

**COUNCIL
11 FEBRUARY 2021**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: LAND OFF TEMPLARS LANE, PRESTON

REPORT OF THE INTERIM PROPERTY CONSULTANT

EXECUTIVE MEMBER: COUNCILLOR KEITH HOSKINS

COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES & SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

1.1 The land at Templars Lane, Preston was declared surplus at Cabinet on 17th December 2019. The property has been fully marketed and terms agreed for its sale. Approval is now sought for this transaction.

2. RECOMMENDATIONS

2.1. That the terms for the sale of this land be approved.

3. REASONS FOR RECOMMENDATIONS

3.1 To release surplus property to provide a financial receipt to help fund the capital programme.

3.2 To enable the development of new homes in North Hertfordshire.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 To retain the land which is currently vacant and unused.

4.2 Let the land for grazing use.

4.3 At this time there are no alternative development options or development vehicles readily available to the District Council. A sale provides certainty and timely delivery of a significant capital receipt.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 On 25th October 2019 details were sent to Cllr Claire Strong, Cllr David Barnard and Cllr Faye Frost for the Hitchwood Offa and Hoo Ward to consult on this proposal.

5.2 Details of this proposal were also sent to Preston Parish Council and The Southern Rural Committee.

- 5.3 Chair of Preston Parish Council made contact to confirm the proposal. An email was received from the Parish Clerk expressing a concern over the timing – see paragraph 18.2. Regular contact has been maintained with the Parish Council since Cabinet resolved to declare the land surplus and place the property on the open market.
- 5.4 The District Council's intention to dispose of this land was advertised in accordance with section 123 of the Local Government Act 1972 in the Comet newspaper on 31st October and 7th November 2019 – see paragraph 18.3.
- 5.5 Two members of the public made contact expressing their interest in the forthcoming sale of the land for their own purposes.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 1st November 2019.

7. BACKGROUND

- 7.1 For historic detail, please refer to the Part 1 report to Cabinet 17th December 2019 (see paragraph 18.1).
- 7.2 Cabinet resolved on 17th December 2019 (minute 71):

RESOLVED:

- (1) That the land off Templars Lane, Preston be declared surplus to the District Council's requirements and then placed on the open market for sale on a subject to planning basis for residential development;*
- (2) 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 Members for Finance and IT. Offers will be evaluated against alternative development options.*

REASONS FOR DECISIONS:

- (1) To provide a financial receipt to help fund the District Council's capital programme;*
- (2) Marketing the land on the open market will maximise interest from developers and satisfy the requirements to obtain the best price reasonably obtainable.*
- 7.3 This is a vacant uncultivated site of circa 2.5 acres. Refer to the Site Plan at Appendix A. The site is allocated (PR1) in the emerging Local Plan for 21 houses. This allocation is also supported within the adopted Preston Parish Neighbourhood Plan.
- 7.4 Following the declaration of this land as surplus by Cabinet on 17th December 2019, consultants were instructed to undertake ground investigations and determine a drainage strategy. A highways consultant was instructed to investigate the suitability of Templars Lane as an access to this site.

7.5 Ground investigations determined that deep bore soakaways would need to be used along with an attenuation pond to manage surface water runoff.

8. RELEVANT CONSIDERATIONS

8.1 Following these investigations, the property was placed on the market in early September 2020 and marketed by property agent Aitchison Raffety. The property was fully marketed (see Appendix B for Marketing Brochure) to Aitchison Raffety's extensive database of housebuilders and advertised in the Estates Gazette on 12th September 2020. Estates Gazette is a specialist property journal with national readership within the property industry. This also provided a listing on the Estates Gazette PropertyLink website.

8.2 Terms of the proposed transaction are detailed in the Part 2 report.

9. LEGAL IMPLICATIONS

9.1 The land was declared surplus by Cabinet on 17th December 2019.

9.2 Cabinet in exercising its functions have powers to dispose of land or buildings where the consideration is between £250,000 and £2,500,000. The resolution by Cabinet to delegate authority to the Service Director for Resources, in consultation with the Executive Members for Finance and IT, cannot be acted upon as the consideration for this sale is, at this time, projected to be in excess of £2,500,000.

9.3 For this reason, the decision to approve this proposed sale is required to be made at an ordinary meeting of Full Council in accordance with paragraph 4.4.1 (u) of the Council Constitution. This paragraph reads as follows:

"to authorise the disposal (by sale or lease) of land or buildings where the sale price, premium or initial annual rent (after the expiry of any rent free period) exceeds £2,500,000".

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 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 has no revenue implications.

10.2 The sale of this land on the terms agreed will generate a significant capital receipt.

10.3 Details of the capital receipt are set out in the Part 2 report.

11. RISK IMPLICATIONS

11.1 The sale of the District Council's land will reduce the risks to the Council arising from the Occupiers Liability Act 1957 and 1984.

11.2 Risks relating to the sale of this land are governed by the terms of the contract and are subject to the purchaser progressing to an exchange of contracts.

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. 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. The Social Value Act and "go local" requirements do not apply to this report.

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>

15. HUMAN RESOURCE IMPLICATIONS

15.1 There are no human resource implications from this report.

16. APPENDICES

16.1 Appendix A – Site Plan.

16.2 Appendix B – Marketing Brochure and Estates Gazette advertisement.

17. CONTACT OFFICERS

17.1 Peter Lapham, Interim Property Consultant
peter.lapham@north-herts.gov.uk
ext 4612.

17.2 Isabelle Alajooz, Legal Commercial Team Manager and Deputy Monitoring Officer
isabelle.alajooz@north-herts.gov.uk
ext 4346.

17.3 Reuben Ayavoo, Policy and Community Engagement Manager
reuben.ayavoo@north-herts.gov.uk
ext 4212.

18. BACKGROUND PAPERS

18.1 Report to Cabinet – Land off Templars Lane, Preston – 17th December 2019:
<https://democracy.north-herts.gov.uk/documents/s9258/Land%20off%20Templars%20Lane%20Preston.pdf>

18.2 Parish Council Response – Appended to 18.1 – 22nd November 2019:
<https://democracy.north-herts.gov.uk/documents/s9257/Appendix%20F%20-%20Parish%20Council%20Response.pdf.pdf>

18.3 Advertisement in accordance with section 123 of the Local Government Act 1972:
<https://democracy.north-herts.gov.uk/documents/s9253/Appendix%20C%20-%20S.123%20Local%20Press%20Advertisement.pdf>