

21 November 2016

Agenda Item: 7

**REPORT OF SERVICE DIRECTOR ENVIRONMENT, TRANSPORT &
PROPERTY**

**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 Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.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. 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 12 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.
4. At its meeting on 14th of July 2014, Finance and Property Committee approved the sale of this property to a residential developer, on terms detailed in the exempt appendix to that report. That approval was recorded under Decision number 2014/075/079.
5. The sale was based upon the developer obtaining approval for a suitable planning permission with a long stop date in place. The planning application and subsequent appeal was refused and the long stop date has passed. The developer wishes to resubmit a further planning application taking into account the amendments required by the Planning Committee.

6. As the long stop date has passed the County Council is no longer obligated to the original contract. The contract with the developer was terminated by the County Council with a view to negotiating more favourable terms in line with the current market.
7. It is now proposed to agree to a new contract on significantly improved terms. The proposed terms and conditions of sale are detailed in the exempt appendix.
8. The original proposal, approved in 2014, was for the site to be sold as part of an overall site of approximately 4.53 hectares owned by three landowners. Individual discussions took place between each land owner and the developer to establish an overall price.
9. Due to the access situation regarding this land (as previously described), the Council had 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

10. 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

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

Statutory and Policy Implications

12. 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 – Environment, Transport & Property

For any enquiries about this report please contact: Steve Keating Tel: 0115 9939397

Constitutional Comments (CEH 28.10.16)

13. The recommendation falls within the remit of the Finance and Property Committee under its terms of reference.

Financial Comments (GB 27.10.16)

14. The financial implications are set out in the report.

Background Papers and Published Documents

15. None.

Electoral Division(s) and Member(s) Affected

16. Ward(s): Balderton
Member(s): Councillor Keith Walker

File ref.: /SK/SB/
SP: 3135
Properties affected: 90020 - Newark Playing Fields