

 EXECUTIVE - 31st AUGUST 2017		Agenda Item No. 10
Title	Disposal of WDC land off The Holt/Cubbington Road, Lillington, Leamington Spa	
For further information about this report please contact	Chris Makasis, Estates Manager	
Wards of the District directly affected	Manor, Leamington Spa	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No, but there is a linked confidential appendix	
Date and meeting when issue was last considered and relevant minute number	None	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant Deputy Chief Executive, Head of Service, Finance, Monitoring Officer and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	8 th August 2017	Chris Elliott
Head of Service	8th August 2017	Robert Hoof
CMT	8th August 2017	Chris Elliott, Bill Hunt, Andrew Jones
Section 151 Officer	8th August 2017	Jenny Clayton
Monitoring officer	8th August 2017	Andrew Jones
Portfolio Holder(s)	14th August 2018	Cllr Mrs Grainger
Consultation Undertaken		
Please insert details of any consultation undertaken with regard to this report.		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 To consider the disposal of a parcel of Council owned land off The Holt, Lillington, Leamington Spa.

2. **RECOMMENDATION**

- 2.1 That Executive approves the "in-principle" disposal of land as set out on the terms contained in the Private and Confidential **Appendix One**, with agreement to the ultimate sale of the land being delegated to Deputy Chief Executive (AJ) in consultation with the Portfolio Holder for Neighbourhood Services.

3. **REASON FOR THE RECOMMENDATION**

- 3.1 The piece of land in question is owned by Warwick District Council (WDC) , and hatched on Plan 1 (attached), and covers an area of approximately 1,356 square metres, or 0.35 acres.
- 3.2 The site previously accommodated a local Scout Hut. This hut was removed in the late 1980's due a decline in the numbers of scouts using the facility combined with its overall poor condition. The poor condition of the hut had also attracted instances of vandalism that had occurred as a consequence of its location (being hidden away from public surveillance by the neighbouring Church and residential development).
- 3.3 Since then, the site has been absorbed into (and now forms part of) the current wider area of open space. It should be noted that as a consequence of its particular location it has periodically been subjected to fly tipping and the location for occurrences of anti-social behaviour. This element of the open space is an ongoing liability as it has continuing cost implications to WDC as part of the Council's Grounds Maintenance contract. In the context of its value to the overall public open space it is considered as an underutilised / marginal element of the land available to the local population for play and recreation.
- 3.4 The land immediately to the south of the land in question is currently the subject of a planning application W17 /0823 by Lillington Free Church. This planning application is yet to be determined. The proposal comprises of the development of 25 affordable homes, for Orbit Housing Association (OHA) and a new (replacement) Church/ Community Hall for the Lillington Free Church.
- 3.5 More recently OHA have approached WDC with a view to purchase the land that is the subject of this report to enable its addition to their development proposal. Subject to planning approval, this would enable them to deliver additional affordable housing units. Discussions with WDC's 'Development Services' and 'Neighbourhood Services' units have concluded that the inclusion of the land in question in the proposed OHA development site would make good use of an otherwise underused site. This is considered a good rationalisation of the site whilst also assisting WDC in its ambition to assist in the delivery of affordable homes in the District.
- 3.6 Terms & conditions for the sale of the land in question have been negotiated between WDC and OHA. These are private & confidential as they fall within the provision of information that relates to the financial or business affairs of any particular person, including the authority holding that information.

Consequently, they are set out in full in the Private & Confidential Appendix One of this agenda.

- 3.7 The area of land in question is of marginal operational value in the context of the wider parcel of important open space, known as 'The Holt Play Area', and is considered to add little in terms of quality to the overall open space that is available to the public.
- 3.8 In this context the proposed disposal of this area of open space is deemed appropriate, as the attainment of 7 additional affordable dwellings can be delivered & achieved without prejudicing the overall functionality of what would be the residual area of open space.
- 3.9 The land sale would be predicated on the receipt of a proportionate S106 contribution from the additional OHA development towards enhancement projects that are already itemised to improve the enjoyment and utilisation of what would be the remaining area of open space at The Holt Play Area (after disposal of this parcel).
- 3.10 A footpath connecting The Holt residential area to The Holt Play Area will be incorporated in the future development in order to retain the connection that is currently in place.
- 3.11 This disposal is seen to be appropriate in the context of Policy HS2 (Protecting Open Space, Sport and Recreational Facilities) of the emerging Local Plan as this particular proposal is considered to be of sufficient benefit to clearly outweigh the loss of this underutilised element of the open space.
- 3.12 The only caveat to the recommendation and hence the "in principle" element, is that South Warwickshire Clinical Commissioning Group has also expressed an interest in acquiring the land in question, this time for a surgery, and would want to discuss with OHA and the Council whether a mixed development scheme could be brought forward.
- 3.13 Whilst this is late in the day, officers consider the approach should be explored but do not wish to stymie OHA's ambitions should the discussions come to nought.

4. **POLICY FRAMEWORK**

- 4.1 The proposal would comply with FFF through the 'money' strand, by assisting this council to achieve a sustainable balanced budget, and its 'service' strand, by assisting additional affordable dwelling to be developed in the District.

5. **BUDGETARY FRAMEWORK**

- 5.1 The proposal shall provide WDC with a capital receipt and assist it to achieve a sustainable balanced budget.

6 **RISK**

6.1

Risk	Possible Trigger	Possible Consequences	Risk Mitigation / Control
Refuse to Dispose of Land	The land will remain within ownership & responsibility of WDC	Reduced Capital Receipt Reduced affordable housing WDC continue to pay Grounds Maintenance costs of the Public Open Space & continue to insure/indemnify WDC against any claims that may be brought against it due to injuries/damages that may occur on the land	Approve disposal of the land

7. **ALTERNATIVE OPTION(S) CONSIDERED**

7.1 WDC refuse the proposal, leaving the current landscaped open space in place over which WDC will need to pay the annual grounds maintenance costs.