

BRECKLAND DISTRICT COUNCIL

Report of Mark Kiddle-Morris, Executive Member for Assets & Strategic Development

To: Cabinet 20 November 2012

(Author: Zoe Footer, Land Management Officer)

Subject: Land at Castell Road, Dereham

Purpose: To decide whether Breckland District Council should formally object to an application made by Dereham Town Council for registration of Breckland Council-owned Slough Plantation and land at Castell Road as a new village green.

Recommendation(s):

Submit an objection on the basis that Town Green designation impedes the future potential value of the site and that the open space designation already gives protection to some extent. If the outcome of the objection is in the Council's favour, this will give greater flexibility in the future use of this site. Members need to be aware there are risks associated with this recommendation (see Risks section) and there is no guarantee of the outcome.

1. BACKGROUND

- 1.1 Breckland Council owns land at Castell Road in Dereham together with a small wooded area adjacent known as "Slough Plantation" (extent of both areas of land shown edged in red on the attached plan).
- 1.2 The land at Castell Road was included in the third tranche of the Council's Active Land Management programme in July 2011. There was strong local opposition to this land being developed and these representations were expressed on behalf of the residents by the local ward representatives at the Cabinet meeting. However, the Active Land Management programme is intended to ensure that the Council is gaining best possible use from the public land at its disposal, both in terms of value and use.
- 1.3 The options appraisal undertaken to inform Members of the possible alternative/future uses for the land at Castell Road stated that on the assumption that the land can be developed in its own right and for 4/5 residential dwellings without being restricted for affordable housing use, then they believed at this time that a figure of £100,000 to £120,000 could be achieved against an existing gross book value of £8,750 (the gross book value being based on both Slough Plantation and land at Castell Road).
- 1.4 The Cabinet resolved to hold dialogue with the purchasers of the adjoining (swimming pool) site to discuss the potential to develop both plots of land as one site, with the preference that the area to the east of the site forms the bulk of the on-site open space provision required (Cabinet minute no. 59/11 refers).
- 1.5 The Asset Management service approached Bennett Homes to ascertain their interest in the land at Castell Road and how the land may be used in conjunction with the future development on the swimming pool site. Bennett Homes had been made aware of Dereham Town Council's forthcoming application to register the land as a new village green and therefore were unfortunately not prepared to enter into any negotiations with Breckland regarding this site. Bennett Homes felt that to await the outcome of Dereham Town Council's application would impinge on their current development proposals for the site and the planning permission they had secured and therefore declined the offer.

1.6 Breckland Council received notification from Norfolk County Council, as the Commons Registration Authority, that Dereham Town Council had submitted an application for the registration of land known as Slough Plantation and Castell Road Open Space in Dereham as new Town greens on 1 October 2012. The justification submitted by Dereham Town Council in support of their application is attached. The consultation period is from 22 October 2012 to 2 December 2012 and should Breckland Council wish to object to the making of the application it must do so by sending a statement of facts on which the objection is based.

1.7 Since the land at Castell Road was considered as part of the Active Land Management programme it is understood that the land has been designated as open space in the recently adopted Local Development Framework. In planning terms this now means that any loss of land from public open space will only be permitted if there is excess provision elsewhere in the village or a contribution is made to improve provision elsewhere.

2 OPTIONS

2.1 Object to application.

To object to the application may cause political discomfort. The application to register these areas of land as Town greens was in response to the strong local opposition expressed at the time the land at Castell Road was considered as part of Active Land Management and therefore is fully supported by the local community and the local ward representatives. However, to object would support the overall objective of Active Land Management and give Breckland Council the opportunity to investigate further any potential this land may have to obtain best value for its assets for the benefit of all Breckland Council residents. It is unknown if the objection would be strong enough to stop the application and designation occurring. The development value would only be realised following planning permission, which as stated may be more difficult to achieve now, due to the designation as open space.

2.2 Not object to application.

If the registration authority is satisfied that these areas of land qualify for registration as a Town green, it will so register the land which will mean any potential development the land at Castell Road may still have i.e. £100,000 to £120,000 would be lost. The responsibility for maintenance and upkeep of both these areas of land would remain with Breckland unless of course agreement can be reached with Dereham Town Council to take over these areas of land for the benefit of the parishioners of Dereham. This is unlikely, as once designated, the land is bound indefinitely and no development or alternative use can be obtained. Dereham Town Council is highly unlikely to take on this land as an asset liability once the designation is in place as the designation protects its future use. In affect the designation means Breckland Council will have to pay for, as landowner, the maintenance and upkeep of approx 3.3 acres (including large wooded area) indefinitely.

3. REASONS FOR RECOMMENDATION

3.1 As landowner, it is imperative that we protect the potential value of this asset although officers are aware there are wider community issues.

4. EXPECTED BENEFITS

5. IMPLICATIONS

a. **Legal** – there are no specific legal issues that require special comment here.

b. **Risks** – to object may cause PR issues and political discomfort.

c. **Financial** – finance advised no proforma B is required to accompany this report.

d. **Timescale** – any objection Breckland Council wish to make should be submitted by no later than 2 December 2012.

- e. **Equality and Diversity** – implicit within process.
- f. **Stakeholders / Consultation** – consultation is between 22 October 2012 and 2 December 2012 and any person may inspect the application at the Norfolk County Council or the local authority offices, Dereham Town Council and Breckland Council.
- g. **Contracts** – not applicable.
- h. **Section 17, Crime and Disorder Act 1998** – not applicable.

6. **WARDS/COMMUNITIES AFFECTED**

6.1 Dereham – Neatherd Ward

Background papers - none.

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Director/Officer who will be attending the Meeting

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Key Decision – No

Appendices attached to this report:

Site plan.

Dereham Town Council's justification for application to register land as Town green.