



**Executive
15 November 2010**

**Report from the Director of
Regeneration and Major Projects
and the Director of
Housing and Community Care**

Ward affected:
Sudbury

**Disposal of former allotment site adjacent to 19 Elms
Gardens, Sudbury, and establishment of new replacement
allotment site at Gladstone Park Gardens, Dollis Hill**

1.0 SUMMARY

- 1.1 This report seeks authority to dispose of a former allotment site for residential development to support the redevelopment of the Barham Park Estate and to the consequent creation of a new replacement allotment site.
- 1.2 This report acknowledges a petition received from residents living near the site, which raises a number of concerns and which objects to the sale of land for housing. This report addresses those concerns.

2.0 RECOMMENDATIONS

- 2.1 That the Executive agree to the disposal of the freehold interest of land at Elms Gardens, Sudbury to Notting Hill Housing Trust (NHHT) as development land to initially provide decant accommodation for Barham Park Estate residents.
- 2.2 That the Executive agree to the creation of a new replacement allotment site at Gladstone Park, Dollis Hill subject to the appropriate legal procedures as set out in the body of this report being properly undertaken.
- 2.3 That Members authorise the Director of Children and Families to commence and comply with the procedure as set out in section 122(2A) of the Local Government Act 1972 to agree that the education land used as open space at Gladstone Park is no longer required for the purpose for which it is currently held and to appropriate the land for statutory allotment purposes. In addition to this, to consider any objections made to the appropriation, and unless there are objections received which in his opinion are significant, to implement the appropriation. If such objections are received then a further report will be brought back to the Executive for consideration.

- 2.4 That officers are instructed to ensure that the development adequately addresses the concern of local residents and that further meetings are held with the resident's group in order to consult on any development proposals.
- 2.5 That the Executive note the purchase price payable by NHHT will be dependent upon the level of grant available and may not match best value if the site were disposed in the open market. If this proves to be the case the Executive is able to utilise the "Well-Being" Powers under the General Consent (England) 2003 to dispose of the land at less than best consideration in return for more affordable housing.
- 2.7 In any event, as the SOS consent given in relation to the disposal and further mentioned paragraph 3.3 below is based on the sale price not being lower than current valuation, if the disposal is less than best consideration then the consent of the SOS will be required and it is recommended the final decision on the disposal price be delegated to the Directors of Regeneration and Major Projects and Housing and Community Care.
- 2.8 In the event that the disposal to NHHT for the specific purpose of assisting with the redevelopment of Barham Park Estate does not proceed, that the site be disposed on the open market, subject to the same requirement for consultation with local residents and the development of an alternative scheme which addresses the concerns of local residents.

3.0 DETAIL

- 3.1 The site, as shown on the plan attached to this report, totals 4290 sq m of land. It was formerly utilised as allotments and has now become overgrown and is fenced off and unused. The site has been derelict for over ten years, and it is understood there is no waiting list for this specific site although there is a waiting list of 78 total applications for the three sites currently within the Sudbury Area.
- 3.2 During the previous Administration the then Executive agreed at their meeting on 26 May 2009 to approve the proposal to the de-designation and re-use of the former Elms Gardens Allotment site and for the disposal of this site to provide decant accommodation for the Barham Park Estate redevelopment. Thus as a consequence officers were to work with the Notting Hill Housing Trust (NHHT) to secure an appropriate development, subject to de-designation being supported by the Secretary of State.
- 3.3 In accordance with the requirement set out in section 8 of the Allotments Act 1925 (details of which are set out in paragraph 5.1 below), the Council obtained Secretary of State consent on 8 May 2009 to dispose of the former allotments for residential purposes. The Secretary of State's consent was given subject to the condition that such disposal to be at a price not lower than current valuation on condition that no development shall take place at the Elms Gardens Allotment site until alternative allotment facilities at the new Parkside Allotment site, Gladstone Park London NW2 as described in the letter of the 16 March 2009 from Brent Council to the Government Office for the West Midlands have been provided and are ready for use. A plan of the Parkside Allotment site is also appended to this report.
- 3.4 The Council's Parks Service has identified a suitable alternative site within Gladstone Park which is estimated could be converted into an access friendly, modern allotment site for circa £250,000. This is the site referred to as the Parkside

Allotment site mentioned in paragraph 3.3 above. This site was identified as being suitable as it is considered that there is good demand for allotments in this part of the borough and it is capable of providing good allotments for hire.

- 3.5 It should be noted that as the proposed site is held as education land, the change of use to statutory allotment land will require planning permission. It is also possible that the Council will need to forward fund this work and effectively be reimbursed from the proceeds of sale.
- 3.6 The new site will be designed and managed to facilitate use by target groups and also enable close partnership working with for example NW2 residents association, Cricklewood Homeless and local schools. The site will enable Parks to bring back into use a currently overgrown, disused site and it will have proper access, unisex disabled toilets, good site security and will increase footfall on the site thereby reducing risk of anti-social behaviour. A further sum may be required to compensate for the loss of the site locally through the improvement of nearby public open space. This may be an imposed planning condition and although the sum has not yet been confirmed it is likely to also be required to be forward funded.
- 3.7 NHHT has prepared plans to construct 27 units - preference is all rent. The scheme proposed is for 15 flats and 12 houses. It should be noted that the relatively low density of the scheme reflects the low accessibility to public transport and takes into account the location of the site and its immediate surroundings. A provisional sum of £1.4 m was negotiated for the site before the current financial cuts to Government's capital funding programme.
- 3.8 A purchase price at £1.4m was based on NHHT receiving a grant of £135,000 per unit. It is not clear what level of grant would be given at the present time. However, initial discussions with the HCA suggest that a grant rate of £135,000 per unit is unlikely to be achieved in light of the limited amount of social housing grant funding that is currently available. If this level of grant per unit cannot be achieved then NHHT would need to sell some of the houses to cover their scheme development costs. Without grant NHHT have stated that each unit will have a Net Present Value (NPV) for social rent of £80,000 and a cost to build of £100,000, therefore there will be no land value if the 100% affordable rent scheme is to be developed.

Scheme impact for Barham Park residents

- 3.9 The development proposals include an elderly housing scheme comprising 15 flats (7 x 1 bed 2 person and 8 x 2 bed 3 person) and 12 family houses (10 x 3 bed 5 person and 2 x 4 bed 7 person).
- 3.10 The traffic and transportation issues relating to the width of the road have been discussed with planners and they are content that development traffic could be accommodated. The parking provision is at a ratio of 0.7 as a reduced need is anticipated due to the inclusion of the residential scheme for elderly people.
- 3.11 In term of amenity provision, the houses will all have their own private gardens and the elderly residential scheme will include communal amenity space.
- 3.12 The scheme proposals reflect the housing typology required to meet the housing needs of elderly people and larger families who need to be decanted from the Barham Park estate. NHHT's approach is to design a policy compliant scheme

which makes efficient use of the site and will help to meet the Council's decanting timetable to complete Phase 3 of the regeneration of the Barham Park estate.

- 3.13 The additional benefits of linking the scheme to Barham Park is that the new development will be built to match the requirements of existing residents of the Sudbury area – which is in keeping with the Council's aspirations of enabling residents to stay in their area of choice. Many of the existing residents of Barham Park have been living in the area for over 20 years and have built up their local connections – through schools, doctors surgeries, shopping patterns and some also work locally.
- 3.14 There is also the possibility of accommodating very active but elderly residents who wish to be co-located with their neighbours. This scheme provides that opportunity of having a settled community for residents of Barham Park.
- 3.15 The sale would be conditional upon planning consent for the development of Elms Park Allotment Site and also for the change of use of the replacement land at Gladstone Park to a statutory allotments site being granted and the replacement allotments being provided and being ready for use

Planning Issues

- 3.16 The council's new Core Strategy protects open space of local value from development (Policy CP18). Although the allotment site does not have a great value in its current state it is adjacent to an area of public open space deficiency and could potentially fulfil an open space role. The Core Strategy also seeks to meet Brent's significant housing needs and accepts that, while housing should not generally be built on Greenfield land, in a small number of cases this is acceptable where this can be justified.
- 3.17 The justification for development of this Greenfield site is that it provides important decant space for the Barham estate to secure its regeneration or that it secures financial support for the council to move forward the redevelopment of the very poor quality Barham estate. The current site has limited open space value (being dis-used for some years) and this is being compensated for by more useful allotment space on a site (Gladstone Park) where it has proven difficult to meet demand. So on balance there would appear to be exceptional circumstances to justify the development of this Greenfield site. This would be a matter for the council's Planning Committee to weigh in the balance if a planning application is submitted for this site.
- 3.18 Because the former allotment site lies in an area of public open space deficiency, it is likely that the Planning Committee would seek some local open space redress, as well as the alternative allotment provision. In the past this has normally meant a sum to improve local public open space. This for example could be a contribution to improve nearby open space such as Maybank open space. This should be reflected in the financial implications.

Brent Council's Allotment Service

- 3.19 Brent Council Allotment Service has over the past nine [2001] years undergone a transformation. Consultation undertaken as part of Brent Council's Parks Service Best Value review identified the Allotments Service as a non-service with little steer from the council, neglectful in terms of managing allotment assets and whose general

management was seen as poor at best. Overall occupancy on Brent sites was approximately 63%

- 3.20 As part of the Parks Service Best Value fundamental review Allotment Holders were asked what they would like to see in terms of improvements to the Borough's Allotment Service. They responded that they wanted the following:
- A dedicated full time Allotments Officer
 - Improved site security
 - Toilets
 - Improved supplies and services
 - Signage
 - An Allotments Forum.
- 3.21 As a direct result Parks staff worked with 'Allottees' to develop a Job Description and person specification for a new post of Full Time Allotments Officer. This was agreed and an appointment was made in June 2002. The first role of the Allotments Officer was to facilitate and initiate the Brent Allotments Forum [BAF], which is now well established, well represented and meets on a regular basis.
- 3.22 Through its contact with the BAF, Brent Parks identified a capital programme works and undertook significant improvements across the Borough in conjunction with the BAF to upgrade and improve our Allotment sites. This has included improvements to 22 out of 23 of the Borough's sites. This includes 5 new site toilets, secure fencing on all sites, signage at all sites, revamped utilities infrastructure [water supply and drainage].
- 3.23 The Elms Gardens site was identified as being difficult to manage and there was difficulty in providing interest in this site due in the main to poor services and access. The site fell into a poor state and eventually a decision was made to dispose of the site and try and invest any monies raised in an area of the Borough with a high demand for allotments and no or limited existing provision.
- 3.24 Gladstone Park was identified as suitable replacement site as an area of the park was part of the Education Service property portfolio and was not in use, it was therefore decided that as this was equivalent in size to Elms Gardens and there was a recognised deficiency in allotments in this area that this would be a suitable site. In summary therefore there is good evidence to support
- The Council's commitment to allotment gardening
 - That it is not trying to dispose or reduce its allotment site holdings or responsibilities
 - There has been constant and regular investment in our allotments
 - That full consultation with BAF has been ongoing and that Elms Gardens has been regularly discussed by them
 - That the allotment service has been well advertised
- 3.25 In addition to this an annual survey of allotment holders is undertaken and the 'Allottees' tell us that it is now a 'Very Good Service' and that allotment management in Brent is 'Very Good'. Occupancy is currently 99% and there are waiting list on all

our sites, advertising in the Brent Magazine on a regular basis has been advantageous and influential in promoting the Brent Allotment Service

- 3.26 This year one of our Allotment Holders came third in the all London Allotments Competition winning a Bronze Certificate and this was judged as part of the London In Bloom competition

Petition

- 3.27 A petition has been received with 117 named individuals living mainly on Elm Court and Elm Park Avenue and Elm Gardens objecting to the possible sale of the land for housing and raising a number of concerns.
- 3.28 These concerns primarily fall into two distinct categories. The first concerns the proposed development. It is considered these concerns are premature as no scheme has yet been presented to Planners. Once a scheme is presented the residents will have an opportunity to raise concerns through the statutory consultation process. The other main concern is in regard to safety and disruption to existing residents. A public meeting was held last month when these issues were aired and a number of other matters were similarly raised regarding the consultation process. These matters are being investigated further by officers.

4.0 FINANCIAL IMPLICATIONS

- 4.1 A receipt of £1,400,000 could be received from the sale although it is noted that this could be substantially reduced depending upon whether NHHT could receive grant funding from the Homes and Communities Agency (HCA) or whether the tenure mix required by the Council could be achieved for the purposes of the decanting of Barham Park. The Council will need to decide between the potentially conflicting priority of obtaining a capital receipt and supporting the decant of and subsequent regeneration of Barham Park Estate. As a minimum the Council must achieve a consideration which pays for the alternative provision and associated costs.
- 4.2 Expenditure on new allotments will be in the order of £250,000 and a sum to improve local open space will need to be considered.
- 4.3 It maybe necessary to forward fund the new allotments as it is envisaged that exchange of contracts would be made with a deposit being paid and a condition of the contract will be completion once the new allotments are finished

5.0 LEGAL IMPLICATIONS

- 5.1 Section 8 of the Allotments Act 1925 says that where a local authority has purchased or appropriated land for use as allotments the local authority shall not sell, appropriate, use, or dispose of the land for any purpose other than use for allotments without the consent of the Minister of Agriculture, Fisheries and Food, and such consent may be given unconditionally or subject to such conditions as the Minister thinks fit, but shall not be given unless the Minister is satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority or that such provision is unnecessary or not reasonably practicable.
- 5.2 The proposed site mentioned in paragraph 3.3 above which is to be converted to an allotment is held as education land but as it forms part of Gladstone Park is public open space.

- 5.3 Accordingly in order to now use the proposed site as an allotment, it is necessary to appropriate the proposed site to statutory allotment land. The procedure to follow in order to bring this about is set out in section 122 of the Local Government Act 1972 (the LGA 1972). Under section 122(2A) of the LGA 1972, the Council cannot appropriate any land consisting of or forming part of open space to another function unless before appropriating the land, they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections to the proposed appropriation which may be made. The Executive is asked to authorise officers to undertake this procedure and to proceed with the appropriation unless significant objections are received (in which case a further report shall be brought to the Executive).
- 5.4 Under the General Disposal Consent (England) 2003, a local authority may dispose of land at less than best consideration where the local authority considers that the disposal will help it to secure the promotion or improvement of the economic, social and environmental well-being of its area. Where applicable the local authority should also have regard to its community strategy. However the disposal at less than best consideration is subject to the condition that the undervalue does not exceed £2,000,000 (two million pounds). The General Disposal Consent (England) 2003 makes additional reference to the fiduciary duty upon local, authorities to act in the best interest of Council taxpayers when making decisions on behalf of the Council ('fiduciary duty') whether to dispose of land at less than best consideration in accordance with the General Consent .

6.0 DIVERSITY IMPLICATIONS

- 6.1 The proposal to construct residential units on this site to assist with the decant and redevelopment of Barham Park Estate will bring forward a scheme to demolish inadequate social housing and replace them with modern units. This will benefit current and future council and social housing tenants.
- 6.2 The replacement of the currently disused allotment site will provide a new, purpose designed allotment in Brent which currently has a waiting list of 1,088 applicants.

7.0 STAFFING/ACCOMMODATION IMPLICATIONS

- 7.1 None

8.0 BACKGROUND PAPERS

Contact Officers:

James Young,
Deputy Head of Property and Asset Management

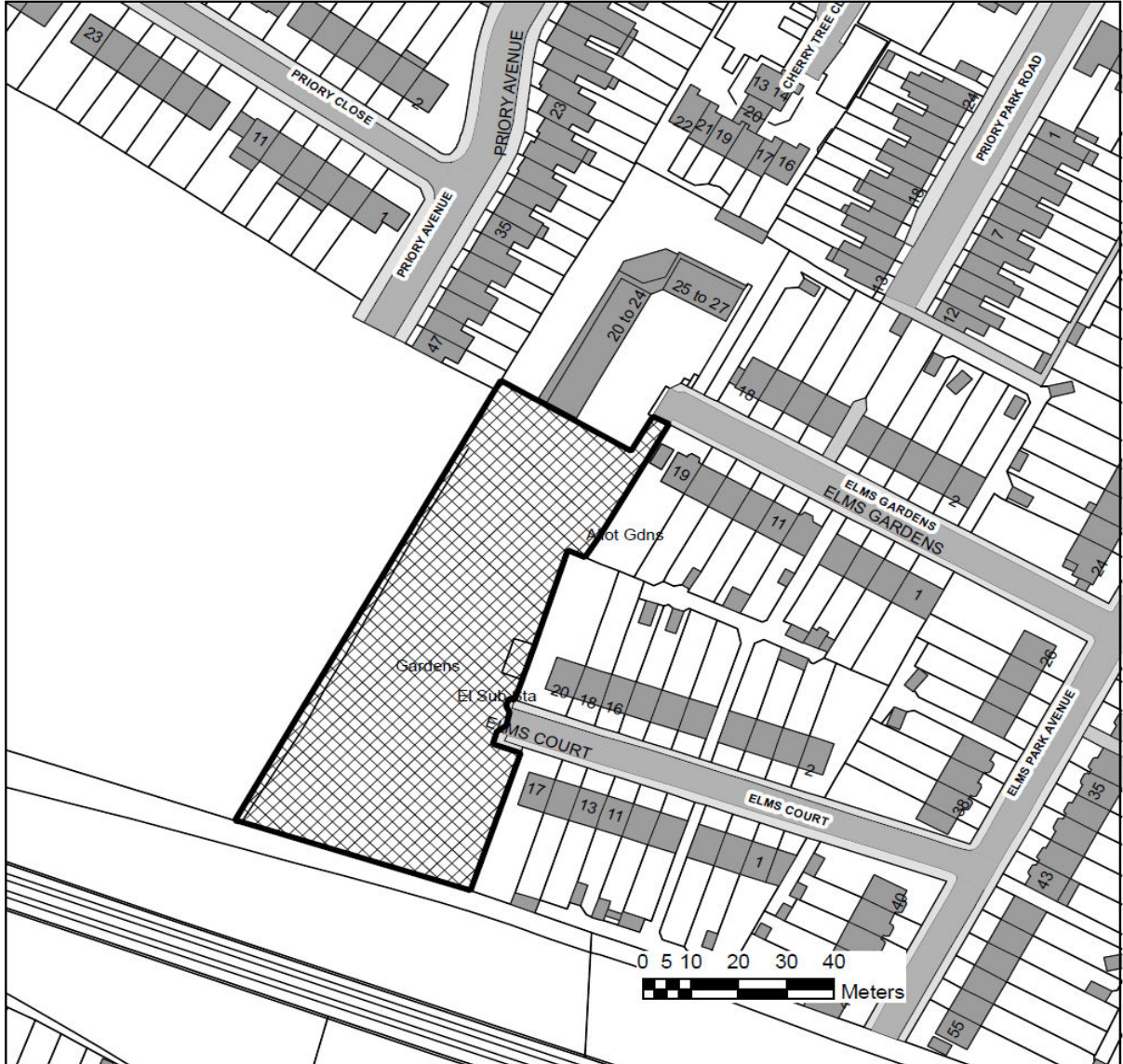
Robert Johnson, Project Director (Regeneration)
Housing and Community Care

MARTIN CHEESEMAN
Director of Housing and Community Care

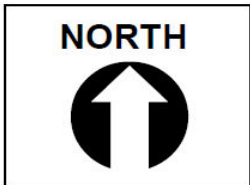
ANDREW DONALD
Director of Regeneration and Major
Projects

EXECUTIVE COMMITTEE

Elms Gardens Allotments, Wembley HA0 2RU



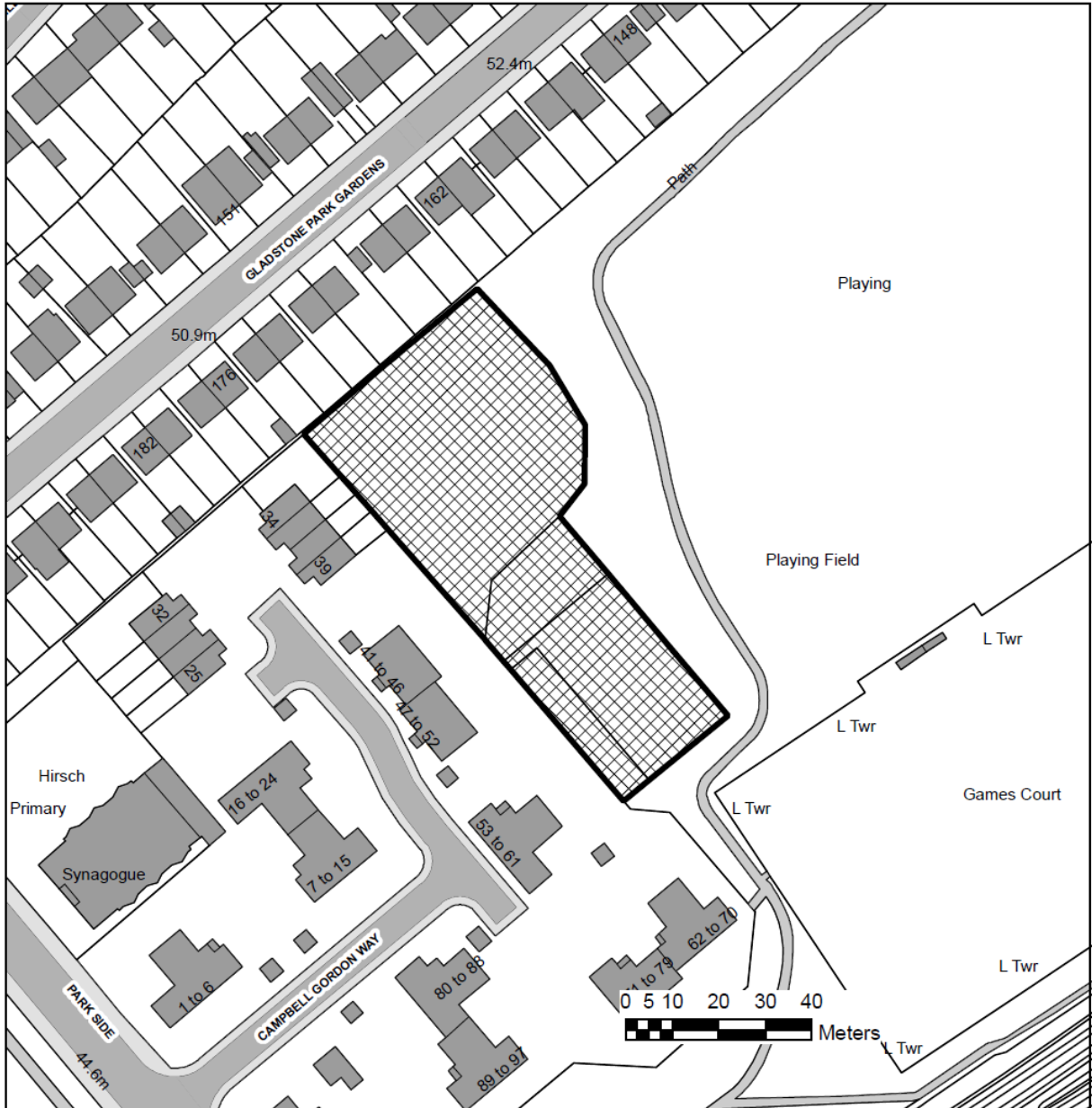
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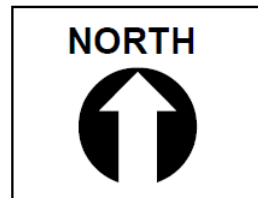
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EXECUTIVE COMMITTEE

Reprovision of Allotments at Gladstone Park Gardens, Dollis Hill.



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date	rev	revision/description

client	TK	project	purpose of issue
changed	CS	ELMS COURT BARCHAM PARK	COMMENT
scale	1:500	drawing	drawing to AA01231/3/04
date	NOV 08	PROPOSED SITE LAYOUT PLAN	rev

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