

# Executive Committee

No Specific Ward Relevance

27th January 2010

## PUBLIC OPEN SPACE CONSULTATION SUMMARY AND ASSET DISPOSAL PROGRAMME UPDATE

(Report of the Head of Legal, Democratic and Property Services)

### 1. Summary of Proposals

The purpose of the report is to note comments received as a result of the advertising and consultation undertaken in relation to the proposed disposal of various areas of Public Open Space and to seek Committee approval to progress development. The Committee is also requested to declare additional assets surplus to enable them to be included in the Asset Disposal Programme (ADP).

### 2. Recommendations

**The Committee is asked to RESOLVE that**

- 1) **the comments received regarding the proposed disposals be noted;**
- 2) **the sites in Appendix 1 be approved for continued inclusion in the Asset Disposal Programme or removed;**
- 3) **the site at the corner of Winyates Way and Moons Moat Drive shown identified on plan 17 in Appendix 2 be declared surplus;**
- 4) **31 Mount Pleasant identified on plan 19 in Appendix 2 be declared surplus;**
- 5) **authority be delegated to the Property Services Manager in consultation with the Portfolio Holder to progress and conclude disposals of assets contained in the Asset Disposal Programme**

### 3. Financial, Legal, Policy, Risk and Climate Change / Carbon Management Implications

#### Financial

- 3.1 A capital receipt will be generated from the proposed disposals to support capital projects although Members should note that Community Related Assets, Housing Revenue Account Assets and former Commission for New Town land may be subject to some element of "claw back".

- 3.2 Any site with the benefit of planning permission will be classified as “land held for development” and will appear in the Council’s Accounts.
- 3.3 If there is a need to have an extended marketing period to obtain the highest possible capital receipt, there is the possibility that additional resources will be required to provide site and premises interim management.
- 3.4 Council approved a revenue bid on 20th April 2009 for £25,000 to support administration, marketing and planning application costs. The Council also approved a sum of £10,000 for re-investment into Minor Land Disposals.
- 3.5 The removal of sites from the Asset Disposal Programme will have an adverse affect on anticipated capital receipts.

### Legal

- 3.6 Under Section 123 of the Local Government Act 1972, the Council is required to obtain the best consideration reasonably possible if it decides to dispose of its interest in any land.
- 3.7 There is also a requirement under section 123 to advertise the Council’s intention to dispose of land that falls within the definition of “open space” defined within the Act. Any comments or objections to the proposed disposal which may be made to them should be considered before disposing of any open space land. The recent advertising and consultation exercise undertaken meets the requirements of said Act and the objections received are contained in Appendix 3 to this report.
- 3.8 This report is not considered exempt in accordance with S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

### Policy

- 3.9 The Council’s agreed Strategy for the Asset Management Plan is to ensure that asset holdings reflect organisational requirements to meet current service delivery needs.
- 3.10 The monitoring and review of the use of the Council’s assets in supporting Value for Money embraces the acquisition and disposal of property.
- 3.11 The Scheme of Delegation to Officers authorises the Property Services Manager to conduct and conclude negotiations for the sale

of the freehold or leasehold interest of any land or property falling within the definition in the Minor Land Policy (or such limit that may be revised at any time by the Executive Committee, to reflect rising prices) currently at £49,999.

### Risk

- 3.12 Fluctuation in land values and demand due to market forces such as changes in interest rates, Government policy or global markets can affect the willingness and ability of purchasers to buy land.
- 3.13 There can be significant public opposition to the sale of land by the Council. In making any decisions in respect of its land, the Council needs to ensure that all relevant factors are taken into account and that due regard is had to human rights.
- 3.14 If the approved revenue funding to support administration, marketing and planning application costs referred to at paragraph 3.4 is not sufficient it may limit the opportunity for the Council to progress all assets within the Asset Disposal Programme.
- 3.15 The removal of too many sites from the Asset Disposal Programme may result in a General Fund shortfall and impact on the delivery of key Capital Projects.
- 3.16 It is possible that a number of the sites may not obtain planning permission or following detailed investigation will be deemed incapable of development. These will be removed from the Asset Disposal Programme at a later stage.

### Climate Change / Carbon Management

- 3.17 Environmental issues will be addressed through the formal planning process. Modern techniques will be enforced to protect any natural habitat adjacent to development areas. The sustainability of any of the Council's assets is taken into account in deciding whether or not to declare an asset surplus.

### Report

#### **4. Background**

- 4.1 The Council's Asset Management Plan requires the Council to keep its assets under review. This can lead to the need to declare a number of sites surplus to the Council's requirements and to identify options for disposal of those sites.
- 4.2 There is a need for capital receipts to support General Fund expenditure and the Council's Vision and Priorities.

- 4.3 Officers have reviewed the ADP sites in light of the public consultation comments received and further investigations. Hunt End Lane (Site 8) and Moorcroft Gardens (Site 10) have specific bio-diversity and topographical issues that would impact on the deliverability of any development. Officers believe that a satisfactory development would not be achieved through the ADP and that the two sites should be removed from the programme.

### 5. **Key Issues**

- 5.1 The sites in Appendix 1 have been identified by Officers as having the potential for development. The Development Group (comprised of Officers) has reviewed those sites and considers that several are feasible.
- 5.2 The Executive Committee has previously declared the sites surplus (with the exception of Winyates Way) and these have been incorporated into the Council's Asset Disposal Programme.
- 5.3 A number of sites required advertisement under the open space provisions contained in Section 123 of the Local Government Act 1972 and were duly advertised in the local press, inviting comments from the public.
- 5.4 Property Services received approximately 2,500 individual comments and have collated them against the relevant site.
- 5.5 All comments received have been collated and batched by subject type. Many issues will be addressed via the Planning process.
- 5.6 Hunt End Lane (Site 8) would require a detailed bio-diversity survey. Further investigations by Landscaping and Countryside Officers have suggested that it would not be a suitable site to retain in the ADP
- 5.7 Moorcroft Gardens (Site 10) lies adjacent to the NE boundary of the Callow Hill Ridge Landscape Character Area but is not actually part of it. However, Officers believe that this location combined with the topography means an appropriate development is unlikely to be achieved and the site should not be retained in the ADP.
- 5.8 31 Mount Pleasant is identified on Plan 19 in Appendix 3. The property is a 3 storey end-terraced house approximately 1890's build. Housing Services have confirmed that it would be uneconomically viable to bring the property up to Decent Homes Standard and consequently it is not to be retained in the Housing Portfolio.

- 5.9 Members are requested to consider the comments received (set out in Appendix 3) and either confirm the continued inclusion of each site in the Asset Disposal Programme or remove the site from the Asset Disposal Programme
- 5.10 A Marketing Strategy is being developed to utilise various techniques to achieve best value for the disposal of differing types of land and property. This may or may not include obtaining outline planning permission prior to advertising development opportunities.
- 5.11 Property Services Officers, together with Development Group Officers are continuing to investigate and identify other sites that may have the potential for residential and commercial development.

### 6. **Other Implications**

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|------------------|---|---|
| Asset Management | - | The proposed disposals are in accordance with the current Asset Management Plan and have been appraised using good asset management practice guidelines.              |
| Community Safety | - | All development will seek to reduce anti-social behaviour and be built in accordance with the principal of "secure by design".  |
| Health           | - | Any decision to sell land for development can cause concern to individuals opposed to development of such land and this can affect individual's health and wellbeing. |
| Human Resources  | - | None other than Property Services and Legal Services Officer time.  |
| Social Exclusion | - | The proposal will encourage social Inclusion as all development will be designed to "secure by design" principles and current planning policy.                        |

7. **Lessons Learnt**

Accessibility to plans needs to be considered in future consultation exercises.

8. **Background Papers**

Relevant papers, held within the Property Services Team (some of which are exempt).

9. **Consultation**

There has been public advertising and consultation and with relevant Borough Council and County Council Officers.

10. **Author of Report**

The author of this report is Rob Kindon (Property Services Manager), who can be contacted on extension 3303 (e-mail: [rob.kindon@redditchbc.gov.uk](mailto:rob.kindon@redditchbc.gov.uk) ) for more information.

11. **Appendices**

Appendix 1 – Site Schedule and Officer Recommendations.

Appendix 2 – Site Plans

Appendix 3 – Schedule of Consultation Comments