

Cabinet Member Decision Note

Land at Queens Drive

To: Cabinet Member for Housing and Public Safety

Date: 6th May 2020

Author:	Head of Housing
Wards:	Walcot and Park South
Parishes Affected:	Central Swindon South

1. Purpose and Reasons

- 1.1 This report is to enable the Cabinet Member to note the objection raised against the appropriation of public open space for development purposes at Queens Drive. Having considered the points raised by the objection, this report seeks the Cabinet Member's authorisation to continue with the proposed development.
- 1.2 This proposal supports the strategic priorities of making the best use of Swindon's resources inside the Borough.
- 1.3 This proposed development links to Priority One to improve infrastructure and housing to support a growing, low carbon economy and Pledge 6f, "Ensure that there is a range of good quality housing options in Swindon, including affordable opportunities to buy and rent".

2. Recommended Action to be Authorised by a Cabinet Member Under Delegated Powers

Recommended that:

- 2.1 The objection to the proposed appropriation of public open space, which was received and detailed in the body of this report along with Officers' responses, be noted by the Cabinet Member for Housing and Public Safety.
- 2.2 The Director of Housing proceeds with the appropriation of public open space for development purposes at Queens Drive in accordance with the scheme agreed at Cabinet (Cabinet Minute 87, 2017/18 refers).
- 2.3 The Director of Housing writes to the objector informing that person of the Council's decision to proceed along with the reasons for so doing.

3. Detail

- 3.1 Queens Drive Regeneration received Cabinet approval in March 2018 to deliver 149 units of much needed affordable homes, replacing existing not fit for purpose outdated accommodation. George Gay Gardens (50 units) has already been demolished to enable Phase 1A to commence in March 2020 (Cabinet Minute 87, 2017/18 refers).

Further information on the subject of this report can be obtained from Nick Kemmett, Direct Dial Telephone Number 464402, nkemmett@swindon.gov.uk.

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- 3.2 The site has 3 'T' blocks that are currently let as temporary accommodation and a total of 36 units and a large proportion of land is already being used for housing purposes.
 - 3.3 The Scheme was granted Planning Permission by Planning Committee on Tuesday 13th August. The Council has already invested heavily in terms of finance and resources in order to progress the scheme to this point.
 - 3.4 The proposed transfer of the public open space is subject to compliance with the requirements of section 123 (2A) and 127 (3) of the Local Government Act 1972 and section 233 of the Town & Country Planning Act 1990 ('the Acts'). The Acts require any local authority wishing to appropriate public open space to advertise its intentions in a local newspaper for two consecutive weeks and to consider objections
 - 3.5 An advertisement was placed by the Borough Council in the Swindon Advertiser on Friday 20th September 2019 and an objection to the proposed detail has been received. A copy of the objection is attached as Appendix 1. The objection is the use of a small area of open land for development when developments have not finished Wichelstowe and the New Eastern Villages has not yet started.
 - 3.6 There appears to be no specified time period, whether in statute or in subsequent case law, within which such objections need to be considered. It is submitted that within one or two meeting's time is reasonable.
 - 3.7 Equally, there is no explicit stricture on the way in which the Council should make this consideration. The normal public sector duties apply and it is submitted that this note and the subsequent non-predetermined discussion will satisfy these duties.
 - 3.8 Having reviewed the objection, officers' advice to the Cabinet Member that the development should proceed is as follows.
 - 3.8.1 The Council has considered the potential ecological impacts and loss of public open space of the proposed development through the planning process.
 - 3.8.2 The Council has approved the planning application, which ensures that the redevelopment retains the required amount of Open Space and re-planting of a variety of native trees, wildlife friendly shrubs and perennials.
 - 3.8.3 The 116 new trees will replace the 89 trees and the new trees will enrich the neighbourhood with their spring and autumn displays as well as providing solar control, screening and wind reduction. The addition of new
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native species trees onsite will ensure to deliver biodiversity improvement and improve the current landscape. They all offer wildlife appeal with an array of fruit, nuts, nectar, shelter and habitat for the attraction of nesting and foraging birds, bats, butterflies and friendly bees.

3.8.4 New hedgerows will be planted to create wildlife corridors for bats to follow, similar to highways, and for small mammals to take shelter in as they travel. Lines of planting, such as hedgerows and shrubs, prevent soil loss and reduce pollution by capturing carbon dioxide.

3.8.5 The land already has 36 units of Council accommodation of accommodation in poor condition that will be demolished and replaced with modern, better quality homes. Unlike the developments at Wichelstowe and New Eastern Villages this delivers much needed Council owned Affordable Housing.

4. Alternative Options

4.1 The Council could choose not to continue with development on the land, This Arrangement would not support the current Borough Council's ambitions of developing much needed affordable homes.

5. Consultation

5.1 The following Opposition Spokespersons / Ward Members have been consulted on the recommendations of the report and their responses are also summarised below:

Councillor Emma Bushell – ward councillor and Opposition spokesperson– did not comment

Councillor Steve Allsopp – did not comment

Councillor Abdul Amin – did not comment

Councillor Stan Pajak – Opposition spokesperson did not comment

6. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

6.1 There are no financial implications. Since we have not specified the housing we require on site there are no procurement implications from site appropriation.

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Legal and Human Rights Implications

- 6.2 Legal and Human Rights implications have been taken fully into account in the preparation of this Decision Note and it is believed the recommendations are compatible with Convention rights.

Climate Change Impact

- 6.3 The recommendations would allow the development of 149 quality, modern and energy efficient homes on Queens Drive.
- 6.4 The Council is committed to building sustainable, energy and thermally efficient homes that are resilient to climate change. It will achieve this by creating great places to live, in mixed and balanced communities and contribute towards the Council's ambition towards net zero carbon.
- 6.5 Whilst embracing the need for all new mixed tenure homes to move towards zero carbon, financial viability assessments show a need to balance this with the number of homes built and the level of affordable housing. Notwithstanding the current constraints of the residential design and construction industry and supply chains. The Council has sought to establish the most cost effective approach to maximising the reduction of carbon in the design and construction approaches for new homes.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 6.6 None specific to this Decision Note have been identified

Diversity Impact Assessment

- 6.7 A Diversity Impact Assessment (DIA) has been undertaken on the development programme and no adverse impacts were identified. A copy of the DIA can be obtained from the report author.

Risk Management

- 6.8 The proposed approach mitigates the risk of not achieving the best price that could be obtained for the site.

7. Consultees

- 7.1 Corporate Director of Finance and Assets and the Chief Legal Officer (Monitoring Officer) have been consulted in relation to this report.

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8. Background Papers

8.1 None

9. Appendices

9.1 Appendix One: Letter of objection

9.2 Appendix Two: Photographs of the proposed development site.

10. Declarations of Interest

10.1 Cabinet Members are reminded to consider whether they have any known interests in any of the matters referred to in this Decision Note. If such an interest exists this should be declared to the Monitoring Officer (or Committee and Member Services Manager), and they should take no part in the consideration of the Decision Note and should refer the Decision Note to the Leader of the Council instead for consideration.

11. Sign-off

11.1 The Cabinet Member is requested to respond with 5 days of the date of this report by [13th May 2020]

11.2 The Cabinet Members are requested to support the Recommendations set out in Section 2 of this report:

Note and support the proposed action to be taken under delegated authority –

Yes

Note and request the proposed action be reconsidered No

Reasons for Reconsideration:- N/A

Request Report be Referred to Cabinet - YNo

NB To protect against identity theft, Cabinet Member's signatures will be redacted on public versions of the signed Briefing Note.

Date 7th May 2020

Signed by email: Councillor Cathy Martyn, Cabinet Member

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- 11.3 Decisions of Cabinet Members will be published in the Members' Bulletin. The Decision must not be implemented until such time that a five-day "Call-in" period has expired. This date will be specified in the Members Bulletin. If a Decision is "called-in" it will be referred to the Scrutiny Committee for consideration. It must only be implemented if the Scrutiny Committee has raised no objection. If an objection is forthcoming the matter will be referred back to the Decision-Maker.