

Bolsover District Council

Executive

7 September 2015

Land to the North of St Martin's Walk and Greenfield Avenue, Hodthorpe

Report of the Leader

Purpose of the Report

- To seek a resolution from Executive whether to negotiate with the owners of a residential development site to the north of Hodthorpe for a pedestrian access across Council owned land to provide a link to Hodthorpe from the proposed residential development.

1 Report Details

- 1.1 The Council owns the land and properties shown hatched on plan A which comprise Council houses, bungalows with associated grassed areas and off road parking for residents.
- 1.2 The Council's Planning Committee has recently considered a planning application for a development of 101 houses and a community building on 5.4ha of land to the North of the Council's property as shown on plan B. As part of the application to be secured by a Section 106 agreement there will be the following elements of planning gain
 - Children's play at £75,447
 - Adult recreation at £89,688 (subject to consideration of on-site semi-natural green space.
 - Public Art at 1% (potentially £99,417)
 - Community Building 350 sq m in area provided by the developer up to a cost of £427,700.
 - 10% affordable housing on site.
- 1.3 As part of the application the planning agent acting for the developers has proposed a pedestrian links through St Martin's Walk and Greenfield Avenue.
- 1.4 If at least one of the footpath links cannot be provided this would substantially reduce the connectivity of the site to Hodthorpe and the ability to integrate the development with the existing settlement. Without this link the development would effectively create a large cul-de-sac. This would substantially increase walking distances to facilities in the village, thereby reducing the inclination to walk and adversely impacting on the sustainability credentials of the development.

- 1.5 The extent of the publically adopted highway is shown coloured green on the plan which shows it falls short of the ends of both St Martin's Walk and Greenfield Avenue.
- 1.6 At its meeting of 22 July 2015 the Council's Planning Committee deferred its decision to determine the application until Executive had considered whether or not to agree to a pedestrian link being provided across the Council's land at St Martin's Walk and/or Greenfield Crescent (unless such an access can be provided across land within the public highway).
- 1.7 It is considered therefore that the Council has a ransom element in the granting rights for access across its land to serve the development. Typically ransom values can command a value up to 50% of the uplift in the value of the land from its existing use. However criteria such as the viability of the development, level of access required and the availability of alternatives can affect the amount realised for the ransom and the percentage can range anywhere from between 10% and 50% of the value of the land it is serving. The ransom would be based on the net developable area in the indicative layout which is in the region of 3.70 ha
- 1.8 As part of the planning process the Council's Joint Assistant Director of Community Safety and Head of Housing was consulted regarding the potential footpath connections across the Council's land. He was unwilling to support increasing access across St Martin's Walk and Greenfield Avenue as the new development would be disruptive to the existing tenants of the Council's properties. In particular the proposed layout includes a community facility adjacent to St Martin's Walk which may attract more people into what is currently a quiet area.
- 1.9 The proposed route of the access would cross an area of land that is currently used for off road parking for local residents and the creation of an access across the land would result in the loss of at least one parking space.
- 2.0 It is proposed that should Executive be minded to approve the recommendations that Asset Management Group support is gained before entering any agreement. This is to ensure all matters in relation to Housing and Estates are fully considered.

Best Value

- 2.1 To give an indication of potential value of the land a number of scenarios in terms of percentages outlined in 1.7 are outlined below:

10% = £216,000

20% = £432,000

30% = £648,000

50% = £1,080,000

It is proposed that should Executive be minded to approve the recommendations, delegated powers be given to the Assistant Director Property and Estates to negotiate with the developers to secure a payment from the grant of the access. External valuation advice from the District Valuer or other suitably qualified valuers will be utilised to ensure that the Council achieves best value in the transaction.

3 Conclusions and Reasons for Recommendation

- 3.1 In order that the planning application for the development site may be fully determined and in light of the potential increased pedestrian traffic affecting the Council's tenants Executives instructions are sought as to whether or not agree to the granting of pedestrian access across the Council's land.

4 Consultation and Equality Impact

- 4.1 The Joint Assistant Director of Community Safety and Head of Housing has been consulted regarding the proposed access and Asset Management Group will be the key forum for consultation if the recommendations are supported.

5 Alternative Options and Reasons for Rejection

- 5.1 The alternative option is for the developer to try and establish the pedestrian link via the adopted highway. There is an adopted footpath adjacent to 7 Birch Road which the developer would need to prove has access right up to the boundary with the development sight. However this footpath is narrow and its increased use would have a detrimental effect on the occupiers of 7 Birch Road and this is therefore unlikely to be considered a viable alternative nor was this option favoured by Planning Committee.

6 Implications

6.1 Finance and Risk Implications

Potential capital receipt to the Housing Revenue Account.

6.2 Legal Implications including Data Protection

Should the access be granted the transaction will need to comply with the best value provisions of Section 123 of the Local Government Act 1972.

There are no data protection implications arising directly from this report.

6.3 Human Resources Implications

None

7 Recommendations

- 7.1 That Executives support BDC entering negotiations with the developers of the land to the North of St Martin's Walk/Greenfield Avenue Hodthorpe for pedestrian access across the Council's land in connection with the Planning Committee's decision of 22 July 2015
- 7.2. That Executive grant delegated authority to Assistant Director Land and Property to negotiate terms for the access with the developer and enter any associated agreement.

7.3 That £1250 of Transformation Reserve is allocated to fund fees to support negotiations and demonstrate best value.

8 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	Growth Strategy

9 Document Information

Appendix No	Title
A	Hodthorpe Plan A – Council ownership and adopted highway
B	Hodthorpe Plan B – Development Site
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
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Report Reference –