

**HERITAGE, CULTURE AND LEISURE
COMMITTEE****4 October 2016**

Is the final decision on the recommendations in this report to be made at this meeting?

Yes**Disposal of Land North of Gore Court Road, Parkwood**

Final Decision-Maker	Heritage, Culture & Leisure Committee
Lead Head of Service	Head of Commercial and Economic Development
Lead Officer and Report Author	Jason Taylor. Parks and Leisure Manager
Classification	Public
Wards affected	Downswood and Otham

This report makes the following recommendations to this Committee:

1. To declare surplus the open space strip of land with a total area of 414 square metres to the west of Gore Court Road, outlined in red on the attached plan Appendix A.
2. To authorise the placing of a Public Notice pursuant of Section 123 of the Local Government Act 1972.

This report relates to the following corporate priorities:

Securing a successful economy for Maidstone Borough - Planning for sufficient homes to meet our Borough's needs

Timetable

Meeting	Date
Heritage, Culture and Leisure Committee	4 October 2016
Policy and Resources Committee	If required

Disposal of Land North of Gore Court Road, Parkwood

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Council has been approached by Bellway Homes with a request to purchase an area of open space land on the eastern side of Senacre Recreation Ground as shown on the attached plan Appendix A, in order to facilitate a housing development.
 - 1.2 To dispose of the land, it needs to be declared surplus to operational requirements and the intention to dispose publically advertised pursuant to Section 123 of the Local Government Act 1972 (“the LGA72”)
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2. INTRODUCTION AND BACKGROUND

- 2.1 The disposal of this strip of land would allow the minor realignment of Gore Court Road, thus enabling the provision of a necessary road access to the “Land North of Bicknor Wood” development site, for which the Council’s Planning Committee resolved to grant planning permission on 14 July 2016.
- 2.2 The alternative way to widen Gore Court Road to enable the development would be to take land on its eastern side which would involve the loss of ancient woodland and 3 statutorily protected trees. This option was considered and discounted by Planning Committee in favour of the proposal outlined in this report.
- 2.3 The strip of land has been confirmed by the Parks and Leisure team as having no strategic value to the Council for the reasons set out below and is therefore, in its opinion, surplus to operational requirements.
- 2.4 The strip of land which is proposed for disposal is currently hedgerow and a thin strip of amenity grass and is up to 6metres wide and 145 metres long. The total area is 414 square metres as shown in the plan in **Appendix I**. The existing fence and hedgerow would be replaced with like for like as a condition of disposal.
- 2.5 Senacre Recreation Ground is an informal open space maintained and owned by the Council. It includes a community building used as a community and skills centre leased by Kent County Council. Following discussions with Catch 22, who manage the building, the area of land to be disposed of appears to be primarily used by dog walkers. Catch 22 use the wider area of open space for informal team building exercises, picnics and kick-abouts. They operate two

community gardens as part of their facility. The rest of the open space has had football pitches but these have not been in operation since 2013 due to lack of demand. In the past a local church has used the open space for a fair. The proposed disposal would not prevent these activities taking place or make the open space less attractive to users. None of these activities would be adversely affected by the proposal to dispose of the strip of land in question.

- 2.6 The development approved by Planning Committee for Land North of Bicknor Wood site provides a minimum 5.8 hectares open space. The 414 square metre (0.04 ha) reduction of open space from the disposal of this land will be compensated by this new provision. The disposal of the strip of open space will also generate a capital receipt which will provide best value for the Council in accordance with the requirements of Section 123 of the LGA72.
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3. AVAILABLE OPTIONS

- 3.1 HCL Committee is recommended to declare this strip of open space on the eastern side of Senacre Recreation Ground, as shown in Appendix I, as surplus to operational requirements and authorise the placing of a Public Notice pursuant of Section 123 of the LGA72.
- 3.2 HCL Committee could decide not to declare the land surplus to operational requirements and retain it as part of the Council's open space provision. This is not recommended, firstly, because it has been confirmed by the Parks and Leisure Team that this land is, in its opinion, surplus to operational requirements and, secondly, because the development which the disposal will support and which has been approved by the Council's Planning Committee, will provide much needed housing and additional open space in the Borough.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is 3.1 to agree that the land in question is surplus to requirements as outlined in section 2 of this report.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Consultation will be through the publication of the Section 123 Notice.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If HCL Committee recommends the disposal of the land then a public notice will be placed pursuant of Section 123 of the Local Government Act 1972, as detailed in this report
- 6.2 After the six week period for comments and objections has expired, the final decision on disposing of the land will be taken either by Policy and Resources Committee or the Chief Finance Officer under delegated authority if appropriate.
- 6.3 Pursuant to Section 123 of the LGA72, if an independent valuation of the land is required, this will be undertaken following the decision of this Committee.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The proposed disposal of the land identified will support the Council's priority of planning for sufficient homes to meet our Borough's needs.	Head of Planning
Risk Management	Failure to agree this disposal could lead to the risk of an agreed housing development not coming forward.	Head of Planning
Financial	Disposal of this land supports the Council's overall strategy of planning for new homes, which will promote economic development and ameliorate the housing shortage in the borough. The value realised through the disposal proceeds will support the Council's capital programme. This value is only capable of being realised in the specific context described	Section 151 Officer

	in the report.	
Staffing	No implications	Head of Commercial & Economic Development
Legal	Compliance with the procedural requirements of the Local Government Act 1972 is upheld by the production of this report.	Mid Kent Legal Services
Equality Impact Needs Assessment	The impacts of the proposal have been considered within the body of this report and no adverse impacts on groups with protected characteristics is anticipated.	Head of Planning
Environmental/Sustainable Development	The proposed disposal would allow the implementation of agreed development whilst safeguarding ancient woodland. Not agreeing such a disposal would put this ancient woodland and associated protected trees at risk.	Head of Planning
Community Safety	The proposed disposal will not affect the safety of current or potential users of the remaining open space and the resulting realignment of the road will benefit road and pedestrian safety	Head of Planning
Human Rights Act	None	
Procurement	None	
Asset Management	The retained asset, Senacre Recreation Ground, will continued to be managed in the same way due to the minor impact the disposal will have on the remaining	Property and Procurement Manager

	open space.	
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- **Appendix I:** The land which HCLC is considering the disposal of North of Bicknor Road, in Downswood and Otham ward.
 - **Appendix II:** Map showing the proposed housing developments site at the Land North of Bicknor Wood. This map also shows other open space currently located in the vicinity.
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9. BACKGROUND PAPERS

- Maidstone Borough Local Plan Publication (Regulation 19) February 2016
- Minutes of Maidstone Borough Planning Committee 14th July 2016.