

North East Derbyshire District Council

Cabinet

5 September 2019

Proposed Appropriation of Land adjacent to 6 Burns Drive, Grassmoor

Report of Councillor R Welton, Portfolio Holder for Housing

This report is public

Purpose of the Report

- To seek Cabinet approval for the appropriation of a small section of General Fund (GF) land adjacent to 6 Burns Drive, Grassmoor to the Housing Revenue Account (HRA) to provide access for a fully adapted home.

1 Report Details

- 1.1 6 Burns Drive, Grassmoor is a four-bedroom Council owned family home. Approximately 20 years ago the property was extended and adapted to provide specialist accommodation comprising of a ground-floor bedroom and wet room. This met the requirements of a family with specialist medical needs and complied with relevant building regulations of that period.
- 1.2 The family occupying the home were long term secure tenants and it continued to meet their needs until recently. The property has become void following the death of the family member with additional needs.
- 1.3 A survey of the property has identified that the properties existing adaptations no longer meet current standards for accessibility and space for a wheelchair user, with restricted access to the garden area and outdated wet room facilities. Although the extension complied with building regulation at the time of construction, standards for thermal insulation and accessibility have all increased and the adaptations would no longer meet the required current regulations.
- 1.4 It is important to retain this fully adapted property within the Council stock as the demand for fully accessible properties continues to increase. However, in order to meet current building regulations and deliver the lettable standard significant works are required.
- 1.5 The proposed works include providing level access to the front and rear of the property, provision of a new roof to the existing extension, including a built-in hoist and track, as well as reconfiguration of the downstairs wet room and the creation of a new equipment storage area.

- 1.6 In order to provide suitable parking space, level access to the rear entrance and garden of the home a small section of land adjacent to the property is required to provide the space for these improvements. (See appendix 1). The land is owned by the Council; however, it is held in the Council's General Fund (GF).
- 1.7 In order for the access to be constructed and to be included in the tenancy of the home the land in question has to be within the HRA. To undertake the transfer of the land between the GF and the HRA a process of "Appropriation" needs to be undertaken.
- 1.8 Under section 122 of the Local Government Act 1972, the Council can appropriate land for any authorised statutory purpose and which is surplus to the Council's requirements. The land is currently maintained as open space by the Council and the estates and legal team have confirmed that there are no known plans for its future use at the current time and therefore it can be appropriated.
- 1.9 As part of the legal process for appropriation a public notice setting out the proposal has to be published. This has been undertaken via the Derbyshire Times for two consecutive weeks. The 6-week consultation period following this has now ended, and no objections to the proposals have been received.

2 Conclusions and Reasons for Recommendation

- 2.1 The area of land proposed for appropriation from the GF to the HRA forms part of small area of unused open space. Appropriation for housing purposes will facilitate the provision of improved level access to a fully adapted family home.
- 2.2 There are a limited number of specialist adapted family homes. This proposal will ensure that the property is updated to meet all required regulation and provide a fully accessible home.

3 Consultation and Equality Impact

- 3.1 The proposal to appropriate the land adjacent to 6 Burns Drive, Grassmoor has been advertised in the Derbyshire Times for two consecutive weeks.
- 3.2 Within the mandatory 30-day consultation period no objections were received.
- 3.3 The provision of a fully accessible home will enhance the availability of homes available within the district to meet the needs of families with increased needs.

4 Alternative Options and Reasons for Rejection

- 4.1 The alternative option is not to proceed with the appropriation of the land adjacent to 6 Burns Drive. This option is rejected as it would not make best use of the open space or ensure that a fully accessible property is available to support the housing needs of the district.

5 Implications

5.1 Finance and Risk Implications

5.1.1 None arising from this Report

5.2 Legal Implications including Data Protection

5.2.1 The legal requirements to publicise the proposed appropriation have been complied with and all legal work associated with the proposal will be undertaken by the Councils legal team.

5.2.2 No data protection issues arise from this report.

5.3 Human Resources Implications

5.3.1 None arising from this Report.

6 Recommendations

6.1 That the Council agrees the appropriation of the land adjacent to 6 Burns Drive Grassmoor hatched on the attached plan for housing purposes under Section 122 of the Local Government Act 1972.

6.2 The Solicitor to the Council be authorised to complete the memorandum executing the appropriation.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	Grassmoor
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1	Plan of proposed land for appropriation adjacent to 6 Burns Drive Grassmoor.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
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Appendix 1

