

BRECKLAND DISTRICT COUNCIL

Report of: Trevor Carter – Executive Member for Strategic Development & Assets

To: Cabinet – 9 June 2015

(Author: Kirsty Mallett, Land Management Officer)

Subject: Proposed disposal of land at Fairfields, Thetford

Purpose: To enable and support the expansion of the Drakes Infant School, following publication of the disposal by re-affirming the Cabinet decision made on 13 January 2015 to dispose of land at Fairfields in Thetford following consultation

Recommendation(s):

- 1) Consider the outcome of the public advertising of the Council's intention to dispose of this land and to confirm the Cabinet decision made on 13th January 2015 to dispose of two areas of land adjacent to the Drakes Infant School at Fairfields in Thetford to Norfolk County Council for the sum of £35,000 following publication of the disposal. The land to be sold subject to an uplift clause reserving Breckland Council 40% of any increase in value arising from the grant of planning consent for further alternative use or development of the site in the future.

1.0 BACKGROUND

- 1.1 On the 13 January 2015 Cabinet resolved to dispose of two areas of Public Open Space adjacent to Drakes Infant School to Norfolk County Council (NCC) for the sum of £35,000, subject to an uplift clause reserving Breckland Council 40% of any increase in value arising from the grant of planning consent for alternative use or development of the site (Minute No. 16/15 refers).
- 1.2 Before any action was taken on the Cabinet decision, consultation occurred in accordance with good practice. This was via the advertisement of the disposal in the Eastern Daily Press on two consecutive weeks in February 2015. This ensures transparency and would be part of the normal process. Now that the consultation is complete and as part of that process Cabinet needs to re-affirm its decision.
- 1.3 Only one objection was received during the consultation which raised the issue of the loss of open space and a covenant. The loss of open space is dependent on NCC's planning application; therefore a copy of the letter was forwarded to the relevant NCC department dealing with the Planning Application. Likewise NCC as the buyer is aware of the covenant and will need to take action accordingly.
- 1.4 As this was an educational use it was an NCC planning application determined by NCC. On 27 March 2015 NCC planning committee determined the application which was granted. NCC is required to advertise the change of use of the land (known as 'appropriation') to enable NCC to implement that change of use planning permission.

2.0 OPTIONS

- 2.1 Option 1 - Consider the outcome of the public advertising of the Council's intention to

dispose of this land and to confirm the Cabinet decision made on 13th January 2015 to dispose of two areas of Public Open Space adjacent to the Drakes Infant School at Fairfields in Thetford to Norfolk County Council for the sum of £35,000 following publication of the disposal. The land to be sold subject to an uplift clause reserving Breckland Council 40% of any increase in value arising from the grant of planning consent for a further alternative use or development of the site in the future.

2.2 Option 2 - do not agree to the disposal of the land and seek to continue to negotiate a higher value.

2.3 Option 3 - do not undertake any further negotiations or action and retain the land.

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 The following reasons support Option 1:

- The land would be disposed for more than its existing use value, i.e. the disposal price includes an element of hope value which is a best estimate at this juncture
- This would avoid a Compulsory Purchase Order situation between the two authorities.
- That location requires a school expansion more than a residential scheme as identified by the Local Education Authority (NCC). By providing this land at what is deemed a “fair value” the Council contributes to the growth of Thetford through the expansion of this school.
- The Council’s interests in this land are protected by the uplift clause should NCC apply for a further change of use in the future i.e. residential development.

4.0 **EXPECTED BENEFITS**

4.1 Expansion to Drakes Infant School and further support for the growth of Thetford

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 **Constitution & Legal**

5.2.1 Please see risks below

5.3 **Contracts**

5.3.1 It is the opinion of the Report Author that there are no implications

5.4 **Corporate Priorities**

5.4.1 Providing the right services, at the right time and in the right way.

5.4.2 Developing the local economy to be vibrant with continued growth.

5.5 **Crime and Disorder**

5.5.1 It is the opinion of the Report Author that there are no implications.

5.6 **Equality and Diversity / Human Rights**

5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 Financial

5.7.1 Proforma B attached

5.8 Health & Wellbeing

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 Risk Management

5.9.1 There is a risk that Norfolk County Council will Compulsory Purchase these areas of land if the Council decides not to dispose of them by agreement

5.10 Staffing

5.10.1 It is the opinion of the Report Author that there are no implications.

5.11 Stakeholders / Consultation / Timescales

5.11.1 It is the opinion of the Report Author that there are no implications.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 Thetford Boudica

7.0 ACRONYMS

7.1 NCC – Norfolk County Council

7.2 BDC – Breckland District Council

Background papers:- [See The Committee Report Guide](#)

Lead Contact Officer

Name and Post: Kirsty Mallett, Land Management Officer
Telephone Number: 01362 656293
Email: kirsty.mallett@breckland.gov.uk

Key Decision: Yes / No

Exempt Decision: Yes / No

This report refers to a ~~Mandatory Service~~ / Discretionary Service

Appendices attached to this report:

Appendix 1 Site plan
Appendix 2 Proforma B