderly. The housing provider would be selected through a detailed tendering process, assuming the change of use of the land is approved.

A planning appraisal has been carried out on the piece of land in question (copy available on request), which has identified much of the site as currently being in very poor condition and extremely overgrown - it is also used by youths on motorbikes and quad bikes. Any new scheme would require those parts of the site not being used for housing to be landscaped, benefiting the local community.

A 'drop-in' event has been arranged at the Living Well Trust, 19-23 Shadygrove Road, between 3.00pm & 6.30pm on 10<sup>th</sup> May 2007 for any local resident wishing to find out further information.

If you would like to discuss this matter in the meantime, please contact Jeremy Hewitson on (01228) 817443 or Kerry Courts 817323.

Kind regards

Jeremy Hewitson  
*Housing Enabling Officer*