

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

4 NOVEMBER 2016

REPORT OF THE PORTFOLIO HOLDER FOR ENFORCEMENT AND COMMUNITY SAFETY

A.7 THE PRINCIPLE OF DISPOSAL OF ACCESS LAND FOR DEVELOPMENT OFF MAIN ROAD DOVERCOURT

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval in principle for the disposal of 166m² of land at Dovercourt Green as shown edged and hatched dark blue on the plan attached at Appendix A to facilitate development of the redundant Delford's factory site.

EXECUTIVE SUMMARY

The redundant Delfords Factory site, edged red on the plan, lies immediately North of Dovercourt Green, off Main Road Dovercourt. It has lain vacant and derelict for some years.

Between the redundant factory site and Main Road the Council owns Dovercourt Green, shaded grey on the plan, which is public open space and registered as a Town or Village Green.

The current owner has agreed to sell the site factory site to a housing association which plans to develop around 70 new homes.

In order too provide highway access requested by Essex County Council the existing access, edged light blue on the plan, must be reconstructed and widened to include footways as shown edged dark blue on the plan.

Terms have been provisionally agreed with the current owner to dispose of the access land. The detail of those terms is outlined in the report in Part B of this agenda.

RECOMMENDATION(S)

That Cabinet approves the principle of disposing of the 166m² of land at Main Road, Dovercourt in order to provide access for development.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The development of homes will contribute to the following priorities:

- Promoting sustainable economic growth.
- Reduce health inequalities and disadvantage.
- Ensure all our residents live in high quality housing which meets local needs.
- Regenerating the District and improving deprived areas.
- Protecting and enhancing our environment, countryside and coast.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Disposal of the land will provide a capital receipt. The proposed terms are outlined in the report in Part B of this agenda.

Risk

Unless access is provided the redundant site will continue to be derelict.

The site owner is aware of the Town or Village Green registration and has agreed to resolve these at their own risk and expense together with any highway and adoption issues.

LEGAL

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (in accordance with section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of land held by it as public open space without advertising its intention to do so in the local press.

In this case the land is open space and advertisement has been placed in the local press and on the Council's web site. No responses were received. Further opportunity to comment will be available during the Village Green process.

The land is worth little in financial terms except as access to the proposed development. Negotiation on terms has been ongoing for some time and it is the view of officers that the terms set out in the report in part B of this agenda represent Best Consideration Reasonably Obtainable.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder/Equality and Diversity/Health Inequalities/Consultation/Public Engagement

Crime and Disorder

Consideration has been given to the Crime and Disorder Act 1998. The productive use of the factory site will reduce opportunities for antisocial behaviour. There is therefore likely to be a marginal positive effect on reducing crime and disorder.

Ward

The Access land is in Harwich West Central. The former factory site is in Harwich West.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The redundant Delfords Factory site, edged red on the plan attached at Appendix A, lies

immediately North of Dovercourt Green, off Main Road Dovercourt. It has lain vacant and derelict for some years. Previous proposals for a supermarket did not succeed. The site has been subject to many intrusions, damage and fire.

Dovercourt Green, shown shaded grey on the plan, which is public open space and registered as a Town or Village Green, lies between the redundant factory site and Main Road. The green and the highway at the rear, are owned by the District Council, although footpaths also form part of the adopted highway. The existing access to the factory, edged light blue on the plan, has been present for many years but is not subject to any documented rights.

The current owner has agreed to sell the factory site to a housing association which plans to develop 66 new homes. A planning application is pending.

The existing access is shown edged light blue on the plan. In order to provide highway access to the proposed new homes as requested by Essex County Council the access must be improved by reconstructing and widening it to include footways as shown dark blue on the plan.

CURRENT POSITION

Officers and the Council's valuer have negotiated terms for the sale of the access to the current owner. The terms are outlined in the report in part B of this agenda.

The total area extends to 166m² but 22m² of this is already highway and 72m² is already surfaced as the existing access. The result is a net loss of 72m² of existing grass, although this will mainly remain publicly accessible once constructed as footpath.

FURTHER HEADINGS RELEVANT TO THE REPORT

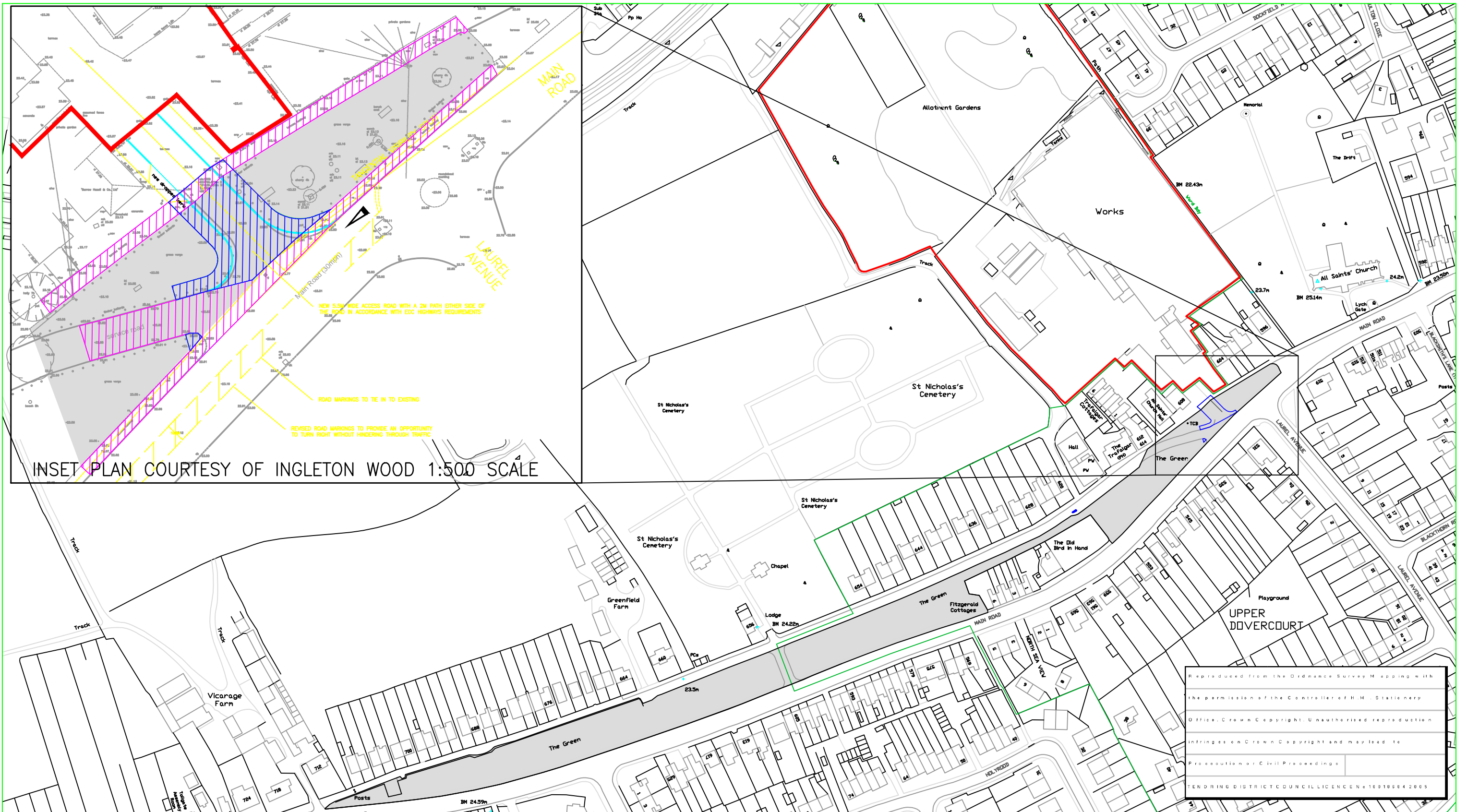
None

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A – Location plan.



- Disused factory site
- Existing access
- ▭ Proposed new access
- ▭ Extent of village Green
- ▭ Extent of adopted highway

TENDRING DISTRICT COUNCIL

M. KNAPPETT
BA(hons). DMS.
HEAD OF CORPORATE PERFORMANCE

title: DOVERCOURT GREEN AND DELFORDS

drawing: LOCATION PLAN

scale: 1:2000 at A3

drawn by: AR WHITE

date: 06 NOV 2009

drwg.No. revision

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