

**CABINET
17 DECEMBER 2019**

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: 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 2.5 acres of land off Templars Lane, Preston, 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 basis for residential development.
- 2.2 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.

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 un-used, uncultivated and enclosed by fencing. The District Council has no operational requirements for the land.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 On 25 October 2019 details were sent to Councillor Claire Strong, Councillor David Barnard, Councillor Faye Frost, for the Hitchwood Offa and Hoo Ward to consult on this proposal.
Details of this proposal were also sent to Preston Parish Council and the Southern Rural Committee.

- 5.2 Margaret Trinder, 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 Appendix F.
- 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 in the Comet Newspaper on 31st October and 7th November 2019 (see Appendix C).
- 5.4 Two members of the public have made contact with regard to their interest in the forthcoming sale of the land.

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 1st November 2019.

7. BACKGROUND

- 7.1 This area of land (see plan Appendix A) was proposed for inclusion in the Local Plan in 2011 for residential development. It is referenced as PR1 in the emerging Local Plan and is proposed to provide 21 dwellings.
- 7.2 The Preston Parish Neighbourhood Plan 2018- 2031, Second Submission Version 2019, contains the following comment and Policy in relation to this site:

9.17 The emerging NHDC Local Plan includes one Local Housing Allocation in Preston in paragraph 13.272 (Site reference PR1 – Land off Templars Lane) for 21 homes. This site was selected by NHDC as the only reasonable option for Preston. Any other possible sites would have extended the village beyond the proposed settlement boundary.

Policy HD1: Size of Individual Development:

The emerging NHDC Local Plan allocation of 21 dwellings, which will include 7 affordable housing units, for Preston between 2011 and 2031 is acknowledged. The NHDC emerging Local Plan Policy HS2 would allow development to be phased, reflecting the results of the survey and a preference for a number of smaller developments (Paragraph 9.3) but at the same time to be considered as a whole for the purposes of affordable housing provision, thus ensuring this key need is met over the plan period.

Proposals for development must take these factors into account while at the same time ensuring that:

- They are of an appropriate density for this rural location,
- The rural setting is preserved and
- The village character is complemented

- 7.3 Since its proposal for inclusion in the Local Plan, an area now called Castlefield was sold to Howard Cottage Housing Association in March 2014 to provide 6 dwellings of mixed tenure. Rights to access through Castlefield were reserved for the benefit of the subject property. Please see Appendix B which shows the land sold edged blue.

8. RELEVANT CONSIDERATIONS

- 8.1 With the progression of the Local Plan, and likely timescales to its adoption, it would be appropriate to commence marketing for sale on a subject to planning basis. Enquiries are already being received from developers interested in acquiring the site.

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 Rights were reserved to access this land over Templars Lane in the sale by the District Council of the properties fronting Chequers Lane to Settle Housing Association and similarly rights were reserved over the roadway within the land sold to Howard Cottage Housing Association (known as Castlefield). Enquiries of Herts County Highways confirm that this route will be capable of providing a compliant road access to the public highway of Chequers Lane. Copies of the District Council's current title and also that of Howard Cottages HA are attached in Appendix D and E respectively setting out the rights reserved.
- 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.
- 9.7 The sale of the land will be achieved by entering into a conditional contract with the developer. The contract will set out timescales for various events that may occur as part of the process of obtaining planning permission and selling the land. The time period between the contract being signed and the land being sold will be led by the contract and will depend on the sequence of events.

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 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 The proposed sale of this land has potential positive equality implications for the community. The proposal for the construction of 21 dwellings, including 7 affordable housing units will benefit the wider community, potentially including those that display a protected characteristic.

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 – Ownership and previously Sold Land
- 15.3 Appendix C - S.123 Local Press Advertisement
- 15.4 Appendix D – Title of the District Council's Land HD498282
- 15.5 Appendix E – Title of Howard Cottage HA Land HD533173
- 15.6 Appendix F – Parish Council Response

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

- 17.1 None