

# AGENDA ITEM 12

## COMMUNITY & SOCIAL AFFAIRS COMMITTEE

18 NOVEMBER 2015

### REPORT OF HEAD OF COMMUNITIES & NEIGHBOURHOODS

#### DISPOSAL OF OPEN SPACE- MELTON MOWBRAY- REAR OF BARKER CRESCENT

##### 1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek member's approval to dispose of a small area of open space to enable the construction of a dwelling.

##### 2.0 RECOMMENDATIONS

It is recommended that:

- 2.1 **Members declare as surplus to requirements and approve the disposal of the small open space, identified in the plan attached at Appendix A**
- 2.2 **Members approve the sale of the land for £15,250 in line with the valuation report and negotiations undertaken by the District Valuer attached at Appendix B**
- 2.3 **Subject to approval of Recommendation 2.1 and 2.2 delegate to the Head of Communities & Neighbourhoods in consultation with the Head of Central Services to negotiate the disposal in line with s123 of the Local Government Act 1972.**
- 2.4 **Members delegate to the Head of Communities & Neighbourhoods to respond to any comments resulting from the required consultation and any objections considered as contentious by the Head of Communities and Neighbourhoods will be reported to the appropriate Committee for consideration.**

##### 3.0 BACKGROUND / KEY ISSUES

- 3.1 The land provided for member's consideration is a small piece of open space accessible from Hartland Drive, at the back of Barker Crescent. The land in question is attached for members as Appendix A and further details for the land are provided in the valuation report prepared by the District Valuer (DV) attached as Appendix B
- 3.2 The land itself does not offer any potential for development for the council either in regards to community or regeneration terms.
- 3.3 The Council has been approached by the Owner of 57 Barker Crescent, who has requested to buy this land, in order for them to develop the land and part of their garden for the erection of a single detached dwelling being built in addition to the applicants existing property.

##### 3.4 Valuation

The Valuation report includes certain special assumptions which are:-

- The Land if acquired by the adjacent landowner
- A single detached dwelling will be built
- Planning permission is assumed has been granted.

There are considerable abnormalities affected by this land, mainly the need to move a major underground power cable that will require re-directing. This has been taken into account in the fair value valuation.

The 'fair value' suggested in the report was the basis on which negotiations began with the landowner and the DV were commissioned to undertake those negotiations on behalf of the Council.

These have been concluded and the DV officer has concluded:

*Given that Mr Wheeler is the only purchaser in the market who has a 'special interest' in the land, meaning he is willing to pay a price above the value of the land as amenity land/open space, and that he has been prepared to meet my offer half way I would recommend that Mr Wheeler's offer of £15,250 is accepted, particularly bearing in mind that he will be covering all acquisition costs.*

Members are asked, subject to recommendation 2.1 to approve the sale at this value of £15,250.

### 3.5 Status of Site

This is an informal open space and is not subject to any special designation in the current (1999) Local Plan and is not classed as a Protected Open Area.

The Local Green Space Study, which has been produced as part of the evidence base for the new Local Plan, does not specifically identify this site within any category of open space. Consequently, officers doubt that it will be given any formal protection in the Local Plan.

- 3.6 The Valuation Report refers to the Market complimentary of this land (section 4.7, and suggests that the land has limited value on the open market for a variety of reasons:- size, shape, access?

## 4.0 **POLICY AND CORPORATE IMPLICATIONS**

- 4.1 This report has been written in consideration of the Council The Land Acquisition and Disposal Policy September 2013.

The main areas being that officers:-

- General Guidance- links to corporate priorities/Asset Plan
- Valuations- ensuring appropriate valuations are undertaken
- Disposal- Procedure/Financial consideration/powers for disposal

4.2 There are clear links into some priorities of the Council's Corporate Plan :-

- Place based environment
- Agile Council

## 5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Subject to member's approval, the buyer will pay for the Council's legal costs in dealing with the sale of the land.

5.2 The Land is HRA land and any capital receipt generated from the sale will be allocated into the Housing Revenue Account.

## 6.0 LEGAL IMPLICATIONS/POWERS

6.1 Subject to member's approval of Recommendation 2.1, the Solicitor to the Council will be instructed to progress the transaction in line with s123 of the local Government Act 1972 and the General Disposal Consent (England) 2003.

An advert will be placed outlining the Council's intention. Recommendation 2.3 is requested so that the Head of Communities and Neighbourhoods can deal with any responses, unless they are deemed contentious and then they will be brought back to this committee.

## 7.0 COMMUNITY SAFETY

7.1 There are no direct implications to Community Safety arising from this report.

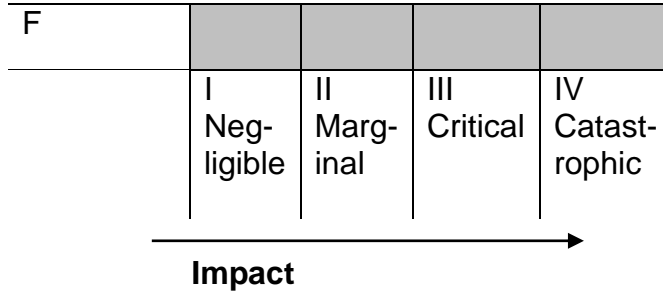
## 8.0 EQUALITIES

8.1 An Equality Impact Assessment has not been undertaken, however, the recommendations and purpose of this report seek to enhance the community provision, and subsequently no immediate negative impacts have been identified.

## 9.0 RISKS

Very High A				
High B				
Significant C				
Low D		1		
Very Low E				
Almost Impossible				

Risk No.	Description
1	Members do not approve The Sale
2	



**10.0 CLIMATE CHANGE**

10.1 None have been identified.

**11.0 CONSULTATION**

11.1 There has been no direct consultation

**12.0 WARDS AFFECTED**

12.1 Old Dalby Ward

Contact Officer      H Rai

Date:                      22nd September 2015

Appendices :            Appendix A: Site Plan  
Appendix B: Valuation Report

Background Papers:    Acquisitions & Disposal Policy

Reference :                X: C'tee, Council & Sub-C'tees/CSA/2015-16/18-11-15/HR- Disposal of Land Rear of 57  
Barker Cresecent