

|                               |            |                             |           |
|-------------------------------|------------|-----------------------------|-----------|
| <b>Key Decision Required:</b> | <b>Yes</b> | <b>In the Forward Plan:</b> | <b>No</b> |
|-------------------------------|------------|-----------------------------|-----------|

## CABINET

### REPORT OF THE LEADER OF THE COUNCIL

16 DECEMBER 2016

#### **A.3 APPROVAL FOR RIGHTS OF ACCESS OVER A PATHWAY AT COX'S POND, HARWICH**

(Report prepared by Aileen Middleton)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To seek approval to grant a right of access over a pathway at Cox's Pond, Harwich.

##### **EXECUTIVE SUMMARY**

Cox's Pond is situated in Harwich adjacent to the former Bernard Uniforms site. The developer of this site requires access over a Council pathway for access to the social housing which is being built.

Officers have incorporated the feasibility and initiation stages of the Property dealing Procedure into report into this report in the interests of efficiency.

##### **RECOMMENDATIONS**

**That Cabinet authorises the right of way, in principle, subject to the terms set out in the report in Part B of this agenda.**

#### **PART 2 – IMPLICATIONS OF THE DECISION**

##### **DELIVERING PRIORITIES**

The disposal will have the potential to deliver on the following Council priorities:

- Ensuring our residents live in high quality housing which meets local needs
- Promoting sustainable economic growth.
- Regenerating the District and improving deprived areas.

##### **FINANCE, OTHER RESOURCES AND RISK**

###### **Finance and other resources**

The granting of the right of way will result in a small capital receipt for the Council and an upgrading of the existing pathway and railings. Details of this are contained in Part B of this agenda.

###### **Risk**

No risks have been identified with this proposal.

## LEGAL

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 the land is disposed for a consideration not less than the best that can reasonably be obtained.

In this case the developer is a potential special purchaser and proposes non-financial benefits in addition to payment. No formal marketing has been carried out and it is therefore proposed that Cabinet uses its discretionary powers having regard to the General Disposal Consent (England) Regulations 2003 to agree disposal of the land without marketing and having regard to the non-financial benefits.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under 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.

## OTHER IMPLICATIONS

**Consideration has been given to the implications of the proposed decision in respect of Crime and Disorder, Equality and Diversity, Health Inequalities, Consultation/Public Engagement and Wards; and any significant issues are set out below.**

None

### Ward

Harwich East

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

- The Bernard Uniforms site in Harwich was previously occupied by a factory but when this closed the land was sold for the development of social housing. The developer is developing on behalf of Colne Housing Association. 27 units are being built all of which will be social housing and these will be a mix of houses and flats with associated car parking and landscaping.
- Cox's Pond is small landscaped pond in Harwich adjacent to the old Bernard Uniforms site. The pathway adjacent to the pond will provide a pedestrian access to the new properties and the Council will receive a small sum of money and some improvement works as a result of approving this right of way.
- There is established need for social housing in Harwich.
- The right of way will not affect the pond or the area surrounding it.
- The pathway will be upgraded and the railings replaced as a result of this proposal.

### CURRENT POSITION

- The developer has submitted an acceptable offer in terms of monetary compensation and an upgrade to the path and railings.
- It is proposed that the developer be allowed to have a formal right of way over the path

for access to the new social housing.

- The financial details are contained in the report in Part B of this agenda.

#### **FURTHER HEADINGS RELEVANT TO THE REPORT**

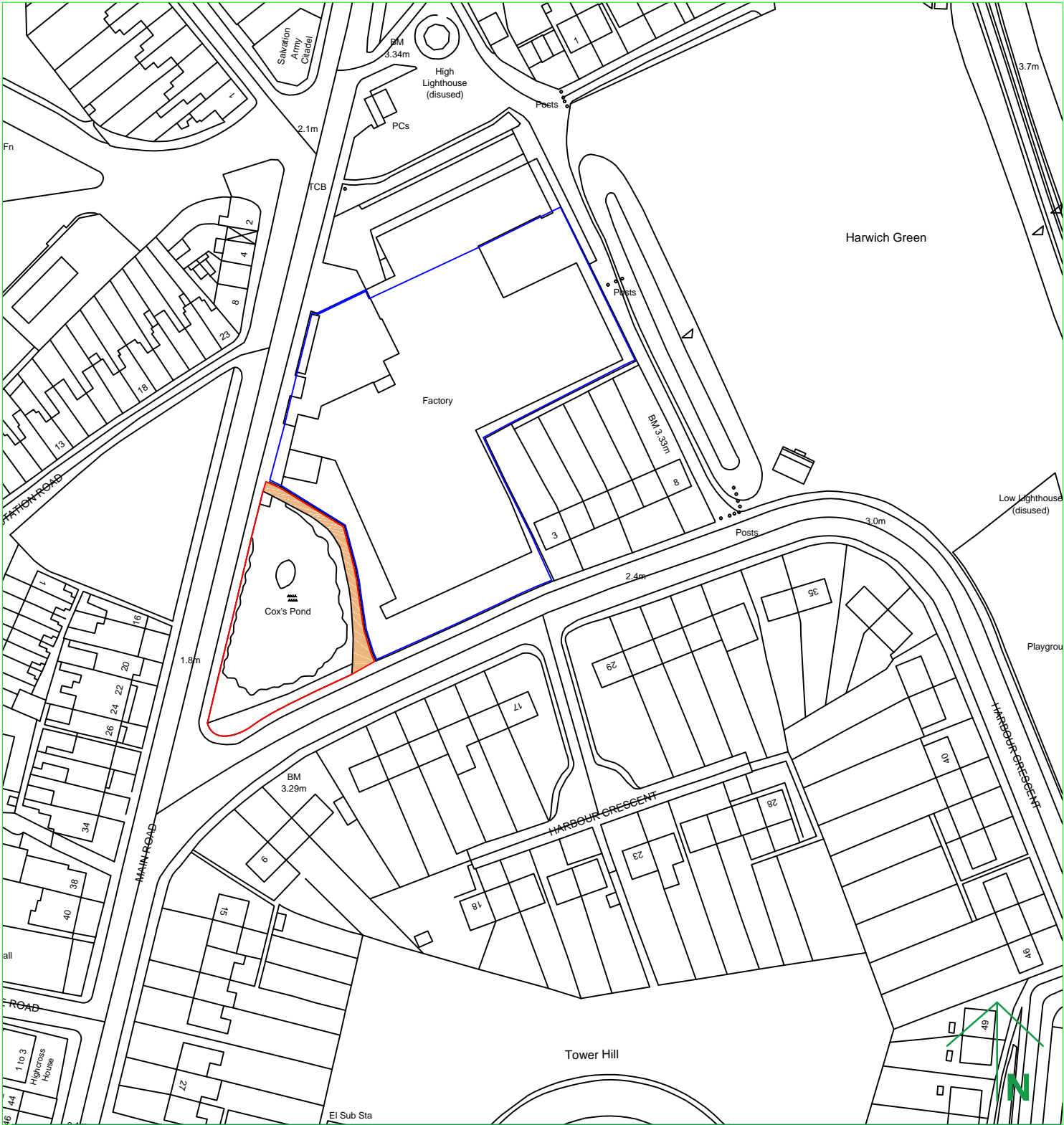
None

#### **BACKGROUND PAPERS FOR THE DECISION**

None

#### **APPENDICES**

- **Appendix A – Location Plan**
- **Appendix B – Assessment of Feasibility**



**TENDRING DISTRICT COUNCIL**

**M. KNAPPETT**  
**BA(hons). DMS.**  
**CORPORATE DIRECTOR**  
**CORPORATE SERVICES**

**Title:** Footpath at Cox's Pond,  
Harwich

**Date:** 14 October 2016

**Key:**

Blue edged - Development site for social  
housing  
Red edged - Land owned by TDC  
Brown - Right of way being granted

**Scale:** 1:1250

**Drawn By:** J. Weavers

**Drawing No. & Revision**

1

A

**Assessment of Acquisition/Disposal Feasibility**

|                                                                                                                                                                                                                                               |                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>Assessed by:</b>                                                                                                                                                                                                                           | A. Middleton                               |
| <b>Date:</b>                                                                                                                                                                                                                                  | 25th November 2016                         |
| <b>Site:</b>                                                                                                                                                                                                                                  | Pathway adjacent to Cox's Pond in Harwich. |
| <b>Reason for consideration:</b> request from developer for a right of way over a Council path to facilitate the development of social housing.                                                                                               |                                            |
| <b>Location:</b> Harwich East                                                                                                                                                                                                                 |                                            |
| <b>Adjoining uses:</b><br><div> Industrial, residential,<br/> open space and<br/> Scheduled Ancient<br/> Monument. </div>                                                                                                                     |                                            |
| <b>Planning designation:</b> <ul style="list-style-type: none"> <li>• Inside Settlement Limits</li> <li>• Pathway</li> </ul>                                                                                                                  |                                            |
| <b>Current use:</b> <ul style="list-style-type: none"> <li>• Pathway</li> </ul>                                                                                                                                                               |                                            |
| <b>Legal constraints:</b> Not yet researched                                                                                                                                                                                                  |                                            |
| <b>Service usage/issues:</b> The land is currently used as a pathway                                                                                                                                                                          |                                            |
| <b>Request for purchase/lease:</b> Request to grant the right of way from the developer of the former Bernard Uniforms site.                                                                                                                  |                                            |
| <b>Corporate Priorities:</b><br>Promoting sustainable economic growth<br>Creating social housing to ensure all our residents live in high quality housing which meets local needs.<br>Regenerating the District and improving deprived areas. |                                            |
| <b>Property Strategy Issues:</b> The site is not identified for action in the draft property strategy.                                                                                                                                        |                                            |
| <b>Valuation:</b> £8,000                                                                                                                                                                                                                      |                                            |
| <b>Other Issues:</b> The level of remuneration is lower than the valuation but to facilitate a social housing scheme we have negotiated a lower payment and an upgrading of the pathway and railings.                                         |                                            |
| <b>Conclusion:</b> The right of way should be granted even though the payment for the agreement is lower than valuation.                                                                                                                      |                                            |