

**POLICY AND RESOURCES
COMMITTEE**

14 December 2016

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

Yes

Disposal of Land at Gore Court Road, Parkwood

Final Decision-Maker	Policy & Resources Committee
Lead Head of Service	Director of Finance and Business Improvement
Lead Officer and Report Author	Lucy Stroud
Classification	Public
Wards affected	Downswood and Otham

This report makes the following recommendations to this Committee:

1. To agree the disposal of an area of open space, with a total of 414 square metres, to the west of Gore Court Road as outlined in red on the attached plan as Appendix I.
2. To agree that a replacement hedgerow is provided along the revised boundary with Gore Court Road.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – The disposal forms part of a planning application for a development by Bellway Homes.

Timetable

Meeting	Date
Policy & Resources	14 December 2016

Disposal of Land at Gore Court Road, Parkwood

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Bellway Homes have approached the Council to request the purchase of the area of land outlined in Appendix I in order to facilitate road widening as part of their planning application for a development on Gore Court Road.
 - 1.2 A referred decision from Heritage, Leisure & Culture Committee was taken by Policy & Resources Committee, and the land in question was declared surplus to operational requirements at a meeting on 26 October 2016.
 - 1.3 A final decision to dispose of the land is now to be taken.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The land required for widening Gore Court Road is a strip of Senacre recreation ground and part of the boundary hedgerow. The minor realignment of the road is necessary to enable access to the "Land North of Bicknor Wood" development site.
 - 2.2 The strip of land was declared surplus because the disposal was deemed to have no adverse effect on the use of the recreation ground, and the loss was compensated by a minimum of 5.8 hectares of open space being provided on the new development.
 - 2.3 The options for widening the road required either a loss of a strip of the recreation ground, to the west of Gore Court Road, or the loss of an element of ancient woodland (Bicknor Wood) and three statutorily protected trees, to the east. The decision referred to Policy & Resources Committee recommended that the loss of the land at the recreation ground was preferable on the basis that the impact on the amenity facilities was minimal, the removed hedgerow could be relocated or replaced and the statutorily protected ancient woodland would be safeguarded.
 - 2.4 Bellway Homes have offered a capital receipt for the land based on the development value of the Housing site. This has been accepted as best consideration for the Council as this value can only be realised in the context of the development of the land north of Bicknor Wood.
 - 2.5 Bellway Homes have commissioned an ecological appraisal of the hedgerow in order to ascertain the most suitable approach to its replacement or relocation, and this has been used to form the recommendations in this report.
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3. AVAILABLE OPTIONS

3.1 The first available option to the Committee is to dispose of the strip of land and make it a requirement that Bellway Homes plant and maintain a replacement hedge.

This option will:

- allow the widening of Gore Court Road without the loss of any ancient woodland or protected trees
- enable a new, robust hedge to be provided, containing native species characteristic of the local area, supported by ecologists
- achieve a higher species diversity in comparison to the existing hedge, by specifically choosing species that provide biodiversity benefits
- support the current housing scheme at land north of Bicknor Wood
- secure a capital receipt from the transfer of the strip of land to Bellway Homes.

3.2 The second option available to the Committee is the disposal of the strip of land and a requirement on Bellway Homes to relocate the existing section of hedgerow along the new boundary. This option is not recommended because:

- the advice of the ecological appraisal identifies the existing hedge as only of moderate ecological value
- the existing hedge has been appraised as being only around 60 years old, so does not support mature species
- the hedge does not support enough woody species to qualify as 'important' under the Hedgerows Regulations Act 1997
- the species identified in the hedge were also considered to be unlikely to survive the translocation process.

3.3 The Committee could decide to retain the land and not dispose of it at all, leaving the land to remain as the boundary of the Senacre playing field and the existing hedge intact. This is not recommended because:

- the road would still need to be widened for the housing scheme
- consequently there would be likely to be a loss of protected trees and part of an ancient woodland
- the strip of land has been declared surplus and is of little amenity value
- the current housing scheme would be jeopardised
- the Council wouldn't receive a capital receipt.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The first option described above at paragraph 3.1 is the preferred option because:

- it achieves the land disposal required for the widening of Gore Court Road,
- it will prevent the loss of ancient woodland and protected trees,
- and it will create an improved hedgerow to part of the boundary of Senacre recreation ground
- it will create a capital receipt for the Council.

4.2 It is recommended that container grown plants are used for the replacement hedge so that it can be planted at any time of year, and that the hedge is subject to an aftercare plan as described in the ecology report. The planting of an instant hedgerow of 1-1.5 metres in height would maintain the wildlife corridor function, and provide instant amenity and screening benefits.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 The ecologist carrying out the appraisal of the hedgerow consulted with private companies SJA Trees and Aspect Ecology, as well as officers at Kent County Council and Maidstone Borough Council. All agreed that the replacement of the hedge, rather than its relocation, was the preferable option, from an ecological point of view.

5.2 Public Notices were placed in the Kent Messenger newspaper on 4 and 11 November 2016, and the period for comments or objections, as dictated by statutory provisions, ended on the 25 November. No comments or objections were received in connection with this recommendation for disposal of land at Gore Court Road.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 Should the Policy and Resources Committee recommend that the land be disposed of, officers will carry out negotiations with Bellway Homes, and Mid Kent Legal Services will be instructed to draft the relevant documentation. This would include clauses regarding the specification and timing of planting of the new hedge, the process and timing for removing the old hedge and the establishment of a maintenance regime to ensure the new hedge flourishes.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The proposed disposal of the land identified will	Head of Planning

	support the Council's priority of planning for sufficient homes to meet the Borough's needs.	
Risk Management	Not agreeing the 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 alleviate 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 in this report.	Director of Finance and Business Improvement(Section 151 Officer)
Staffing	No implications.	Director of Finance and Business Improvement
Legal	Draft transfer documents will need to be prepared.	Mid Kent Legal Services
Equality Impact Needs Assessment	The impacts of the proposal have been considered and no adverse impact on groups with protected characteristics is anticipated.	Policy & Information Manager
Environmental/Sustainable Development	The proposed disposal would allow the implementation of agreed development whilst	Head of Planning

	safeguarding ancient woodland. Not agreeing such a disposal would put this ancient woodland and associated protected trees at risk.	
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 open space.	Property and Procurement Manager

8. REPORT APPENDICES

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

- Appendix I: Site Plan.

9. BACKGROUND PAPERS

- Referred Decision.