

**CABINET  
15 DECEMBER 2020**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: LAND AT THE SNIPE, WESTON, HERTS**

REPORT OF THE 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 3.05 acres of land at The Snipe, Weston 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 the decision to place upon the open market or pursue alternative development options be delegated to the Service Director for Resources, in consultation with the Executive Member for Finance and IT.

2.2 If the property is placed on the open market for sale, then following receipt of offers for the land identified in Appendix A, the decision to accept an offer is delegated to the Service Director for Resources, in consultation with the Executive Member for Finance and IT.

**3. REASONS FOR RECOMMENDATIONS**

3.1 To provide a financial receipt to help fund the District Council's capital programme.

3.2 To facilitate the provision of new private and affordable housing through the use of Council owned land that might otherwise remain of limited benefit to the community.

3.3 Marketing the land on the open market will maximise interest from developers and satisfy the requirements to obtain the best price reasonably obtainable.

**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 Keeping the land as it is. The land is currently open and uncultivated producing no income.

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

- 5.1 Consultation on the principle to dispose of the land has been made with the ward Councillor, Cllr Jarvis. No objection has been raised.
- 5.2 The Clerk to Weston Parish Council was advised 28<sup>th</sup> October 2020 of this proposal and no objection has been raised.
- 5.3 The District Council's intention to disposal of this land was advertised in The Comet local newspaper, in accordance with section 123 of the Local Government Act 1972, on 29<sup>th</sup> October and 5<sup>th</sup> November 2020. (see Appendix B - The Comet Newspaper)  
There have been no responses from any members of the public.

## **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 12<sup>th</sup> November 2020

## **7. BACKGROUND**

- 7.1 The District Council owns approximately 1.54 hectares (3.65 acres) of land north of The Snipe and west of Hitchin Road, Weston under registered freehold Tile No. HD498242 as outlined in red & blue on the attached plan (See Appendix A).
- 7.2 Approximately 0.24 hectares (0.6 acres) is a play area let to Weston Parish Council. (Appendix A edged blue). The remainder is a field on the edge of Weston village of approximately 1.3 hectares (3.05 acres). This report relates to the larger field (Appendix A – edged red). The play area has not been identified for new housing and will remain as a play area.
- 7.3 The District Council's site is identified as forming part of WE1 for 25 dwellings in the Emerging Local Plan. The land is currently designated as Green Belt within the Local Plan 1996. With the progression of the Emerging Local Plan, albeit currently delayed due to Covid 19 restrictions on Public Hearings, it is considered appropriate to seek the necessary Cabinet recommendations in readiness for the potential sale of this land. With its current designation as green belt land it is most likely that the progression of any sale will need to await the adoption of the emerging Local Plan.
- 7.4 The site was previously submitted to Cabinet for approval to declare as surplus on 30<sup>th</sup> March 2016.

**Minute 119:**

**RESOLVED:** *That the disposal of approximately 1.3 hectares of land at The Snipe and Hitchin Road, Weston for the provision of affordable and market houses be agreed in principle, subject to a further report on: the outcome of consultation with the Baldock and District Committee; the details of the terms agreed, including the land value; and any responses to the Section 123 public notices.*

**REASON FOR DECISION:** *To facilitate the provision of new affordable housing through the use of Council owned land that might otherwise remain of limited benefit to the community.*

Negotiations had been ongoing at that time with a Housing Association considering the site for provision of social housing as an 'exception site' to meet local need. This would have been compliant with planning policy for a green belt site.

The proposed transaction did not progress and no further submissions to Cabinet have been made.

- 7.5 Consideration is being given to the benefits of the sale of the District Council's land in partnership with the adjoining owner – See Part II Report.

**8. RELEVANT CONSIDERATIONS**

- 8.1 The sale of this site for residential development will contribute to housing supply by bringing forward a site allocated within the Emerging Local Plan and offer valuable new family housing in the village.
- 8.2 In line with current planning policy the development will provide both private and affordable homes.

**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 The land was previously let on a Grazing Licence dated 9<sup>th</sup> March 2015 which was terminated in August 2019.
- 9.3 There may be specific legal implications relevant to the sale of the property e.g. covenants on title, easements, third party rights. However preliminary title investigations do not reveal any issues that would frustrate the proposed development.
- 9.4 The Contract Procurement Rules and specifically Appendix I apply to the sales of land or property. If Cabinet were to sell 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 consent 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 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.

## **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 addition of suitable housing may support the more vulnerable in the 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. ENVIRONMENTAL IMPLICATIONS**

- 14.1 Environmental Impact Assessment (Sustainability Appraisal) has been undertaken. This has been considered and is detailed in the following Local Plan submissions and the allocation of this site:

<https://www.north-herts.gov.uk/files/lp4-draft-sustainability-appraisal-proposed-submission-local-planpdf-0>

<https://www.north-herts.gov.uk/files/nhdc-matter-11-westonpdf>

**15. HUMAN RESOURCE IMPLICATIONS**

15.1 There are no Human resource implications from this report.

**16. APPENDICES**

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

16.2 Appendix B – S.123 Local Press Advertisement

**17. CONTACT OFFICERS**

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**18. BACKGROUND PAPERS**

None