

CABINET
31 OCTOBER 2019

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: LAND OFF WINDMILL CLOSE, BARKWAY

REPORT OF THE INTERIM PROPERTY CONSULTANT

EXECUTIVE MEMBER: COUNCILLOR KEITH HOSKINS AND COUNCILLOR IAN ALBERT

COUNCIL PRIORITY: ATTRACTIVE AND THRIVING

1. EXECUTIVE SUMMARY

- 1.1 To seek Cabinet's approval for the declaration as surplus to District Council requirements approximately 2.23 acres of land off Windmill Close, Barkway as shown edged blue (excluding the hatched area) 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 basis for residential development.
- 2.2 Following receipt of offers for the 2.23 acres of land identified at 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 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 used for informal open space. The District Council has no operational requirements for the land. Local residents had expressed the need to continue with the current use as open space. However, 0.54 acres of the site is now leased to the Parish Council as community open space for use by local residents and registered as Village Green to fulfil this need.

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, Ermine Ward. Concern was expressed by him on the appropriateness of the timing of any disposal as the Local Plan was not yet adopted policy. Please refer to Appendix D for email correspondence from Cllr Morris.
- 5.2 Barkway Parish Council was advised via the Parish Clerk on 5th September 2019 of these proposals and their comments are in line with those of Cllr Morris. Please refer to Appendix E for email from the Parish Clerk.
- 5.3 Royston and District Area Committee: Cllr Ben Lewis, Cllr Bill Davidson, Cllr Carol Stanier, Cllr Gerald Morris, Cllr Jean Green, Cllr Ruth Brown and Cllr Tony Hunter were consulted on 4th September 2019.
- 5.4 The District Council's intentions for disposal of this land were advertised (see Appendix B) in accordance with section 123 of the Local Government Act 1972 in the Royston Crow newspaper on 5th and 12th September 2019. No representations were received 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 15th August 2019.

7. BACKGROUND

- 7.1 Cabinet first approved the sale of the southern section of the site of 1.2 acres at Cabinet in March 2013 (Agenda Item 150).

Resolved:

- (1) That, subject to the Royston and District Committee raising no substantive objections to the proposals, the 1.2 acre site at Windmill Close, Barkway be offered for sale on the open market for development, subject to the normal approvals (e.g.) planning, which may include provisions such as affordable housing and amenity space; and*
 - (2) That, following receipt of the offers for the site and after consultation with the Local Ward Councillor, the decision on which one to accept be delegated to the Strategic Director of Finance, Policy and Governance, in consultation with the Portfolio Holder for Finance and IT.*
- 7.2 Cabinet subsequently approved an amendment to the above decision by removing the area which was to be leased to Barkway Parish Council for a term of 99 years (see Appendix A - land shown hatched). The lease was completed on 9th November 2017. This part is now also registered as a Village Green. The amended site area approved as surplus was the remaining southern portion of approximately 0.53 acres. This decision was taken at Cabinet in June 2014 (Agenda item 20).

Resolved:

- (1) That the terms for disposal of 1.2 acres of land at Windmill Close, Barkway be amended to include authority being delegated to the Strategic Director of Finance, Policy and Governance, in consultation with the Portfolio Holder for Finance and IT, to grant a long lease of a minimum of 50 years to Barkway Parish Council of part of the site for use as open space, subject to the requirement that once the lease is granted the village green application ref VG052 will be immediately withdrawn, to allow marketing for development of the remainder of the 1.2 acre site; and*
- (2) That, following receipt of the offers for the development site, being part but not all of the 1.2 acre site, the decision on which one to accept be delegated to the Strategic Director of Finance, Policy and Governance, in consultation with the Portfolio Holder for Finance and IT.*

7.3 This report now recommends the northern part of the site as shown in the plan at Appendix A is marketed together with the remaining 0.53 acre southern section of the site

7.4 The northern part of the site (1.7 acres) is allocated in the emerging Local Plan as suitable for housing. The site is known as site BK2 in the emerging Local Plan and originally was proposed as the whole of the District Council's landholding. However, during the Local Plan process it is understood that BK2 has been reduced to be just the northern part of the site. The original allocation for the whole site was for 20 houses; this number is unlikely to be achieved on the reduced site area. The southern area of 0.53 acres is within the village settlement boundary and so would be considered as a windfall site within current planning policy. Please see Appendix C for a site plan of BK2.

7.5 Upon any sale of the land it is required that a right of way is provided for grounds maintenance vehicles and pedestrians to access the recreation ground (leased to the Parish Council) from the public highway at the end of Windmill Close.

8. RELEVANT CONSIDERATIONS

8.1 Following resolution of the provision and protection of open space with the grant to Barkway Parish Council of a lease of 0.54 acres of land as shown hatched on the plan at Appendix A, and it's registration as a Village Green, the issues raised through previous local consultation have now been resolved.

8.2 With the progression of the Local Plan, and likely timescales to its adoption, it would be appropriate to market and dispose of all surplus land in this holding in one transaction to achieve maximum financial benefit.

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. However preliminary title investigations do not reveal any issues that would frustrate the proposed development.

9.3 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.

9.4 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.

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 current planning policy; however this will be managed and timed appropriately in order to maximise the sale price.

12. EQUALITIES IMPLICATIONS

12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.

12.2 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.

12.3 Central Government and national groups have expressed the continued importance of public Green Space in the health and well-being of communities. From April 2013 local authorities at county level are required to take on the statutory duty to improve the health of their communities as required by the Health and Social Care Act 2012 and with it, to acquire many of the public health services currently the responsibility of the NHS. The use of open spaces, parks, playgrounds and relevant leisure facilities are promoted in terms of reducing the impact of obesity on long term health, the importance in the management of wellbeing and in aiding relaxation, as well as 'sensory' enjoyment. Therefore the report's recommendation works well in conjunction with central government guidance and local authority responses to the guidance.

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
- 15.3 Appendix C – Amended BK2 Local Plan Allocation
- 15.4 Appendix D – Correspondence from Councilor Morris
- 15.5 Appendix E – Correspondence from Barkway Parish Council

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

- 17.1 Cabinet meeting Minutes March 2011: Minute 124
- 17.2 Cabinet meeting Minutes March 2013: Minute 150
- 17.3 Cabinet meeting Minutes June 2014: Minute 20