



Submission to Bristol City Council June 2016 under Reg16 of the Neighbourhood Planning Regulations

Comments and further evidence to support our contention that Policy H6 complies with the Human Rights Act and the Basic Conditions required for Neighbourhood Plans

1. Legal Opinions on the Human Rights Implications:

1.1 Comments from BCC legal jan 2015 (set out in an email from Helen Ross, Planning Officer with BCC):

As discussed at the meeting on Tuesday for information the following includes comments received in relation to an internal enquiry to our legal team on local lettings policies. They also noted in their response that looking into sections of the plan it was obvious a lot of work had gone into assessing the local housing provision and future needs in the area. They suggested that a neighbourhood plan can express support for the provision of affordable housing to meet the needs of local people. In most instances this is achieved by a cascade system where new affordable housing will in first instance be offered to people living in the area who are in housing need, then to those in neighbouring areas, then finally to the wider area. Most use a set of criteria to establish a local connection and then a further set of criteria to establish local need. They did feel that the list in the LWNP is quite strict and could as a result of this discourage people who previously lived in the area returning or new employment opportunities being created. Examples given of local connection are:

- Born in an area and lived there until the age of 16
- normally resides in the area (typically for 3-5 years)
- have family residing in the area (typically 10-15 years)
- have their main place of employment in the area.

Examples given of local need are:

- Have resided in the area for at least 3 years and are seeking to establish a separate household
- Live outside the plan area but have a local connection
- Already live in the area but in unsatisfactory conditions
- People wanting to take up employment or proposing to locate a business.

They suggested that if criteria were to be recast the policy could operate more flexibly to both secure the affordable housing to local people and introduce other benefits and opportunities in the Plan area. If the policy proceeds in the present format they felt there would need to be a good evidential base to demonstrate the impact of the lack of incentive to support and become involved in the community

because of the nature of their temporary accommodation. It is obviously up to the Forum if you wish to amend, I think you had already discussed the issue with those seeking employment.

1.2 Legal opinion from Eversheds to Ambition Lawrence Weston and Planning Aid (email Feb2015):

There is a very long or very short answer to this issue and I will opt for the latter.

These preferential arrangements are very common and are normally reasonably balanced to support the retention of a local community. I often deal with them in the provisions of s106 Agreements and they reflect well established Local Plan policies. There isn't anything inherently unlawful in the provision of policies that have this bias, provided they are based upon a reliable evidence base and are justified in the particular circumstances.

I cannot see how the Human Rights Act would be engaged unless it could be argued that the reasoning for the policy is contrived and it operates deliberately to exclude a particular class of people. This policy does neither of these things and on the face of it contains nothing that is racist or inherently prejudicial to any obvious social, ethnic or gender specific group.

I hope that this helps. Regards Stuart Andrews Partner for Eversheds LLP

2. Background and Evidence that supports Policy H6

2.1 The Lawrence Weston (LW) Community Plan was a document produced in 2013, after an ambitious programme of community engagement that included community visits and research; door-knocking, a community planning day and gathering input from the youth forum and parent/practitioners group. The key findings reported (yellow highlight for relevance to the local lettings policy) were:-

- 69% residents say the choice of housing is good or OK – 23% say that it is poor and need improving.
 - 66% residents say the quality of housing is good or OK – 27% of respondents say it is poor and needs improving*
 - 56% say that the housing state of repair is good or OK – 36% of respondents say it is poor and needs improving
 - 2700 properties in Lawrence Weston – 53% of housing stock in LW is social housing, mostly BCC housing (44%) compared to city average of 20% social housing, 15% BCC housing
 - 18% of households own their house outright (just below city average)
 - Very low levels of vacant properties – less than Bristol average
 - Low levels of private renting (7% compared to Bristol average of 23.5%)
 - Housing is low density (32 dwellings per hectare, compared to 120 dph in some inner city areas)
 - Housing Associations have stock in the area but with small numbers of properties – Knightstone, Hanover (extracare), Solon, Guinness, Curo (supported housing), Sovereign
- * This compares with Star research in BCC generally showing 14 percent dissatisfaction with BCC homes
- LW has a very high percentage of two bedroom properties and most of these are walk up flats
 - There are many families living in the flats with no lifts for buggies or shopping
 - LW has a large number of PRC (Pre cast reinforced concrete) homes which have had inherent structural defects, namely the corrosion of the steel frame that was used as the basis of construction – 161 BCC

owned - 65 have been demolished (6 streets) which required acquisition of some private housing. Some PRC houses have been refurbished (e.g. Saltmarsh Drive) to extend their life

- LW is becoming more diverse - 8% BME, 5.5% Eastern Europe (Census 2011) – 101 Muslims now living in Lawrence Weston
- House prices are significantly below city average
- BCC tenants – higher numbers of younger tenants and tenants with learning disability/mental and emotional distress
- Anecdotally – quite a lot of older people living in 3 bedroom properties – bought during the 1980's or later – some wishing to downsize but unable to
- Residents in walk up flats complain that the flats are damp and have poor sound insulation
- Grounds around blocks have not always been well maintained and are under used
- No emergency accommodation for families finding themselves homeless

What Residents Want:

- New housing must address the wider issues; lack of community facilities, poor transport links, better retail, parking, maintenance of green spaces, play equipment
- More family accommodation (housing)
- More sheltered housing and extra care for older people so that they don't have to move out of the area and can maintain networks and support
- 1 and 2 bedroom flats for sale – starter homes – but not walk up flats/social housing
- Residents want well designed family housing with dining/kitchen area so that families can sit down and have a meal together
- Residents would like a local lettings policy to ensure a percentage of new houses are allocated to local families
- Change tenure and housing mix – more for sale and private rent – attract people to move to the area for jobs at Avonmouth – raising aspiration and disposable income of residents
- There is still a massive need for affordable housing
- Residents want to be fully consulted on planning applications
- Residents want any new developments to deliver high quality urban design that creates a more positive, colourful and optimistic outlook for the estate – a design statement is being written to influence this
- Some interest in self-build/co-operative/ community ownership model of housing
- Social landlords (BCC and housing associations) could provide a better quality maintenance programme (inside and out) and more outreach/community development/tenant participation – and this needs to be more joined up across tenure
- Residents need help to reduce their energy bills and make their homes more energy efficient
- Opportunity to look at community owned energy company linked to Avonmouth Severnside to address rising fuel costs

Actions from the Community Plan:

- Complete Housing Needs Study
- Deliver new houses on key sites alongside a Local Lettings Policy
- Create an investment pack and area pack for potential developers and investors
- Create a long term plan for BCC housing stock
- Better co-ordinate housing management across all landlords

- Raise aspirations by delivering a high quality community owned housing scheme
- Help residents improve the health and energy efficiency of their homes
- Address tensions around housing allocations
- Develop social enterprise, employment and training opportunities within the construction and engineering [*sector*]
- Provide appropriate housing advice

2.2 Housing Needs Study (2013)

2.2.1 Undertaken in 2013, this study concluded (paraphrased) that:

- More homes are needed to increase the local population and make the provision of services and amenities more attractive.
- It would be beneficial to increase the range of tenure types in the area. This helps to create diversity and, in turn, sustainable communities.
- There is demand for social housing in the area but the range of property types and sizes need to be increased.
- The area is saturated with two bedroom flats and needs an increase in smaller and larger homes, and types (particularly houses).
- Consideration needs to be given to the design and quality of new homes regardless of tenure type.
- Anecdotal evidence suggests that there are groups of residents who consider themselves to be in housing need that are less likely to be able to access new homes.
- Suggestions for size and tenure of housing on the College site are made.
- Housing for older people needs to be explored further elsewhere.
- There is a resident aspiration that a local lettings plan is created for any new build schemes to help ensure the needs of local people are met.

2.2.2 Additionally the following statistics were compiled concerning dwelling types in the social rented sector:

- Cross-tenure in Lawrence Weston there are more purpose built flats (+16.6%) and semi-detached houses (+11.25%) but fewer terraced (-18.2%) or detached homes (-1.52%) when compared to the rest of Bristol. (2011 Census)
- 73% of BCC 2 bed properties in Bristol are flats, in Lawrence Weston this figure is 96%;
- City wide 11% of BCC housing stock is designated as housing for older people compared to 2% in LW.
- The area has a number of PRC homes, 161 of these are council owned .

These figures may have altered since the date (2013) the Housing Needs Study was produced. Table 2 from the study is reproduced below, and shows the over-supply of 2 bed flats:

Table 2: Stock details for Bristol and Lawrence Weston (Housing Needs Study 2014)

	Total	0/1 beds	2 beds	3 beds	4+ beds	Sheltered
BCC Bristol	28212	29%	37%	32%	2%	**
BCC LW	1294	18%	52%	27%	2%	**
HA Bristol	8000 (aprox)	44%	35%	20%	1%	**
HA LW*	215	11%	25%	34%	8%	22%
Demand HCB	15000+	55%	30%	12%	3%	N/a

*Data 2 years old and not considered to be 100% reliable

** for BCC sheltered homes are included by number of bedrooms, this is not available for HA homes in LW

2.2.3 Social composition and characteristics of Lawrence Weston residents (Housing Needs Study 2014)

“3.1 Household composition does vary from Bristol averages with higher proportions of women and young children. BME groups continue to be under-represented, with the exception of some EU countries, however numbers are increasing.

The area suffers from significant deprivation, 2 of the 4 LSOAs are in the lowest 10% of the most deprived areas in the UK, all 4 are in the lowest 10% for some of the single indicators (education & skills, crime & disorder). Residents are more likely to suffer from poor health or to be unpaid carers. Other economic indicators are poor with unemployment rates nearly double the Bristol average and 41% of 16-24 year olds are unemployed. In comparison to Bristol there are fewer residents in full time employment but more working part-time. There proportionally more residents with no qualifications and far fewer educated to level 4 (degree).

Being an area of high deprivation will impact on the desirability of the location as a place to live and will limit the housing options open to residents who want or need housing”

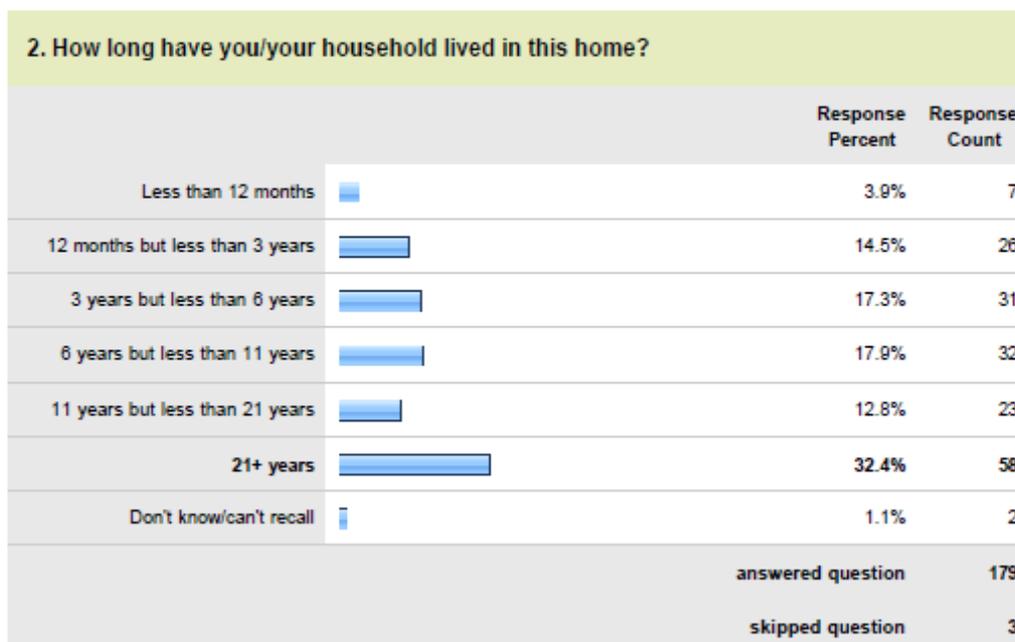
2.2.4 BCC Social Housing letting and demand statistics for Lawrence Weston (Housing Needs Study 2014)

“4.3 The percentage of BCC tenants aged 16-24 is twice the average for all BCC tenants. There are also more 25-44yr olds, a smaller percent of BME but higher percent of EU households and more tenants with learning disabilities and suffering from mental/emotional distress. 36% of all BCC tenancies are new tenancies (0-5 years), in Lawrence Weston this figure is 45% showing that turn-over is high.”

“6.6 10% of BCC tenants currently have 'live' transfer applications, for Lawrence Weston this figure is 13%, however there are fewer tenants in Lawrence Weston assessed as being in housing need: This does suggest that a number of tenants may be dissatisfied with their current accommodation.”

Table 13: BCC transfer applications by band (*Housing Needs Study 2014*)

	Band 1	Band 2	Band 3	Band 4	Band 5
All BCC tenants	4%	5%	12%	39%	40%
LW BCC tenants	1%	<1%	5%	40%	53%



Both Tables above From Appendix – responses to survey (pages 21-2 Housing Needs Study 2014):

3. Conclusions from the Evidence

3.1 The legal opinions in section 1 above both show that there is nothing inherently contrary to the Human Rights Act in a local lettings policy. The misgivings in the Council opinion about strict criteria no longer applies, as these have been removed.

3.2 The Community Plan showed a community desire for a local lettings policy, and Community Plan, with its research and consultation, has informed the development of the Lawrence Weston Neighbourhood Development Plan. 81 Responses supporting the Local Lettings Policy were received from Local Residents during the Reg14 Consultation on the Lawrence Weston Neighbourhood Development Plan, and two Housing Associations were broadly supportive in the same consultation as well.

3.3 Anecdotal evidence has been obtained from residents and former residents, that shows the social problems created when people cannot remain close to their existing family and friendship base. These are scanned as a separate pdf document. They demonstrate that a local lettings policy would fulfil a planning objective in that intra-community links and community cohesion would be strengthened. The NPPF stresses that the planning system has an important role in creating healthy inclusive communities in para 69.

3.4 The evidence of the Housing Needs Study shows the current housing stresses of Lawrence Weston. Young families and the elderly cannot find suitable accommodation in the existing stock, and there is some evidence of larger homes being under-occupied. The area has a higher than average turnover in the social rented sector, a destabilising factor for social cohesion that a local lettings policy would help to counter.

Appendix 1:

Scanned letters from residents and former residents in favour of a local lettings policy.

Why I Support A Local Lettings Policy

My family and I would definitely support and want a local lettings policy having had the experience of elderly relatives having to move out of the area, due to lack of suitable accommodation available locally, and the high demand coming from the rest of Bristol residents.

The impact moving from an area that has been their home for more than forty years is unimaginable especially when the whole of their support network is in the area they have had to leave. Doctors clinics family friends and associates and the silly things like going to the local shops and bumping into people not seen for a while and stopping for a natter, simple things that we all take for granted like having the grandchildren drop by. This has all stopped for them now they only see the grandchildren once a week they have to travel to the doctors and clinics they are attending as they don't want to change to a new doctor after all these years both are in very poor health, the stress of the move didn't help much and both have spent time in hospital recently. Being part of their support network and not having them in the area is very stressful for the family also as we can't get to them as quick as we'd like to because we now have to travel to another area which impacts on our time and the amount of support we can now offer.

A local lettings policy would help to enable older people to still be near the valuable support network they build up over the years and maybe encourage them to want to move out of under occupied houses into a local suitable property if they had some sort of guarantee they would be able to continue to live in the area they have all their lives so freeing up valuable sought after family homes.

Katrina Booker

When I was 18 I feel pregnant,

With all my brothers and sisters at home with me and my mum I had to move out because there was no room.

But they had no flats for me near where I live so they put me on the other side of Bristol.

I couldn't get help from mum because she was so far away, I did have a youth worker and social worker but they changed when I moved, so I was left on my own.

Other young girls with babies are moved into Larence Weston from the other bits of Bristol, but they moved me out and said there was none left for me.

I got into the wrong crowd when I moved to fishponds and it was hard being a mum on my own. My baby is now living with someone else because the social said I was a bad mum. If I had been near my mum I could have got more help and she could keep an eye on me.

It would be great if I could have a flat in Larence Weston as I could be back with my baby and near my mum, family and friends.

From Sophie

Date: 05 April 2005

To whom it may concern

We are very much in favour of a Local Lettings scheme as proposed in the LW NDP.

Me and my partner, both grew up in LW but when we wanted to set up home together we were so way down on the housing list that our only option was rent privately, and then the only available homes were outside LW.

We now find ourselves isolated and cut off from our family and friends as a result of the travel now needed.

We also find ourselves trapped in private housing as travel costs to work(near LW) together with the rents does not leave us enough money to save for a mortgage and as we are "suitable housed" according to Bristol city council, and therefore they have no responsibility for us.

Both me and my partner were active in different local groups but sadly we were/are unable to continue with these groups and again ceased the friendships we had built up.

We are both extremely keen to return to the area we call home with all its reported problems, and we feel by having a local lettings rule would increase our chances, in returning back home with our immediate and extending families, dramatically.

Miss Lucy Morgan

Severn Beach, South Gloucestershire

Reluctant ex-LW Resident.