

POLICY, FINANCE & ADMINISTRATION COMMITTEE

30 SEPTEMBER 2015

REPORT OF HEAD OF COMMUNITIES & NEIGHBOURHOODS

DISPOSAL OF OPEN SPACE- AB KETTLEBY

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 Ab Kettleby Parish Council, to be used as open space for community use.

2.0 RECOMMENDATIONS

It is recommended that:

- 2.1 **Members review their decision to declare as surplus to requirements and approve the disposal of the small open space, identified in the plan attached at Appendix A , after considerations the objections and comments received in response to the advert placed in line with s123 of the Local Government Act 1972.**

- 2.3 **Members approve the transfer of ownership to Ab Kettleby Parish Council for £1 and that the Special Assumptions are incorporated into any transaction.**

- 2.4 **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.**

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 council has received a request from Ab Kettleby Parish Council to consider the transfer of a small piece of land, currently designated as 'Open Space', so that they can maintain it as a play area for community use and potentially install play equipment.

The Land has been identified as Open Space in the ownership of Melton Borough Council and is identified in the Plan attached at Appendix A.

- 3.2 The Parish Council are keen to retain this land as open space for community use and will be looking to secure external funding to enhance the provision.

- 3.3 At their meeting of 30 September 2015 members approved:

Members declare as surplus to requirements and approve the disposal of the small open space, identified in the plan attached at Appendix A

Members approve the transfer of ownership to Ab Kettleby Parish Council for £1 and that the Special Assumptions are incorporated into any transaction.

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.

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.

Members are also asked to note and consider as part of Recommendation 2.1 the valuation report attached as Appendix B. The valuation report includes a valuation based on restricted and unrestricted values.

Members are asked to approve the recommendations within the valuation report subject to the special assumption identified in section 2 (part 6) are incorporated into any transaction.

3.4 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.

Development Opportunity

The loss of the site due to development (eg.for housing) is unlikely to be resisted in principle. Although it would be have to comply with all other planning policies, amenity considerations and any technical requirements. Officers consider this to be a modest site with limited development potential. However members need to be aware that this is on the basis of a cursory scrutiny of the attached plan; the site has not been subject to a full planning pre-application assessment.

- 3.5 The recommendations in this report support the 'Community Asset Transfer' mechanism which allows a range of public bodies to transfer land and buildings they own to local communities, where they are able to demonstrate that doing so will result in local improvements to social, economic or environmental well-being.

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 Members are asked to note that the recommendations they have been asked to approve reflect the restricted value identified in the Valuation report, however, they will be forgoing any potential of securing the unrestricted value.(£30,000- £50,000.)

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 and 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

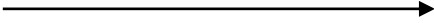
7.1 There are no direct implications to Community Safety arising from this report.

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		2		
Low D		1		
Very Low E				
Almost Impossible F				
	I Neg- ligible	II Marg- inal	III Critical	IV Catast- rophic



Impact

Risk No.	Description
1	Members do not approve Disposal and a community asset is not secured
2	Members forgo residential Value of the site

10.0 CLIMATE CHANGE

10.1 None have been identified.

11.0 CONSULTATION

11.1 Ab Kettleby Parish Council has been consulted in this process, who have consulted local residents who are supportive of this proposal.

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/PFA/2015-16/30-09-15/HR- Ab Kettleby Disposal of Land