

Key Decision Required:	No	In the Forward Plan:	No
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PORTFOLIO HOLDER FOR COMMUNITY, PARTNERSHIPS AND RENEWAL

16 JULY 2010

REPORT OF ACTING HEAD OF CORPORATE PERFORMANCE

A.1 OPEN SPACE AT DOVERCOURT GREEN, DOVERCOURT

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider whether to initiate the Council's Property Dealing Policy in respect of the potential disposal and acquisition of small areas to the East of the Village Green.

EXECUTIVE SUMMARY

An adjoining land owner has requested the disposal of part of the Council's public open space in order to provide improved access to his disused industrial site, so that it can be redeveloped. The open space is part of a registered Village Green. The adjoining owner advises that the existing access to the site is unsuitable and that revision of the access would be necessary for any potentially viable future redevelopment. The adjoining owner has indicated that it may be possible to consider a number of ways to mitigate any loss of the amount of public open space.

One option being considered for the future of the site is development as a foodstore.

RECOMMENDATION(S)

That the Portfolio Holder considers whether to initiate the process instructing Officers to consider the potential transaction, including valuation, examinations, and consultations in accordance with Council's Property Dealing Policy as set out in the Constitution and advertisement in accordance with S.123 of the Local Government Act 1972.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The redevelopment of the adjoining former Industrial Premises could contribute towards the following priorities:

- Promote sustainable economic growth
- Regenerate the district and improve deprived areas
- Protect and enhance our environment, countryside, and coast

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Consideration of asset transactions that support of regeneration and for potential capital receipt is in accordance with the framework set out in the Asset Management Plan and Capital Strategy 2008–2011 and supports the Council's Medium Term Financial Strategy.

Risk

The key risks to delivery are the need for the Variation of the extent of Village Green to be revised by due process, highway and planning issues to be considered by due process and for significant external pressure to be brought to bear owing to the involvement of the

retailer.
LEGAL
The proposed actions are within the Council's discretionary powers. As the site is used as open space there will be a need to place a press advertisement in accordance with the requirements of section 123 of the Local Government Act 1972.
OTHER IMPLICATIONS
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below. Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.
Area or Ward Affected Harwich West and immediately adjoining Harwich West Central

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The Council is the freehold owner of around 1.31Ha of land including public open space and highway at Main Road Dovercourt. The land is registered as a Village Green, and was donated to the Council by Harwich Town Council in 1978. The relevant parts of the Council's land are shown edged and dotted red in Appendix A. Only part of the Council's land holding is identified. It also includes all of the western part of the Green and all of the Cemetery.</p> <p>The adjoining site has been linked to a major retailer as a potential site for a new food store. The adjoining owner advises that he is not contractually bound to the retailer for the sale of the land at present.</p> <p>The Corporate Property Officer has carried out an initial assessment of the feasibility of a disposal. The assessment demonstrates that the disposal is feasible and is included at Appendix C. Consideration of planning, value, legal and other issues is identified for action in future stages of the process defined in the Council's Constitution.</p>

CURRENT POSITION AND PROPOSAL
<p>The adjoining site is the former premises of a manufacturing company. The buildings have been unused for some time and have been partly damaged by fire. The adjoining owner has provided considerable evidence concerning the condition and letability of the existing buildings. He has also provided data and details relating to the access arrangements that would be required for a small range of potential redevelopments. The adjoining owner advises that this information shows that the existing access to the site is unsuitable and that revision of the access would be necessary for any potentially viable future redevelopment. The adjoining owner has indicated that it may be possible to consider a number of ways to mitigate any loss of the amount of public open space.</p> <p>The adjoining owner has made an initial proposal which is shown in Appendix B:</p> <ul style="list-style-type: none"> • The Council's land is identified edged red. All of this land is registered as Village Green. • The extent of the Council's land that is presently grassed is shown shaded green. • The extent of existing highway is shown shaded yellow. This is partly adopted and partly unadopted. • The potential revised accesses proposed by the adjoining owner are shown as black lines. • Areas of existing grass that are proposed to become highway are cross-hatched yellow – 239m² • Areas of existing highway that are proposed to become grass are cross-hatched green - 141 m² • An area of potentially additional open space is edged green and labelled A - 117 m²

- The extent of the adjoining owner's land is edged magenta.
- The location of the ward boundary is shown green.

The owner's initial proposal is for the Council to agree and assist with the redefinition of the extent of the Village Green and Highway, including the surfacing of the yellow hatched areas and the grassing of the green hatched ones as compensation.

It is the view of the highway authority that improvement to the access would be required for any employment use on the site that would be more intensive than the existing and for any other alternative uses on the site, although it may be that a residential use would require a smaller improvement than the one proposed.

Bringing this proposal would require a number of formal stages, including:

- Valuation and negotiation
- Advertisement of the changes in Public Open Space
- Cabinet consideration of terms as defined by the Council's constitution
- Legal agreement
- Application to the Secretary of State for the revision of the extent of the Village Green
- Planning application
- Formal stopping up of highway
- Construction and adoption of new highway
- Completion of transfers of land ownership

The adjoining owner has made a provisional offer to underwrite any reasonable external costs incurred by the Council in dealing with the Village Green and Highway matters. Officers can progress these matters with the adjoining owner and agents if the Disposal Process is initiated.

BACKGROUND PAPERS FOR THE DECISION

None.

APPENDICES

Appendix A – Location Plan
 Appendix B – Access Plan
 Appendix C – Assessment of Disposal Feasibility