

Item No. 6.	Classification: Open	Date: 2 November 2022	Decision Maker: Planning Committee
Report title:		To release £101,116.98 from Section 106 agreements to increase Accessible Housing across the borough	
Ward(s) or groups affected:		All	
From:		Director of Planning and Growth	

RECOMMENDATION

1. That planning committee approves the release of £101,116.98 from the following Section 106 agreements to increase the accessible housing provision across the borough.

Permission Ref	Account No	Address	Amount
18/AP/0457	899	3-4 Dog Kennel Hill, SE22 8AA	£31,317.18
18/AP/4195	896	Antony House And Roderick House, Raymouth Road, SE16 2DJ	£69,799.80
TOTAL			£101,116.98

BACKGROUND INFORMATION

2. The Housing Adaptations Team (HAT) manage the installation of major adaptations to enable vulnerable, older, and disabled Southwark residents to continue living independently at home and increase the number of accessible homes across the borough.
3. The range of works includes wet rooms/level access showers, stair lifts, through floor lifts, ramps, door widening, improving external access to a property, installing accessible kitchens for wheel-chair users, improving lighting for people with sight impairments, grab/hand rails, hoists and more. An Occupational Therapist (OT) assesses residents requiring adaptations. Following the assessment, the OT will send through their recommendations setting out the requirements for the necessary adaptations.
4. The demand for adaptations to meet the needs of people with mobility/disabilities and increase the accessible housing provision across the borough is substantial and outstrips the available resources. For 2022-

23 the adaptations budget of £1.6m is already committed with agreed work programmes. Unfortunately, the impact of the COVID-19 pandemic last year has meant the HAT team now have a waiting list of 116 cases where people are waiting for urgent adaptations. In addition, the service is also receiving approx. 21 new requests each month from residents for adaptations to their properties. The S106 funding will help to address the HAT waiting list and carry out urgent adaptations whilst increasing the number of accessible homes.

5. The £101,116.98 of S106 money will help to create approx. 13 additional accessible homes enabling vulnerable people to continue living independently. Our in-house Building Surveyors will manage the schemes. All works go through a procurement exercise in line with the council's standing orders.
6. In 2021-22, the planning committee agreed for S106 monies (£719,334.87) to help increase the delivery of accessible homes across the borough. The money helped the team to complete an additional 90 adaptations.
7. The projected population increase in Southwark in relation to older people over the next few years will have a major impact on the need to provide more housing that is accessible.
 - Between 2014 and 2030 Southwark has a projected population increase in people aged 65 and over of 56% - this is the second highest percentage rise amongst all London regions. The 2021 census shows that between 2011 to 2021 there has been an increase of 15.5% of people aged over 65. The 2021 census also shows a higher than overall increase in England of 6.6%.
 - Southwark is expected to also see an increase in the amount of older people living alone, with those aged over 75 projected to increase by 37%.
 - Also within this ageing population, Southwark is expected to see a 51% rise in people with a limiting long term illness.

KEY ISSUES FOR CONSIDERATION

8. The council secures wheelchair accessible housing contributions in exceptional circumstances. This is where the development proposals demonstrate that it is not viable or feasible to meet the wheelchair accessible unit policy requirement (10% of new units) and on-site disabled car-park spaces. The S106 SPD provides for a wheelchair accessible housing offset fund which is to contribute towards the adaptation of other homes in the borough to meet the needs of people with a range of disabilities.

9. The Section 106 money will help to reduce the HAT waiting list where vulnerable residents have had to wait for urgent and necessary adaptations and improve their quality of lives.
10. The Section 106 money will increase the number of accessible homes across the borough, which are available to those who are often the most vulnerable people in society.
11. The work of the HAT team has a wider impact on other key services such as Health and Social Care. The work of the HAT team supports Hospital discharge and falls prevention, reducing the risk of falls and early admission to hospital.

Policy framework implications

12. The following acts/legislation provides a legal duty on local authorities in the provision of welfare services, which includes adaptations to the homes of vulnerable residents. These are:
 - Chronically Sick and Disabled Persons Act 1970
 - Housing Act 1985
 - Disability Discrimination Act 1995
 - NHS & Community Care Act 1990
 - Children's Act 1989 & 2000
 - Housing Health and Safety Rating System under the Housing Act 2004
13. The housing strategy vision, which includes becoming "more than a landlord" under principle 4, states "we will help vulnerable individuals and families to meet their housing needs and live as independently as possible."
14. The service helps to deliver on the council's Fairer Future Commitments theme of "A place to call home".

Community, equalities (including socio-economic) and health impacts

Community impact statement

15. The increased provision of accessible homes across the borough helps to support those who are most vulnerable to continue living independent and safely at home.
16. The work of the HAT team supports other key front line services across health, housing and social care. The service also works closely with other key/local organisations such as Age UK, Careers/support organisations.
17. The Section 106 money will help to reduce waiting times and enable urgent adaptations to be installed which will improve the quality of life of the vulnerable residents and their family members/carers.

18. Wider impact and cost benefit of adaptations to Health and Social Care. A number of significant research programmes have confirmed the cost benefit and savings to health and social care following the intervention of adaptations to the homes of disabled and vulnerable people. Key savings include:

- Home adaptations can help prevent or defer entry into Residential Care for older people. One year's delay can save £26,000 per person.
- An estimated cost of poor housing to the NHS is £1.4 billion per year or which 31% is attributed to falls. The advice, information and adaptations delivered through the service reduce the risk of falls on a daily basis.
- The average cost to the state of a fractured hip through falling is £28,665. This is 4.7 times the average cost of a major housing adaptation and 100 times the cost of fitting hand and grabs rails to prevent falls.

Equal opportunities

19. In everything we do as a council, we seek to promote equality. The implementation of the major housing adaption programme to increase the accessible housing provision across the borough will have a positive impact for all, including those with protected characteristics.

Resource implications

20. Once the report is approved, the Section 106 sums will be added to the Adaptations capital budget, code H-7610-1405.

21. The project will be managed by the private sector housing & adaptations team, who have extensive experience of delivering this type of work in Southwark. Staffing and any other costs connected with this recommendation are to be contained within existing departmental revenue budgets.

22. The following developments secured £101,116.98, combined, in contributions towards disabled access. All £101,116.98 is currently unallocated and available.

Permission Ref	Account No	Address	Amount
18/AP/0457	899	3-4 Dog Kennel Hill, SE22 8AA	£31,317.18
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TOTAL			£101,116.98

23. The proposed allocations accord with the above mentioned agreements and would provide appropriate mitigation for the impacts of the specific and future developments.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Planning and Growth

24. The developments listed at paragraph 1 are part of a number of secured S106 Agreements for this work and will all contribute £101,116.98, combined towards funding works making improvements to the homes of assessed residents who might otherwise struggle to continue to live independently. These funds are currently unallocated and available.

Strategic Director of Finance and Governance

25. This report seeks approval from the planning committee to release the sum of £101,116.98 from the agreements listed at paragraph 1, towards the delivery of urgent adaptation schemes, details set out in the body of this report.
26. The director of planning and growth confirms the section 106 receipts associated with the agreements listed in this report have not been allocated to other projects, and the proposed allocation accords with the terms of the agreements.
27. The strategic director of finance and governance notes the resource implications at paragraphs 19-22, confirms that the council has received the related section 106 funds and they are available for the purposes outlined in this report.
28. Staffing and any other costs associated with this recommendation are to be contained within existing departmental revenue budgets.

Director of Law and Governance

29. This report seeks the release of an amount of £101,116.98 from the 2 (two) planning obligations agreements (“section 106 Agreements”) listed at paragraph 1. The intention is to allow the council to undertake various adaptations as outlined at paragraphs 2 to 4 in order to make improvements to the homes of assessed residents who might otherwise struggle to continue to live independently.
30. As members have been previously advised, it is essential that monies held in accordance with section 106 Agreements are expended in accordance with both the terms of the specific agreement and also Regulation 122 of the Community Infrastructure Regulations. Each section 106 Agreement mentioned has been reviewed and it is considered that the proposed expenditure is in accordance with its terms:

- Antony House and Roderick House, Raymouth Road, SE16 2DJ (18/AP/4195); the terms of the agreement states the Wheelchair Accessible Housing Offset Fund Contribution “means the sum of £68,000 (sixty eight thousand pounds) Index Linked to be paid by the Owner and/or Developer to the Council for the provision of wheelchair accessible affordable housing off-site in accordance with paragraph 1 of Schedule 2”;
 - 3-4 Dog Kennel Hill, SE22 8AA (Ref: 18/AP/0457); the terms of the agreement states the Wheelchair Unit Contribution “means a payment of £30,000 (thirty thousand pounds) by the Developer to the Council in lieu of the provision of a wheelchair unit at the development”. Although the specific use of the funds are not mentioned this has not been obliged towards any other expenditure. Southwark’s Section 106 Planning Obligations and Community Infrastructure Levy Supplementary Planning Document confirms the purpose of the ‘Wheelchair Accessible: Offset Fund’ is to contribute towards the adaptation of other homes in the borough to meet the needs of people with a range of disabilities.
31. The financial contributions from the s106 agreements listed at paragraph 1 are compliant with the requirement of regulation 122 of the Community Infrastructure Regulations 2010 in that they satisfy the following tests:
- necessary to make the development acceptable in planning terms because the developments could not meet the minimum 10% wheelchair accessible housing requirement; and
 - directly related to the development and fairly and reasonably related in scale and kind because the sums are calculated at £10,000 per habitable room unit (based on £30,000 for a two bed three habitable room unit). The level of payment is based on the average cost of adapting properties in Southwark over the last four years to make wheelchair equivalent alterations.
32. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the council, must in the exercise of their functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not. Paragraph 5 of the report assesses the overall benefits of the scheme which should reassure Members that they will safely comply with the Public Sector Equality Duty if they decide to reach this decision.

33. The Human Rights Act 1998 imposed a duty on the council as a public authority to apply the European Convention on Human Rights; as a result the Council must not act in a way which is incompatible with these rights. The most important rights for highway and planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property). The proposed expenditure is not anticipated to breach any of the provisions of the Human Rights Act 1998.
34. Council Assembly on 14 July 2021 approved a change to the council's constitution to confirm that all decisions made by the council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking that decision.
35. The decision to consider and approve the expenditure of section 106 monies is a matter reserved to the planning committee in accordance with paragraph 9, of Part 3F of the council's constitution.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Copies of S106 Legal Agreements	Planning Division, 160 Tooley Street, London SE1	Neil Loubser 020 7525 5451

APPENDICES

No.	Title
Appendix 1	Adaptation case studies (to follow)

AUDIT TRAIL

Lead Officer	Keith Kiernan Specialist Services Manager	
Report Author	Sajda Munshi, Private Sector Housing & Adaptations Manager	
Version	Final	
Dated	13 October 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		24 October 2022