CABINET
17 DECEMBER 2019

PUBLIC DOCUMENT

TITLE OF REPORT: LAND AT THE GREEN, NEWNHAM

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 0.62 acres of land at The Green, Newnham 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.

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 open amenity land that is maintained at the District Council's expense. 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 Tom Tyson of Arbury Ward. He expressed concern over the design of any property. He was advised that the design would be a matter for the District Council's Planning Department and Conservation Officer to ensure that proposals were sympathetically designed to compliment the local built environment.

5.2 Caldecote and Newnham Parish Council was advised via the Parish Clerk on 31st October 2019 of this proposal and it was discussed at the Parish Council meeting on 14Th November. Please see Appendix D for the Chairman's response from this meeting, which is supportive of the proposal, again subject to appropriate design.

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 14th & 21st November 2019. (see Appendix B - The Comet Newspaper)
A copy of the advertisement was also displayed on the village notice board.
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 15th November 2019.

7. BACKGROUND

7.1 The site is of 0.62 and located in the centre of Newnham village. At present the land is open grassland maintained by the District Council.

7.2 The land is at the western end of two sets of 4 terraced houses, forming a partial crescent around 'The Green'. This previous development of Local Authority housing, now comprising houses, owned both privately and by Settle HA, could be completed by the development of this land.

7.3 Cabinet Meeting - 22nd March 2011 – a number of potential sites were put before Cabinet at this meeting:

Item 124: Cabinet agreed that the proposed disposal of Site 1 (Land adjacent to 1 The Green, Newnham) should not be further pursued.

There are no details on the reason for this decision.

7.4 Cabinet Meeting - 22nd November 2016 – following the proposals put to the Cabinet Meeting of 22nd March 2011, an update on progress was provided:

Item 89: An update on properties identified for disposal was presented to Cabinet. The Officer's Report scheduled properties according to progress and The Green was in Table 6 of the Report. There was no mention of Table 6 nor this property within the Minutes, however the comment on this property, in the report submitted, is as follows:

9.2 Sites requiring a further report

Table 6

Site	Acres	Details
The Green, Newnham	0.6 & 1.8	The 0.6 acre site was not declared surplus in 2011. Following consultation with the Chairman of Newnham and Caldecote Parish Council it is proposed to review the options for this 0.6 acre site alongside part of another District Council owned 1. 8 acre site in Newnham. This will be the subject of a report back to Cabinet at a later date on both sites.

The 1.8 acre site referenced above is the village recreation ground that lies outside of the settlement boundary and would not be considered surplus land at present nor would development of the site be compliant with either the current nor emerging planning policy.

There would appear to be no further consideration of this property by the Cabinet since the meeting on 22nd November 2016.

7.5 The property is not allocated for residential development within the emerging Local Plan, however under Policy SP2 Newnham is listed as a Category B village for which the following extract applies:

> 4.14 Category B villages are those with a lower level of facilities such as village halls and public houses. Category B villages will be allowed to accommodate limited infill development that does not expand the built core of the village into the surrounding countryside.

It is considered that a planning application to develop this site will be considered compliant with emerging Planning Policy, subject to appropriate design, and should provide 3 or 4 family homes.

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.

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 the The Green roadway, which is not adopted but owned by Settle HA, as part of the housing stock transfer. (See Appendix C)

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 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

15.3 Appendix C – Settle HA Title

15.4 Appendix D – Parish Council Response

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1 None