

**14 July 2014****Agenda Item: 7(b)****REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY &  
ENVIRONMENT****DISPOSAL OF LAND AT BAILEY'S FIELD, OFF BARNBY ROAD,  
BALDERTON, NEWARK****Purpose of the Report**

1. To seek approval to the sale of a 2.03 Ha (5 acre) site at Bailey's Field, off Barnby Road, Balderton, Newark on terms detailed in the exempt appendix.

**Information and Advice**

2. Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. Having regard to the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because divulging the information would significantly damage the Council's commercial position. The exempt information is set out in the exempt appendix.
3. At its meeting on 21 of January 2013, Finance and Property Committee approved the sale of this property to the adjoining private Highfields School, on terms detailed in the exempt appendix to that report. That approval was recorded under Decision number 2013/004 and 2013/013.
4. No progress was made on the disposal, as a result of delays by the proposed purchaser, and the sale did not proceed.
5. It is now proposed to resurrect the sale of this land, on terms substantially the same as the original proposal, but to a different purchaser. The proposed terms and conditions of sale are detailed in the exempt appendix.
6. This land was originally used as the playing fields for the former Magdalene School. Since the closure of that school, the land has been disused (for over 10 years) and is surplus to the operational requirements of the County Council. The land is some 2.03 hectares but is accessed by a very narrow track (heavily overgrown) from Barnby Road. This access is too narrow for any form of development to be contemplated via that route, without the purchase of additional (third party owned) land. Planning policy directs that any such development access be achieved from the south, from London Road. The only realistic option for a development access to this land would therefore involve Highfields School, who occupy a large site immediately to the south of Bailey's Field.

7. The original proposal, approved in 2013, was for the site to be sold to the Governors of the School. The School would, in turn, have sold on the site to a residential developer to carry out the site development (subject to planning). To simplify the structure of the deal, it is now proposed to sell the land directly to a housing developer, rather than to the Governors of the School. The School will enter in to a simultaneous transaction with the housing developer for the sale of part of the School site.
8. Due to the access situation regarding this land (as previously described), the Council has engaged in sole negotiations with the proposed purchaser and has not marketed the site more widely. In accordance with Financial Regulations, in order to ensure compliance with the Council's obligations under s123 of the Local Government Act 1972 to ensure "best consideration", the proposed terms for the sale have been reviewed by the Council's Group Manager (Legal Services) and the "Section 151 Officer" (Service Director, Finance and Procurement). This analysis is supported by an independent valuation of the site by Jones Lang Lasalle Chartered Surveyors which confirms the view that the sale proceeds represent best value to the Council.

### **Other Options Considered**

9. Retention of the land: this land is not required for any operational purpose of the Council, and is surplus to requirements. It can therefore be sold to generate a capital receipt.

### **Reason/s for Recommendation/s**

10. To generate a potential capital receipt to the Council from the sale of a surplus site.

### **Statutory and Policy Implications**

11. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **RECOMMENDATION/S**

- 1) That approval is given to the sale of the land known as Bailey's Field, off Barnby Road, Balderton, Newark, on terms detailed in the exempt appendix.

**Jas Hundal**

**Service Director – Transport, Property & Environment**

**For any enquiries about this report please contact: Ian Brearley 0115 977 4840**

### **Constitutional Comments (EP 19.6.2014)**

12. The decision falls within the remit of Finance and Property Committee.

### **Financial Comments (TR 27.6.2014)**

13. The financial implications are set out in the exempt appendix to the report.

### **Background Papers and Published Documents**

14. None.

### **Electoral Division(s) and Member(s) Affected**

15. Ward(s): Balderton

Member(s): Councillor Keith Walker

File ref.: /IB/SB/

SP: 2674

Properties affected: 90020 - Newark Playing Fields