

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE CABINET

Decision Made: 11 February 2004

LAND AT POSTLEY ROAD

Issue for Decision

To consider the representations made in respect of the possible disposal of open space land at Postley Road and determine whether or not the disposal should proceed.

Decision Made

1. That in the event of planning permission being granted for residential development of the Hayle Place Stud Farm site, and appropriate arrangements being made to ensure that the 29 acre nature reserve is brought into public ownership, the open space land at Postley Road be declared surplus to requirements and offered for sale along with the Stud Farm site on the basis that the net proceeds of sale in respect of the combined site.
2. That the sale of the open space land be conditional upon a parcel of land of equal area and adjoining Postley Road being conveyed to the Council or the Parish Council within a specified time for use as open space so that the total area of open space at Postley Road remains as existing.
the Ccl will receive 1/3 of

Reasons for decision

At the meeting on 10 September 2003 the Cabinet agreed that 1.54 acres of land at Postley Road be advertised as a disposal of open space and any objections which may be received be considered.

A total of 288 objections to the proposal have been received and these have all been read by the Cabinet.

There is clearly significant public concern regarding the possible loss of the open space land and the proposed residential development of the Stud Farm site which is the subject of a current planning application.

The open space land is required in order to provide an access into the Stud Farm site and the proposed disposal terms are outlined below.

In reaching a decision on this matter the following considerations have been taken into account:-

- (i) As part of the planning application, the owner of the Stud Farm site, Mr. Paul Stone, has offered to convey to the Council or the Parish Council approximately 29 acres of adjoining land for use as a nature reserve.
- (ii) Mr. Stone has agreed that the Stud Farm site will be sold subject to a condition that an area of land adjacent to Postley Road and equal in area to the open space land will be transferred to either the Borough Council or the Parish Council. The result of this would be that the total area of open space on the western side of the Postley Road extension will remain as existing.
- (iii) A number of the objections relating to the possible disposal of open space concern the impact of the residential development which, subject to the grant of planning permission, the disposal will enable. This is clearly a matter for the Planning Committee to consider. The issue under consideration is the impact of any loss of open space balanced against the benefit of the disposal proceeds and any other community benefits arising from the proposed disposal. The Cabinet decision to sell will not have any impact whatsoever on planning policy.
- (iv) It would not be appropriate to become involved in planning issues which are a non executive function, and the responsibility of the Planning Committee.
- (v) So far as the disposal proceeds are concerned, the discussions which had been held with Mr. Stone and his agent had resulted in Mr. Stone agreeing that the Borough Council should receive one third of the net proceeds of sale in respect of the combined site. This arrangement reflects the importance of the Council's land so far as access to the development site is concerned, rather than the respective areas of the land ownership.
- (vi) If planning permission for residential development is granted, the Stud Farm site will have a very considerable value and on the basis of current prices it is believed that the Council could expect to receive in excess of £2 million from the arrangement outlined above without any net loss of open space land and with the added advantage of 29 acres of important Loose Valley amenity land being brought into public ownership as a nature reserve.
- (vii) A previous recommendation by the then Arts & Recreation Committee in 1991 that 1.4 acres of open space land at Postley Road be declared non-operational and sold was rejected by the Lands Group at a meeting on 28 January 1991.

Alternatives considered and why rejected

An option is to decide not to proceed with the proposed disposal. This has not been agreed because it would result in the loss of the opportunity to provide a 29 acre nature reserve and the potential £2 million capital receipt.

Background Papers

Note of meeting 12.12.03. 288 letters of objection.

These can be found at the Council Offices.

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by two Members of the Strategic Leadership Overview and Scrutiny Committee to the Assistant Director of Scrutiny and Change Management by: **23 February 2004**