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| **REPORT TO** | **ON** |
| **CABINET** | **10 JULY 2019** |
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| **TITLE** | **PORTFOLIO** | **REPORT OF** |
| **Purchase of Land Off Croston Road – Between Moss Lane and Rear of 394****Croston Road** | **Finance, Property and Assets** | **Assistant Director Property & Housing** |

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| Is this report a **KEY DECISION** (i.e. more than £100,000 or impacting on more than 2 Borough wards?)Is this report on the **Statutory Cabinet Forward Plan**?Is the request outside the policy and budgetary framework and therefore subject to confirmation at full Council? Is this report confidential? | **No** **Yes** **No****No** |

**PURPOSE OF THE REPORT**

1. The purpose of the report is for Cabinet to consider the acquisition of an area of land being offered to the Council by Homes England as part of a Section 106 agreement for Site W in the Local Plan. Homes England have offered the Council the site at Community Leisure value for £77,095.

**PORTFOLIO RECOMMENDATIONS**

1. That Cabinet approve the land at Croston Road North (Site W) to be acquired at Community Leisure use value for £77,095 plus VAT.
2. That Cabinet provide delegated authority to the Director of Planning and Property in consultation with the Portfolio Holder for Assets to conclude the deal for the site prior to the deadline of 1st September 2019.

**REASONS FOR THE DECISION**

1. The recommendations above provide Cabinet with an opportunity to acquire land for community leisure use and safeguard its use for that purpose over the longer term.

**CORPORATE PRIORITIES**

1. The report relates to the following corporate priorities:

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| Excellence and Financial Sustainability | ✔ |
| Health and Wellbeing | ✔ |
| Place | ✔ |

Projects relating to People in the Corporate Plan:

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| People  |  |

**BACKGROUND TO THE REPORT**

1. With regard to the land within the site to be set aside for a potential future community/leisure facility the Section 106 Agreement requires the following:
2. The owner (Homes England) use reasonable endeavours to agree the precise area of land to be designated for leisure/community use with the Council before the 25th February 2019.
3. The owner shall make an offer in writing to the Council to enter into agreement to transfer the freehold interest in the leisure/community land to the Council by the 11th March 2019; and
4. The leisure/community land to be transferred from the landowner at leisure/community use value and for that offer to be open for a period of 6 months for the Council to accept.
5. It was initially considered by officers that the land in question was no longer required for leisure/community use. Hence our external advisers (Sanderson Weatherall) negotiated a deal with Homes England whereby we would accept a sum of money (£295,000**)** rather than acquire the land. If we had gone down this route a variation of the Section 106 agreement would have been required. Accordingly a report was taken to Planning Committee. The Planning Committee decided that at their meeting on Wednesday 26th June 2019 not to vary the S106 agreement. Their preference was that the land should be acquired, rather than a sum of money received. The decision rests with Cabinet whether to acquire the land.

**PROPOSALS (e.g. RATIONALE, DETAIL, FINANCIAL, PROCUREMENT)**

1. The proposals are set out within the body of the report. There are no procurement implications associated with the report.

**CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**

1. None – there is no statutory requirement to undertake consultations on deed of variations to Section 106 Agreements.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

1. The council could have received a payment of £295,000 had it chosen not to acquire the land. It was clear that there was not support for this position and that the acquisition of land for Community Leisure Use is in line with the Council’s commitment to environmental protection and improving air quality.

**Financial implications**

1. Homes England have offered the Council the site at Community Leisure value for £77,095. As part of the process of due diligence the Council shall arrange for an independent assessment of the valuation to ensure that the offer from Homes England is fair and reasonable.

**LEGAL IMPLICATIONS**

1. If Cabinet decides it wants to purchase the land Legal Services will carry out all necessary legal procedures to acquire the land. The use of the land moving forward will be limited to community and leisure use.

**AIR QUALITY IMPLICATIONS**

1. The recommendations outlined within this report will have a positive impact upon resident’s air quality.

**Human Resources and Organisational Development implications**

1. Not applicable.

**ICT/technology implications**

1. Not applicable.

**Property and Asset Management implications**

1. The Assistant Director for Property and Housing shall work closely with the Assistant Director of Projects and Development to ensure that any tree planting and other environmental works to the site will result in minimal ongoing revenue or servicing costs.

**RISK MANAGEMENT**

1. An independent assessment of the valuation shall be undertaken to ensure that the Council does not pay more than necessary to acquire the site.

**EQUALITY AND DIVERSITY IMPACT**

1. Not applicable.

**RELEVANT DIRECTORS RECOMMENDATIONS**

1. That Cabinet approve the land at Croston Road North (Site W) to be acquired at Community Leisure use value for £77,095 plus VAT.
2. That Cabinet provide delegated authority to the Director of Planning and Property in consultation with the Portfolio Holder for Assets to conclude the deal for the site prior to the deadline of 1st September 2019.

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

1. The Council’s approved capital and investment strategy supports the key objectives of the Health, Leisure and Wellbeing agenda including improving the leisure offer and green links across the borough. If approved, the acquisition of this land for Community Leisure use will be financed from Capital Reserves.

**COMMENTS OF THE MONITORING OFFICER**

1. Please see Legal Implications section.

**BACKGROUND DOCUMENTS**

1. 2019/20 Budget and Medium-Term Financial Strategy 2019/20 to 2022/23 – Cabinet 13 February 2019.

**APPENDICES**

1. Appendix 1 – Site Plan taken from Design and Access Statement.

Peter McHugh

Assistant Director Property & Housing

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| Report Author: | Telephone: | Date: |
| *Peter McHugh*  | 01772 625228 | 2 July 2019 |

**Appendix 1**

NB. Location of site offered outlined in ‘blue’.

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