

REPORT

SUBJECT:	Capital receipt – sale of land adjoining Hillside Road, Abergavenny.
MEETING:	Individual Cabinet Member Decision – Cllr Phil Murphy
DATE:	23rd September 2015
DIVISION/WARDS AFFECTED:	Lansdown/Cantref

1. PURPOSE:

1.1. To obtain consent for the sale of the area of land adjoining Hillside Road Abergavenny, (shown outlined red) on the attached plan 1, and the granting to the purchaser of full vehicular and pedestrian rights of access over Hillside Road, (shown hatched brown on the attached plan), known as Hillside Road.

2. RECOMMENDATIONS:

2.1. To agree to the sale subject to completion of a conditional contract on such terms to be agreed and determined by the Estates Manager.

3. KEY ISSUES:

3.1. Edenstone Homes Ltd are proposing to develop “The Hill” site for housing (concept design plan attached, plan 3), subject to planning permission. To comply with current Planning policy the development must include an element of affordable housing.

3.2. The developer has approached the Authority about the potential to create an access for the affordable housing element of the development from Hillside Road. To achieve this, the developer would need to cross land owned by the authority and currently forming part of the grass verge to Hillside Road.

3.3. The Highways Department has been consulted about the proposed access and has indicated that it is broadly content with the proposal, subject to sight of detailed plans as part of the planning process.

3.4. The developer therefore wishes to acquire the land, together with associated rights of access over Hillside Road to allow access to the affordable housing element of the development only. The remainder of the development site would be accessed from Penny-Pound Road.

4. REASONS:

- 4.1. The Leisure Department has been consulted and has confirmed that there is no operational need to retain the land.
- 4.2. The proposed sale represents a windfall capital receipt to the Authority.
- 4.3. The developer constitutes a special purchaser, given its role in developing the wider site.
- 4.4. The affordable housing element of the site comprises 9 units (retirement apartments) so traffic generation will be limited. However, given that Hillside Road is not adopted, it is prudent to obtain a contribution towards its upkeep until such time as it becomes adopted. The developer is content to enter into an agreement subject to this condition.
- 4.5. The sale will be subject to the developer obtaining full planning permission for the wider development. To safeguard the Authority's interests it is proposed that the agreement also be subject to a clause requiring achievement of the required planning permission within 24 months of exchange of contracts. Such longstop date to be extendable for non-determination, appeal and judicial review of the developer's planning application.
- 4.6. The consideration will be payable upon completion of the sale contract, which will be either a) 12 months after the grant of planning permission for the development site or b) commencement of development of the development site whichever is the earlier.

5. RESOURCE IMPLICATIONS:

- 5.1 The sale will generate a one-off capital receipt together with revenue income as a contribution towards maintenance and repair of Hillside Road .

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 6.1 There are no material sustainable development and/or equality implications. Assessment attached.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

- 7.1 There are no safeguarding and corporate parenting implications.

8. CONSULTEES:

SLT
All Cabinet Members
Head of Legal Services
Monitoring officer
Ward Members James George / Paul Jordan
Ian Saunders (Leisure)
Tim Bradfield (Landscape and Country Side)
Christian Lowe (Highways)

9. BACKGROUND PAPERS:

9.1 Site Plans for Identification of land to be sold – Plans 1-3

9.2 This background paper is exempt by virtue of Paragraph 14 of part 4 of schedule 12A Local Government Act 1972 as it discloses information relating to the financial or business affairs of any particular person (including the County Council) and the public interest in disclosing the information is outweighed by that in disclosing it.

10. AUTHOR: Cerys Halford - Principal Estates Surveyor

11. CONTACT DETAILS:

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