

BRECKLAND COUNCIL

Report of Paul Claussen, the Executive Member for the Housing and Economic Portfolio to the CABINET – 10 June 2008

REQUEST TO TRANSFER COUNCIL-OWNED LAND AT NORWICH ROAD, BESTHORPE AND FOR THE RELEASE OF A RESTRICTIVE COVENANT

1. Purpose of Report

- 1.1 This report seeks Cabinet approval for the transfer of Council-owned land at Norwich Road, Besthorpe, to Peddars Way Housing Association at nil consideration and the release of a restrictive covenant affecting the garage forecourt at Norwich Road, Besthorpe, at nil consideration, to enable the redevelopment of this site to accommodate a two storey three bed house with integral garage. Peddars Way Housing Association has advised that, if approved, the proceeds of the sale will be recycled in development of social housing or associated facilities within the Breckland district.

2. Recommendations

It is recommended that the Cabinet:

- 2.1 resolve that the Council-owned land (as shown edged in red on the attached plan) at Norwich Road, Besthorpe be transferred, at nil consideration to Peddars Way Housing Association to allow this land and the adjacent garage forecourt to be redeveloped, subject to Peddars Way Housing Association undertaking community consultation.
- 2.2 resolve that the restrictive covenant affecting the garage forecourt (as shown marked grey on the attached plan) at Norwich Road, Besthorpe be released, at nil consideration.
- 2.3 resolve that rights of access over the adjacent Council-owned track be granted for a successor in title.
- 2.4 agree that the equivalent capital receipt to the District Valuer's valuation of developing the land at Norwich Road, Besthorpe be recycled by the Housing Association in development of social housing or associated facilities within the Breckland district (see 3.2.4 below).

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background

- 3.1.1 Peddars Way Housing Association has formally approached Breckland Council in respect of a proposed redevelopment of a garage forecourt and adjacent land at Norwich Road, Besthorpe.

3.2 Issues

- 3.2.1 Peddars Way Housing Association have submitted a planning application for the redevelopment of the garage forecourt land at Norwich Road, Besthorpe (as shown marked grey on the attached plan) utilising the adjacent Council-owned land (as shown edged in red on the attached plan) for a two storey three bed house with integral garage (3PL/2008/0537 refers).
- 3.2.2 Breckland Council transferred the garage block/forecourt at Norwich Road, Besthorpe to Peddars Way Housing Association on 30 March 1993. A covenant on the Peddars Way Housing Association's title, in favour of Breckland Council states that "subject to clause 7, in respect of any part of the Property described in Parts III, IV, V and VI of Schedule A (garages, garage forecourts, off street parking areas and amenity areas) not to develop or redevelop that part of the Property and not to permit the same to be used as other than garages, parking areas or amenity areas, respectively, serving residential dwellings".
- 3.2.3 To support Peddars Way Housing Association in the redevelopment of this site, Peddars Way Housing Association will also require rights of access over the adjacent Council-owned track for a successor in title.
- 3.2.4 Peddars Way Housing Association have agreed that 50% of the capital receipt raised as a result of the release of covenant on garage sites will be ring fenced for use within the Breckland District. This resource will be used for the development of further social housing schemes or other community benefits for either the parish or district. Examples to date have included the additional parking being developed in association with the Council on the Barnham Cross Estate in Thetford. Peddars Way Housing Association through regular meetings with officers consider opportunities for further affordable housing schemes in areas of housing need.
- 3.2.5 Consultation with officers and ward representatives has been undertaken and no representations were received to the Peddars Way Housing Association's proposal.
- 3.2.6 The Council's District Valuer has been contacted and in his opinion, for the transfer of Council-owned land (as shown edged in red on the attached plan), for the release of restrictive covenant and for rights of access over the adjacent Council-owned track for a successor in title, the consideration payable should be £34,000.00 (thirty four thousand pounds).

3.3 Options

- 3.3.1 i. resolve that the Council-owned land (as shown edged in red on the attached plan) at Norwich Road, Besthorpe be transferred, at nil consideration to Peddars Way Housing Association to allow this land and the adjacent garage forecourt to be redeveloped;
- ii. resolve that the restrictive covenant on the Peddars Way Housing Association's title (transfer dated March 1993), in favour of Breckland District Council stating that "subject to Clause 7, in respect of any part of the Property described in Parts III, IV, V and VI of Schedule A (garages, garage forecourts, off street parking areas and amenity areas) not to develop or redevelop that part of the Property and not to permit the same to be used as other than garages, parking area, amenity areas, respectively, serving residential dwellings", be released, at nil consideration; and
- iii. resolve that rights of access over the adjacent Council-owned track be granted for a successor in title.
- 3.3.2 i. resolve that the Council-owned land (as shown edged in red on the attached plan) at Norwich Road, Besthorpe be transferred, at or above the District Valuer's valuation to

- Peddars Way Housing Association to allow this land and the adjacent garage forecourt to be redeveloped;
- ii. resolve that the restrictive covenant on the Peddars Way Housing Association's title (transfer dated March 1993), in favour of Breckland District Council stating that "subject to Clause 7, in respect of any part of the Property described in Parts III, IV, V and VI of Schedule A (garages, garage forecourts, off street parking areas and amenity areas) not to develop or redevelop that part of the Property and not to permit the same to be used as other than garages, parking area, amenity areas, respectively, serving residential dwellings", be released, at or above the District Valuer's valuation; and
 - iii. resolve that rights of access over the adjacent Council-owned track be granted for a successor in title.
- 3.3.3
- i. resolve that the Council-owned land (as shown edged in red on the attached plan) at Norwich Road, Besthorpe remain within Breckland's ownership;
 - ii. resolve that the restrictive covenant not be released; and
 - iii. resolve that rights of access over the adjacent Council-owned track not be granted.

3.4 Reasons for Recommendations

- 3.4.1 The Council would lose responsibility for this area of land (as shown edged in red on the attached plan) at Norwich Road, Besthorpe.
- 3.4.2 The redevelopment of these areas will support the Council's number one priority

4. Risk and Financial Implications

4.1 Risk

- 4.1.1 I have completed the Risk Management questionnaire and this report does not require a risk assessment because the changes/issues covered by the recommendations are not significant in terms of risk.

4.2 Financial

- 4.2.1. Proforma B attached.

5. Legal Implications

- 5.1 Breckland has identified that disposal at nil consideration to Peddars Way Housing Association and the development of the site has added value and will provide the Council with additional benefits for the community.
- 5.2 Part 6 of the Annex to the Local Government Act 1972 may apply to the sale of these areas of land. Under Section 123 (2), General Disposal Consent (England) 2003 the land can be disposed of for "the promotion or improvement of social well being"....."providing the consideration for the disposal does not exceed two million pounds".

6. Other Implications

- a) Equalities – no, implicit within process.
- b) Section 17, Crime and Disorder Act 1998 – implicit within process.
- c) Section 40, Natural Environmental and Rural Communities Act 2006 – no implications to the best of our knowledge.
- d) Human Resources – none.

e) Human Rights – implicit within process.

7. Alignment to Council Priorities

7.1 The matter raised in this report falls within the following council aims and associated priorities::

- Prosperous Communities – secure a decent standard of housing across the district

8. Wards/Communities Affected

8.1 Queens

Background Papers

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Key Decision Status

This is not a key decision.

Appendices attached to this report:

Appendix A – site plan

Appendix B – pro forma B