

# Agenda



## Delegated Decisions - Cabinet Member for Assets

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Date: Tuesday, 28 January 2020

To: Councillors M Rahman

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Item		Wards Affected
1	<u>Land at Lodge Road, Caerleon</u> (Pages 3 - 8)	Caerleon

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Date of Issue: 20 January 2020

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# Report

## Cabinet Member for Assets

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**THIS IS FOR MEMBER CONSULTATION PURPOSES – RESPONSES BY 4PM 27/01/2020.**

### Part 1

Date: 20 January 2019

**Subject** Land at Lodge Road, Caerleon

**Purpose** To consult with the Cabinet Member for Assets, regarding the disposal of the above Council owned Land.

**Author** Housing & Asset Manager

**Ward** Caerleon

**Summary** The Council is freehold owner of the subject land. An application has been received from adjoining property owners, seeking to acquire a part of the land. Disposal of the premises on suitable terms would provide income to the Council and avoid future management and maintenance costs.

**Proposal** To dispose of 245m<sup>2</sup> of land on terms to be agreed by the Head of Law and Regulation.

This option will generate a capital receipt and transfer maintenance and management costs from the Council.

**Action by** Newport City Council and Newport Norse

**Timetable** Immediate

This report was prepared after consultation with:

- Strategic Director – Place
- Head of Regeneration, Investment and Housing, Newport City Council
- Housing and Asset Manager
- Head of Finance – Chief Finance Officer
- Head of Law and Regulatory Services – Monitoring Officer
- Head of People and Business Change
- Associate - Valuation & Estate Management, Newport Norse
- Estates Surveyor, Newport Norse
- Associate Director of Property Services, Newport Norse

**Signed**

## Background

The subject land (identified hatched black on the plan appended to this report), is owned freehold by the Council. It was acquired to facilitate previous road improvements in the area but is no longer required operationally. The land is undeveloped and covered with rough vegetation. There are no plans for the Council to develop the site even in the longer term. There are no adverse short or long term effects on the wider community if the land was sold. There would be wellbeing benefits to the current occupiers, who live in the property as well as any families who may live there in the future.

The land is vacant and is full of rough vegetation. There is a danger that such vegetation may grow and overshadow the adjoining properties. The Council could potentially incur costs should grounds maintenance team be called to clear some of the site. Selling part of the site will remove the Council's interest and preventing future costs to the Council and as such preventing additional cost to the public purse.

The site has never been allocated as public open space. A review of the open space in the surrounding area shows there are a number of locations, which provides a suitable allocation for the area and that there is no further requirement for which this site could be considered.

The land edged red area on the attached plan is in private ownership, and has been granted planning permission for a single dwelling house. Due to the presence of services at the front of the site and its steeply sloping topography, the usable part of the site is restricted. As a consequence, the new house has a very limited garden area.

The owner of this site has approached Newport Norse to enquire whether the Council would be prepared to sell a portion of its land alongside the proposed development, in order to incorporate this into the new garden. This has been identified as the hatched area on the attached plan. We have also engaged with the next adjoining land owner regarding the proposal and they had no interest in acquiring the land for themselves .

Recent construction on a house build on Trinity View has highlighted the need for a suitable retaining wall, and for appropriate drainage to be installed, as boundary walls on adjoining properties nearby have collapsed resulting in legal action against the builder. Such conditions would need to be factored into any disposal, so that while the land was for garden use only, clearance of the site would not adversely affect any of the adjoining neighbours.

The owner of the property has made an offer to purchase the parcel of land hatched black measuring approximately 245sqm and has offered £8,500. This is considered to reflect market value.

Were the land to be sold, then a restrictive covenant to prevent development of the site would be incorporated. The land could be designated as garden land only. It is worth noting that advice provided by the Planning Department indicates that development of the site would not be supported due to the Air Quality Management scheme in Caerleon, which is to prevent worsening air quality in the area. The site is not therefore suitable for any residential or retail schemes so cannot offer any integration benefits to the local community in terms of offering accommodation or job opportunities.

As part of an integrated approach, the proposal supports the wellbeing goal of a resilient Wales as the use of the land for a garden space, leaving the remainder in its current state, maintains and enhances the biodiverse natural environment that currently exists on the land at the moment. The proposal also supports a Wales of cohesive communities. By making the sold parcel part of the adjoining land, it will improve its attractiveness to the local community by improving its condition. None of the remaining wellbeing goals will be affected by the decision to sell the land. The land is not able to generate wealth, prosperity and employment in the local area due to its location and use as per the wellbeing goal of a prosperous Wales. It will not affect the wish to create a more equal Wales as the land does not have the ability to improve people's social mobility. It will not affect the wish to seek a more vibrant culture and a thriving Welsh language as the use of the land does not support this. The proposal does not also

adversely impact on the goal of a globally responsible Wales. The final goal of a more healthier Wales is not affected either as use of land will create no issues regarding future health.

Newport Norse have collaborated with local residents and the landowner of the adjacent land to progress this disposal.

If the matter proceeds to conclusion, the purchaser would be required to obtaining any necessary planning permission or other consents for the proposed use. It is not necessary therefore, for the Council to obtain planning permission.

## Financial Summary

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
<b>Costs</b>					<b>Disposal will generate a capital receipt.</b>
<b>(Income)</b>					
<b>Net Costs (Savings) Net Impact on Budget</b>					

## Risks

You will need to complete the following Risk table

<b>Risk</b>	<b>Impact of Risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>	<b>Who is responsible for dealing with the risk?</b>
Failure to dispose of the asset will result in no capital receipt to the Council	M	L	Disposal should be actively pursued by all parties	NCC and Newport Norse
Risk that vegetation may grow and overshadow adjoining properties.	M	H	Monitor the situation, whilst proceeding with the disposal	NCC
Risk of deterioration in the condition of the land	L	M	Proceed with the disposal	NCC and Newport Norse

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

Corporate Asset Management Plan – 2012 to 2017  
Property Rationalisation Programme  
Medium Term Revenue Plan (MTRP)

## **Options Available and considered**

1. Decline the requests to purchase and continue to manage the subject land as currently.
2. Dispose of 245m<sup>2</sup> on terms to be agreed by the Head of Law and Regulatory Services. The transfer would include a restrictive covenant to ensure the land be used as garden land only.

## **Preferred Option and Why**

Dispose of 245m<sup>2</sup> on terms to be agreed by the Head of Law and Regulatory Services and include a restriction in the transfer that the land be used as garden land only.

This option will generate a capital receipt and transfer maintenance and management costs from the Council.

## **Comments of Chief Financial Officer**

Disposal of this freehold will benefit the Council by the realisation of a capital receipt, which is reinvested into the Council's overall capital programme, disposal of the land will also remove any potential maintenance liabilities.

## **Comments of Monitoring Officer**

The proposed action is in accordance with the Council's legal powers under sections 122 and 123 of the Local Government Act 1972 to re-appropriate and dispose of surplus land that is no longer required for operational purposes. This land was originally acquired for highway improvement purposes but it now surplus to requirements and has become derelict and over-grown. It has no current developable potential and no intrinsic value, except as extended garden land for the adjoining development plot. Therefore, it has a special purchaser value only for the adjoining landowner. The council has a statutory duty under section 123 to secure the best price reasonably obtainable for the disposal of the freehold, but the price offered by the adjoining owner is considered to be market value for amenity land. The land is not considered to be informal open space and, therefore, it will not be necessary to give public notice of the proposed appropriation and disposal. A restrictive covenant will need to be attached to the transfer to ensure that the area continues to be used for garden purposes only and the owner would become liable for any retaining wall issues and rights of support for the neighbouring land.

## **Comments of Head of People and Business Change**

As required, this report has considered the Well-being of Future Generations (Wales) Act 2015. Furthermore, all five aspects of the Act's sustainable development principle have been reflected in the report (*looking to the long term, involving people, collaborating with others, prevention and taking an integrated approach*).

Finally, from an HR perspective, there are no staffing implications.

## **Comments of Cabinet Member**

Cabinet Member has been briefed on this report.

## **Local issues – Comments of Ward Members**

Cllr J Watkins- I have no objection providing the purchaser agrees to retain it as additional garden space and takes on responsibly for maintaining retaining walls etc as prescribed in the sale.

## **Scrutiny Committees**

N/A

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

### **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

### **Wellbeing of Future Generations (Wales) Act 2015**

The long term benefit of the land has been considered and as it serves no current purpose for the Council or local residents it is felt that it is beneficial to dispose of the site for a capital receipt. Selling the site will prevent any future liability for the Council for this small parcel. Collaborating with the applicants regarding the sale will result in terminating all liabilities of the Freehold.

Selling the site will improve the purchasers physical and mental wellbeing as he will benefit from a larger garden area. A healthier Wales.

### **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

### **Consultation**

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

### **Background Papers**

Site plan attached.

Dated: 20 January 2020

