



LEAD MEMBER FOR RESOURCES

DECISIONS to be made by the Lead Cabinet Member for Resources,
Councillor David Elkin

TUESDAY, 16 JUNE 2015 AT 10.00 AM

COMMITTEE ROOM, COUNTY HALL, LEWES

AGENDA

- 1 Decisions made by the Lead Cabinet Member on 12 February 2015 (*Pages 3 - 4*)
- 2 Disclosure of Interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct
- 3 Urgent items
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
- 4 Disposal of the residential property Rose Cottage, Bexhill (*Pages 5 - 6*)
Report by the Chief Operating Officer
- 5 Former Grays Infant School, Western Road, Newhaven (*Pages 7 - 10*)
Report by the Chief Operating Officer
- 6 Any non exempt urgent items previously notified under agenda item 3
- 7 Exclusion of public and press
To consider excluding the public and press from the meeting for the remaining agenda item on the grounds that if the public and press were present there would be disclosure to them of exempt information as specified in paragraph 3 of Part 1 of the Local Government Act 1972 (as amended), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 8 Write off of debts (*Pages 11 - 26*)
Report by the Chief Operating Officer
- 9 Any exempt urgent item previously notified under agenda item 3

PHILIP BAKER
Assistant Chief Executive
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8 June 2015

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RESOURCES

DECISIONS made by the Lead Cabinet Member for Resources, Councillor David Elkin, on 12 February 2015 at County Hall, Lewes.

48. MINUTES

48.1 Councillor Elkin approved as a correct record the minutes of the meeting held on 20 January 2015.

49. REPORTS

49.1 A copy of the reports referred to below are included in the minute book.

50. LAND SWAP OPTION TO PROVIDE LAND FOR A TWO FORM ENTRY (2FE) SCHOOL IN UCKFIELD

50.1 Councillor Elkin considered a report by the Chief Operating Officer which sought approval to declare land at Ridgewood Farm, shown hatched black on Appendix 1 to the report, surplus to County Council requirements and to approve its transfer to Welbeck Land in exchange for 0.6 hectares of land to provide a 2FE school.

DECISIONS

50.2 RESOLVED to (1) approve land at Ridgewood Farm be declared surplus to the Council's requirements;

(2) delegate authority to the Chief Operating Officer to negotiate and agree the final terms of sale on the basis the Council obtains the best price reasonably obtainable in line with s123 of the Local Government Act 1972;

(3) approve the purchase of the 0.6 hectare site to construct a new school within Ridgewood Farm for the purposes of providing for a 2FE school; and

(4) agree that authority be delegated to the Chief Operating Officer to approve the terms of the acquisition of the site.

Reason

50.3 The land swap will enable the expansion of Holy Cross Church of England Primary School to a 2FE school, which will benefit the local community.

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Committee: **Lead Cabinet Member for Resources**

Date: **16 June 2015**

Title of Report: **Disposal of the residential property Rose Cottage, Bexhill.**

By: **Chief Operating Officer**

Purpose of Report: **To declare the residential property Rose Cottage surplus to Council requirements and request approval from the Lead Member for Resources to dispose of the property.**

RECOMMENDATION: The Lead Member is recommended to:

- (1) declare the property surplus to Council requirements and to approve the disposal of the property; and**
 - (2) delegate authority to the Chief Operating Officer to agree the final terms of the sale.**
-

1. Background Information

1.1 The property consists of 5 bedrooms with a family bathroom, shower room, four reception rooms, downstairs cloakroom, kitchen and an annexed section.

1.2 The property was formerly a home for children in care. A plan of the property is attached in Appendix A.

1.3 Three local agents were approached to provide their valuation and on average the property was valued at £325,000.

2. Supporting information

2.1 A review of the benefits to the Council of retaining this property has concluded the property is surplus to the Council's requirements and offers a poor return on the capital investment in the property.

2.2 As the property is not an open space the Section 123 requirement to advertise in a local newspaper for a 2 week period does not apply.

3. Conclusion and Reason for Recommendations

3.1 The financial yield from the property, after maintenance commitments, is poor. The property has no future use or benefit for the Council. It is for these reasons the recommendation is to sell the property at full market value.

KEVIN FOSTER
Chief Operating Officer

Contact Officer: Roger Simmons, Client Manager, 01273 335522

Local Members: Councillor Michael Ensor and Councillor Michael Phillips

Background Documents: None

Appendix A – Rose Cottage, 7 Terminus Avenue, Bexhill, TN39 3LS



Committee: **Lead Cabinet Member for Resources**

Date: **16 June 2015**

Title of Report: **Former Grays Infant School, Western Road, Newhaven**

By: **Chief Operating Officer**

Purpose of Report: **To seek Lead Member approval to the appropriation of the site for planning purposes under S122 of the Local Government Act 1972 (“the 1972 Act”) to facilitate the carrying out of development in the interests of the proper planning of the area.**

RECOMMENDATION: The Lead Member is recommended to:

Agree the appropriation of the site for planning purposes under S122 of the Local Government Act 1972 in the interests of the proper planning of the area in order to enable the powers in section 237 of the Town and Country Planning Act 1990 (“ the 1990 Act”) to be used to facilitate the redevelopment of the site.

1. Background Information

1.1 The property was acquired by compulsory purchase on 4 January 1965 under powers set out in S90 Education Act 1944 and subsequently developed as an Infant School.

2. Supporting Information

2.1 Following a consultation exercise and the issue of statutory notices the former Grays Infant School merged with the former Southdown Junior School to form the new Harbour Primary School with effect from January 2013. Following completion of building works all of the pupils moved onto the former Southdown site in September 2014 vacating the former Grays site on Western Road.

2.2 On 16 September 2014 the Lead Member for Resources resolved to declare the former Grays Infant School, Newhaven surplus to the County Council’s requirements; and delegated responsibility to the Chief Operating Officer to dispose of the site at the best price reasonably obtainable.

2.3 Enquiries made of the local planning authority, Lewes District Council, suggest that the site has potential for residential development.

2.4 The title to the site is subject to restrictive covenants dating back over 100 years in favour of adjacent properties. These in particular serve to restrict to four the number of dwellings which may be built on the part of the site shown hatched black on the attached plan.

2.5 Holders of the benefit of any restrictive covenant affecting the site would be entitled to compensation for any diminution in value (if any) of their interest. The Council would seek to pass this responsibility to a purchaser on any sale of the site.

2.6 The emerging Lewes District Council Core Strategy identifies a need for a minimum of 830 additional housing units in Newhaven by 2030. The Strategy sees housing growth as pivotal to the regeneration of Newhaven and Core Policy and looks to achieve residential densities of 47 to 57 dwellings per hectare in towns. The existing covenants, to the extent they might be enforceable, would serve to restrict the contribution the site could make towards satisfying this requirement

2.7 Under S122 of the 1972 Act the Council is empowered to appropriate land for planning purposes i.e. which will facilitate development, re-development or improvement in the interests of the proper planning of the area and likely to contribute to the economic and social well-being of the area.

2.8 Once the land has been validly appropriated for planning purposes then under S237 of the 1990 Act (power to override easements and other rights) development and use of the land by the Council or a successor in title is authorised, provided it is done in accordance with planning permission even though it might be in contravention of existing covenants.

2.9 The effect of S237 is to convert the benefit of a restrictive covenant into a claim for compensation, restricted to the loss in value of the claimant's land arising from the breach. A claimant would not be able to secure an injunction preventing development.

3. Conclusion and Reason for Recommendations

3.1 The appropriation will facilitate the development of the site in accordance with local planning policies.

3.2 Once appropriated, the powers under S237 of the 1990 Act will enable existing restrictive covenants to be dealt with as a claim for compensation.

3.3 The benefit of appropriation and the 1990 Act powers can be passed to a purchaser/developer of the site.


KEVIN FOSTER
Chief Operating Officer

Contact Officers: Nick Anderson Estates Surveyor, Tel: 01273 336969

Local Member: Councillor Butler

Background Papers: None



Map Title: Grays School, Newhaven		East Sussex County Council County Hall St Ann's Crescent Lewes 
Date: 20 May 2015	Map No: 1	
Scale: 1:1,250	Author: NA/RP	

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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