

Showfields, Tunbridge Wells – Disposal of Parcels of Land

For Cabinet on 21st September 2023

Summary

Lead Member: Councillor Christopher Hall, Cabinet Member for Finance & Performance

Lead Director: Lee Colyer Director of Finance, Policy & Development (S151 Officer)

Head of Service: David Candlin, Head of Economic Development and Property

Report Author: Peter Benfield, Senior Estates Officer

Classification: Part Exempt

Partially Exempt from Disclosure – Exempt Appendix A - exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person including the authority holding that information.

Wards Affected: Broadwater

Approval Timetable	Date
Management Board	21 st August 2023
Fin & Gov CAB	5 th September 2023
Cabinet	21 st September 2023

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That Cabinet approves the grant of the option and the disposal of the land referred to in this report and the Appendices.
2. That delegated authority is granted to the Head of Economic Development and Property in consultation with the Director of Finance, Policy and Development, the Monitoring Officer and the Cabinet Member for Finance and Performance to

negotiate and agree the terms of the option to be granted and the subsequent disposal if the option is exercised

3. That the Head of Mid Kent Legal Services is authorised to negotiate and all complete necessary legal documentation and formalities to give effect to these recommendations and the disposal of the land.

1. Introduction and Background

- 1.1 As part of their plans to comprehensively redevelop the Showfields Estate, Town & Country Housing (TCH) have approached the Council to grant them an option (“the Option”) to purchase a collection of small parcels of land that the Council has retained since the Housing stock portfolio was transferred to TCH.
- 1.2 The parcels are all small areas of land which have no real use to the Council. If the Option is exercised, the disposal would bring in a capital receipt for the Council and tidy up the land ownership of those areas of land.
- 1.3 The various areas of land comprise mainly parts of footpaths or turning circles on the estate.
- 1.4 If the Option to purchase is exercised, TCH would be obliged to purchase the land once their development plans are formally confirmed but prior to the commencement of any works. The Council do not have the option to enforce the sale.

2. Areas

- 2.1 The existing proposal comprises the sale of 13 parcels of land amounting to a total area of 454.1m sq.
- 2.2 These are shown in the plan attached as Appendix A.
- 2.3 TCH are currently considering whether they need additional parcels of land (to be advised) in connection with the Cycle path that is planned to go through the area.

3. Valuation

- 3.1 GL Hearn were instructed to value the parcels of land and submitted a report in September 2022.
- 3.2 The value they assessed was accepted by both parties and used as the basis for subsequent negotiations.
- 3.3 Should more parcels of land be required then they will be valued at the same amount as assessed in the report.

4. Options Considered

- 4.1 Retain – The parcels of land in question comprise parts of roadways, footpaths and verges. They have no alternative use under the ownership of the Council. There is no advantage to the Council in retaining these areas of land and the capital receipt for their disposal (if the option is exercised) would not be realised. The Council as owner of these areas would retain some liability for them if not disposed of and in addition, not disposing of the land to TCH could frustrate TCH's redevelopment project.
- 4.2 Dispose – If the Option is exercised, the Council will receive a capital receipt and relinquish any liability in respect of the land.

5. Preferred Option and Reason

- 5.1 It is recommended that the Option to purchase to TCH is completed with the freehold sale completing in due course if the option is exercised.
- 5.2 The parcels are of no use to the Council but are of benefit to TCH. The disposal of the land to TCH would benefit their overarching development plans, tidy up the land ownership issues, remove any obligations for maintenance to the Council and provide some additional and unexpected funds to the Council.
- 5.3 TCH are the only conceivable buyer for these parcels of land and it is therefore appropriate, as set out in the Council's Constitution, to sell the land to them by means of Private Treaty.

6 Consultation on Options

- 6.1 Consultations were held with Town & Country Housing and internally between the report Writer, Jonathan White (Corporate Property Manager), David Candlin (Head of Economic Development) & Lee Colyer (Director of Finance, Policy and Development) as to the extent & viability of the proposed transaction.

Recommendation from Cabinet Advisory Board

- 6.2 The [committee name] Cabinet Advisory Board were consulted on [date of meeting] and agreed that the recommendations set out in the report be supported.

7 Implementation

7.1 Implementation is dependent on the progress of the wider TCH development project.

8 Appendices and Background Documents

Appendices:

- Appendix A: Plan showing plots of land currently required.

Exempt appendices (if any):

- Exempt Appendix A: GL Hearn valuation report (September 2022)

Background Papers:

- None

9 Cross Cutting Issues

A. Legal (including the Human Rights Act)

The Council has a general power of competence under section 1 of the Localism Act 2011 to do anything an individual can do provided it is not prohibited by other legislation.

The Council has power under section 123(1) of the Local Government Act 1972 to dispose of land and property in any manner that it wishes. The proposed disposals must be for the best consideration reasonably obtainable in accordance with section 123 of the Local Government Act 1972 or meet the requirements of Circular 06/03: Local Government Act 1972 General Disposal Consent (England) 2003 - disposal of land for less than the best consideration that can be reasonably obtained failing which, the Secretary of State's consent would be required.

Acting on the recommendations is within the Council's powers as set out in the above statutory provisions.

Claudette Valmond – Head of Mid Kent Legal Services – 25/08/2023

B. Finance and Other Resources

The capital receipt will contribute to funding the capital programme, removes maintenance cost from the revenue budget and risk from the asset portfolio.

Jane Fineman, Head of Finance, Procurement & Parking 25/08/2023

C. Staffing

This section is not considered applicable to the subject of the report.

Peter Benfield, Senior Estates Manager, 16/08/2023

D. Risk Management

[This section is not considered applicable to the subject of the report.]

Peter Benfield, Senior Estates Manager, 16/08/2023

E. Environment (inc. Biodiversity) and Sustainability

The planned disposals will not impact on the Council's carbon reduction commitment. Environment and bio-diversity issues will be covered as part of the Development Control process for the TCH project 4

Gary Stevenson, 25/08/2023, Head of Housing, Health & Environment.

F. Community Safety

This section is not considered applicable to the subject of the report.

Peter Benfield, Senior Estates Manager, 16/08/2023

G. Equalities

This section is not considered applicable to the subject of the report.

Peter Benfield, Senior Estates Manager, 16/08/2023

H. Data Protection

This section is not considered applicable to the subject of the report.

Peter Benfield, Senior Estates Manager, 16/08/2023

I. Health and Safety

This section is not considered applicable to the subject of the report.

Peter Benfield, Senior Estates Manager, 16/08/2023

J. Health and Wellbeing

The Broadwater area of Tunbridge Wells is one of the most economically deprived parts of the borough. The TCH redevelopment project promises to bring in considerable investment to improve the housing standards and recreational facilities in the area which will bring considerable health & wellbeing benefits to the residents. Anything that encourages or enables this scheme should be encouraged as it will ultimately improve the living conditions of the local population.

Gary Stevenson, 25/08/2023, Head of Housing, Health & Environment.