

Report

Cabinet Member for Assets & Member Development

Part 1

Date: 22 May 2018

Subject Land at 8 Larch Grove, Newport

Purpose To seek approval of the Cabinet Member for Assets & Member Development regarding the disposal of the above Council owned Land.

Author Housing and Assets Manager

Ward Malpas

Summary The subject land is owned by the Council and comprises part of a larger parcel used as informal open space. There has been interest expressed in acquiring a small part of the land by one of the local residents in order to make their garden a little larger. The approximate size of the land is 30 sqm. Malpas has a surplus of informal open space and the disposal of this portion will have little impact on the overall total available nor would it impact on any future decision that might want to convert the informal open space into formal open space where a shortfall exists in Malpas.

Proposal Dispose of the land on terms to be agreed by the Head of Law and Regulation. This would generate a small capital receipt for the Council and the proposed land is surplus to requirements.

Action by Newport City Council and Newport Norse

Timetable Immediate

This report was prepared after consultation with:

- Estates Team Leader, Newport Norse
- Estates Portfolio Officer, Newport Norse
- Property Services Manager, Newport Norse
- Strategic Director – Place
- Head of Regeneration, Investment and Housing
- Housing and Asset Manager
- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of Business and People Change

Signed Background

The land subject to this report is shown edged on the attached plan. It comprises approximately 30 sqm. The land is level and covered with rough grass. Access to the site is from Larch Grove and this route is from the main roads. The main road that this road joins on from is Malpas Rd. This area is

included in the ward profile as informal open space with the ward as whole having a surplus of informal open space of approximately 12 hectares.

Highways and Leisure officers have been consulted and advise there is no reason in principle that the site could not be sold. The details of any specific application would, of course, be considered on its merits.

Correspondence has been received from a resident, enquiring whether the Council is willing to dispose of this site. Whilst the remaining site has potential for sale as a residential development site, it has been confirmed that the disposal of this section of the land will not be a hindrance or prevention to access the rest of the site nor would it significantly affect the level of informal open space available in the ward. The resident would like to purchase this plot of land to enclose it into the boundaries of their garden.

It is not necessary for the council to apply for planning permission.

Financial Summary

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)					Disposal will offer small potential revenue savings in maintenance and management costs. Disposal will generate a capital receipt.
Net Costs (Savings)					
Net Impact on Budget					

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to dispose of the asset will result in no capital receipt to the Council	H	L	Disposal should be actively pursued by all parties	NCC and Newport Norse
Failure to dispose of the asset will result in maintenance of land at council's	M	L	Disposal should be actively pursued by all parties	NCC and Newport Norse

cost				
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Options Available and considered

Take no action and continue to manage the land as currently.

Agree to sell the land to the residents of 8 Larch Grove.

Preferred Option and Why

Dispose of the land to the residents, on terms to be agreed by the Head of Law and Regulation.

This option will generate a capital receipt and reduce revenue maintenance costs.

Comments of Chief Financial Officer

The proposal regarding this area of land does not have any strategic or economic impact on the Authority, so a disposal would be beneficial by generating a small capital receipt to be reinvested in the capital programme. In addition, the revenue maintenance and management costs associated with the overall site would be reduced slightly.

Capital receipts are a corporate resource and are therefore not hypothecated outside Cabinet. They are regularly reported to Cabinet in the Capital Programme monitoring reports. Decisions on their use is a Cabinet decision, taking into account the wider funding issues around the Council’s capital programme. Receipts earmarked to 21C School’s programme (which attracts WG match funding) have reached the minimum required levels for Band A.

New receipts over and above the above are now contributing towards the achievement of the minimum requirement included in the latest approved Council Capital programme.

Comments of Monitoring Officer

The proposed action is in accordance with the Council’s statutory powers to re-appropriate and dispose of surplus land in accordance with Section 122 and 123 of the Local Government Act 1972. This small area of land has no strategic value for the Council and can be incorporated within the garden of the adjoining property without impacting on the available open space within the area. Therefore, the Council is entitled to re-appropriate the land and dispose of it at the best price reasonable obtainable. The land should be sold with a restrictive covenant to ensure that it can only be used for garden/amenity purposes, and it’s enclosure as part of the garden are may require planning permission for a change of use. The transfer will also need to expressly reserve rights for the Council to sell the larger area of open space for development purposes, in order to keep this option open in the future. Because the land is informal public open space it will be necessary to give 2 weeks public notice of the intention to re-appropriate and dispose of the land under sections 122 (2A) and 123 (2A) of the Local Government Act 1972

Comments of Head of People and Business Change

The parcel of land this report relates to is relatively small being just 30 square metres and is therefore of limited significance in terms of wellbeing, habitat or sustainable development. It is however part of a larger area of informal open space and the report notes that the sale of the smaller parcel of land would not impact on the future use of the larger site. The report makes reference to the relatively favourable supply of informal space in Malpas ward.

Comments of Cabinet Member

The Cabinet Member has been briefed.

Comments of Ward Members - Malpas

All three Ward Councillors in Malpas are happy to support this going ahead.

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

As reported in the background this is an application to purchase a small portion of what is considered informal open space, the size of the disposal does not have any significance as sustainable development and will have little impact on the overall level of available open space to Malpas residents.

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.

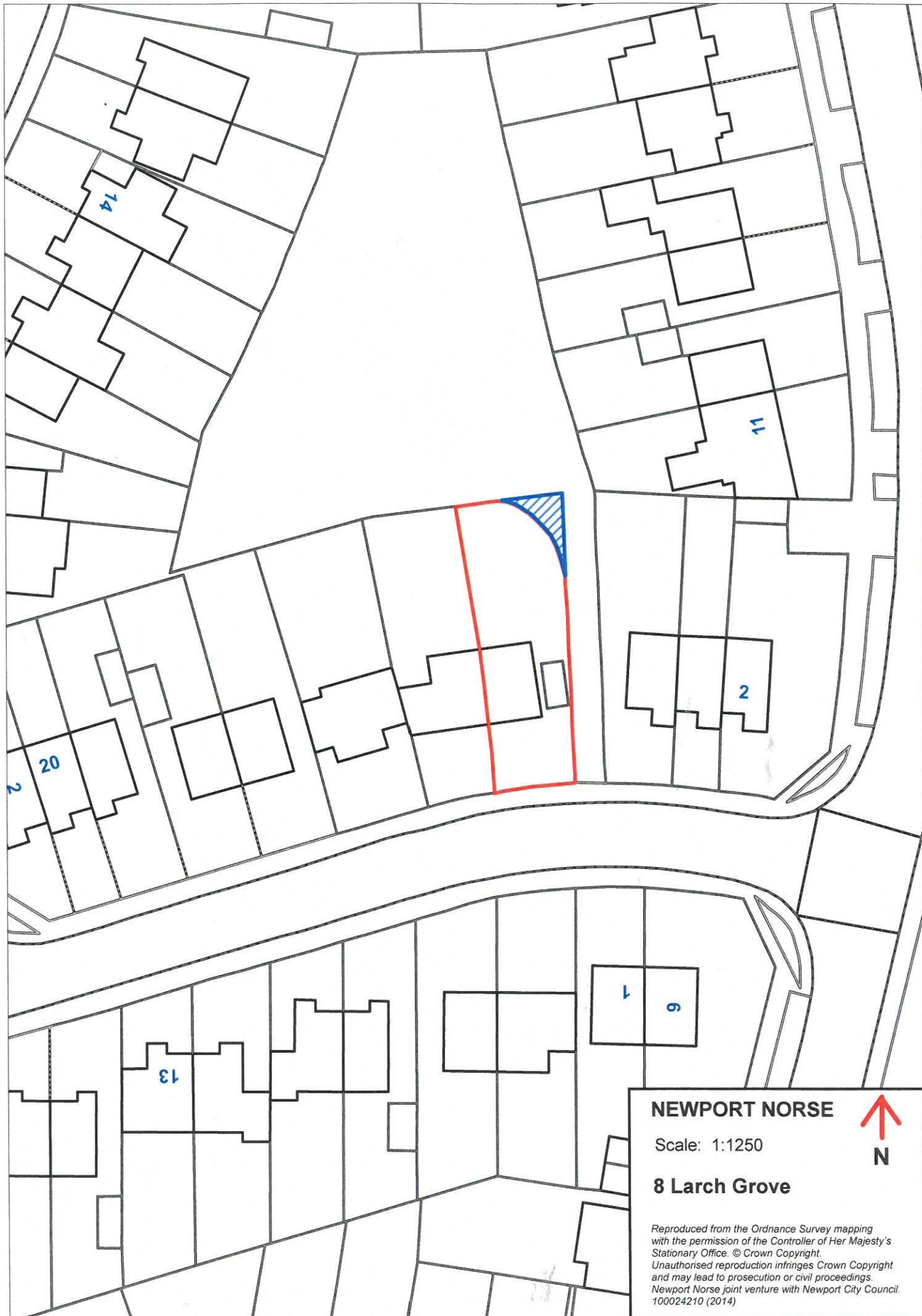
Consultation

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: 22 May 2018



NEWPORT NORSE

Scale: 1:1250



8 Larch Grove

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