

**CABINET  
24 MARCH 2020**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: LAND AT MEADOW WAY, THERFIELD**

REPORT OF: INTERIM PROPERTY CONSULTANT

EXECUTIVE MEMBER: COUNCILLOR KEITH HOSKINS

COUNCIL PRIORITY: ATTRACTIVE AND THRIVING

**1. EXECUTIVE SUMMARY**

- 1.1 To seek Cabinet's approval for the declaration as surplus to the District Council's requirements approximately 2 acres of land at Meadow Way, Therfield as shown edged red on the plan at Appendix A.

**2. Recommendations**

- 2.1 That the land be declared surplus to the District Council's requirements and then placed on the open market for sale on a subject to planning or unconditional basis for residential development. ALTERNATIVELY either for the whole or part only, outline planning permission is sought for development of individual plots to meet demand as required under the Self Build and Custom Housebuilding Act 2015.
- 2.2 Following receipt of offers for the land or individual plots thereof as identified in Appendix A, the decision to accept an offer is delegated to the Service Director for Resources, in consultation with the Executive Members for Finance and IT. Offers will be evaluated against alternative development options.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 To provide a financial receipt(s) to help fund the District Council's capital programme.
- 3.2 Marketing the land on the open market will maximise interest from developers and satisfy the requirements to obtain the best price reasonably obtainable.
- 3.3 The District Council is required to make available Self Build and Custom build plots under the Self Build and Custom Housebuilding Act 2015. This site would provide an opportunity to increase the provision of plots by the District Council. A sale of part to a developer would provide the opportunity to require the provision of infrastructure to the self build plots as part of the sale conditions.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Keeping the land as it is. The land is at present largely overgrown. There are no facilities upon the land. The District Council has no operational requirements for the land.

## **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1 Consultation on the principle to dispose of the land has been made with Cllr Gerald Morris of Ermine Ward. He expressed concern over the drainage issues that exist upon this site. He was advised that any development would need to demonstrate that a satisfactory scheme of drainage would be implemented.
- 5.2 Therfield Parish Council was advised via the Parish website on 5<sup>th</sup> February 2020 of this proposal, no response has been received to date.
- 5.3 The District Council's intention to disposal of this land was advertised, in accordance with section 123 of the Local Government Act 1972, on 13<sup>th</sup> & 20<sup>th</sup> February 2020. (see Appendix B - The Royston Crow newspaper). There have been no responses received to date.

## **6. FORWARD PLAN**

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 21<sup>st</sup> February 2020.

## **7. BACKGROUND**

- 7.1 Part of the site was sold to Aldwyck Housing Association in 2016 for the construction of 8 affordable and shared ownership properties. This split the site into two, leaving land to the north and south undeveloped.
- 7.2 The land is outside of the current settlement boundary and so all previous development has been granted planning consent as 'exception sites' to meet local housing need. The emerging Local Plan now includes this land within the proposed settlement boundary of Therfield which is defined as a 'Category A' village, within which residential development will be allowed inside of the defined settlement boundary.
- 7.3 The development of the Aldwyck Housing Association site required surface water attenuation tanks to be installed, discharging at controlled rates into an adjacent surface watercourse. The soil here is boulder clay which provides very poor infiltration rates leading to waterlogged ground and localised surface water flooding. Any proposal will need to demonstrate that there is no increased risk of flooding and it is possible that by better management of surface water in the immediate area of existing properties there maybe the potential to reduce areas of standing water.
- 7.4 It is considered that a planning application to develop this land will be considered compliant with emerging Planning Policy, subject to appropriate design and drainage proposals.

## **8. RELEVANT CONSIDERATIONS**

- 8.1 The sale of this site for residential development will make a contribution to housing supply by bringing forward a windfall site and offer valuable new family housing in the village either by development by a local house builder or by way of sale to individual self builders.

## **9. LEGAL IMPLICATIONS**

- 9.1 Cabinet in exercising its functions have powers to dispose of land or buildings where the consideration is between £250,000 and £2,500,000.
- 9.2 There may be specific legal implications relevant to the sale of the property e.g. covenants on title, easements, third party rights. Preliminary title investigations do indicate that there is an easement on the southern portion of land which may restrict the layout and reduce the overall development potential of this part.
- 9.3 Rights were reserved to access this land over Meadow Way and include rights over the roadway serving the new Aldwyck Housing Association development.
- 9.4 The Contract Procurement Rules and specifically Appendix I apply to the sales of land or property. If Cabinet were to approve the sale of this land the Officers seeking to market and dispose of the land would be required to do so within the remit of the Contract Procurement Rules.
- 9.5 Section 123 Local Government Act 1972 allows a Council to dispose of land in any manner it wishes provided that the consideration is the best that can be reasonably obtained unless the Secretary of State consents to the disposal for less than best value.
- 9.6 The Council has advertised the proposed sale in accordance with sections 123(2A) and 127(3) of the Local Government Act 1972 and section 233(4) of the Town and Country Planning Act 1990 and must evaluate any public response as part of the decision making process.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 The sale will generate a capital receipt(s) to assist in funding the Council's capital investment programme.

## **11. RISK IMPLICATIONS**

- 11.1 The sale of assets reduces the risk to the District Council arising from the duties under the Occupiers Liability Act 1957 and 1984.
- 11.2 There are no risks relevant to the consideration of this decision. The declaration of the land as surplus to the District Council's requirements will allow the property to be openly marketed and sold at best value. Risks may exist as to the sale price achieved due to planning policy and design requirements to provide a sympathetic and acceptable development.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 Any land that is offering potential for new housing may benefit the wider community as noted at 8.1. There may be those who exhibit a protected characteristic within this wider community. The consideration of sympathetic development and adequate parking facilities may ensure that no adverse impacts are experienced by the existing community.

### **13. SOCIAL VALUE IMPLICATIONS,**

13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12.

### **14. HUMAN RESOURCE IMPLICATIONS**

14.1 There are no Human resource implications from this report.

### **15. APPENDICES**

15.1 Appendix A -- Location Plan of Land to be Declared Surplus

15.2 Appendix B – S.123 Local Press Advertisement

### **16. CONTACT OFFICERS**

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### **17. BACKGROUND PAPERS**

17.1 None.