

Cabinet Member Briefing Note

Disposal of Land at Tadpole Farm for a Health Care Facility

To: Cabinet Member for Strategic Infrastructure, Transport & Planning

Date: 9th March 2021

Author:	Head of Property Assets
Wards:	St Andrews
Parishes Affected:	St Andrews Parish Council

1. Purpose and Reasons

- 1.1 The purpose of this report is to seek authority for the disposal of small area of additional land to Westrop Surgery to facilitate the development of a Health Care Facility to serve the needs of the Tadpole Garden Village and surrounds.
- 1.2 Authority is also sought to enter into a Deed of Release to vary the Option Agreement (18/11/2011) with Crest Estates Ltd to remove part of the land to be sold to Westrop Surgery from this agreement, the highways obligations in this agreement will then be passed to Westrop Surgery.
- 1.3 Authority is further sought to enter into an Access Licence with Westrop Surgery to permit their contractors to access the site prior to the completion of the sale of the land to commence construction of the Health Centre.
- 1.4 This proposal supports Priority One: Improve infrastructure and housing to support a growing, low-carbon economy.

2. Recommended Action to be taken by Officers Under Delegated Powers

Recommended that the Cabinet Member agrees to:

- 2.1 The Head of Property Assets, in consultation with the Chief Legal Officer and the Corporate Director of Finance and Assets (S151 Officer), will exercise his delegated authority (Paragraph 43 of the Council's Scheme of Delegations, Part 8 of the Constitution) to:
 - 2.1.1 Dispose of the small area of additional land shown blue fill on the plan attached as an Appendix 1 to Westrop Surgery. The disposal will be on such terms and conditions as are required by the Head of Property Assets and the Chief Legal Officer, in order to protect the Council's interests.
 - 2.1.2 Enter into a Deed of Release to the Option Agreement (18/11/2011) with Crest, whereby the land shown Pink fill in the plan attached as an Appendix 1 is removed from this agreement on such terms and conditions as are required by

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the Head of Property Assets and the Chief Legal Officer, in order to protect the Council's interests.

- 2.1.3 Enter into an Access Licence and any other documentation required to facilitate the construction of the Health Centre prior to the completion of the sale of the land as detailed in the Cabinet Member Briefing Note (16/6/20) attached as Appendix 2 and this note, on such terms and conditions as are required by the Head of Property Assets and the Chief Legal Officer, in order to protect the Council's interests.

3. Detail

- 3.1 In June 2020, a Cabinet Member Briefing Note was circulated and agreed, which recommended the sale of a parcel of Council owned land to facilitate the delivery of the Health Facility (**HF**) to serve Tadpole Garden Village (**TGV**) and its surrounds. The original site was owned by Crest Nicholson (**CN**) and there were obligations within the S106 for CN to provide the site fully serviced, these obligations were included as part of the agreement to move the location of the HF. A copy of the report is attached as Appendix 2 for reference.
- 3.2 The land included in the sale was based on the planning permission (S/RES/17/059) achieved by Westrop Surgery (**WS**) which allowed for a private pump station serving only the HF to be located on the site.
- 3.3 The land to the North East of the HF shown green on the attached plan (appendix 1) is within the Council's ownership. CN and the Council have discussed the future potential promotion of this land for residential use and as a result of these preliminary discussions could look to the opportunity to deliver an adoptable pump station as part of the servicing of the HF.
- 3.4 An adoptable pump station is larger than a private pump station, and due to the layout of the HF and the size of the adoptable pump station the NE boundary needs to be stepped out to provide a land area sufficient for its delivery.
- 3.5 The area shown blue on the plan is the maximum area CN consider to be necessary to deliver the adoptable pump station, the area steps north by approx. 6m and runs east for approx. 40m. CN will be under an obligation to submit a planning application for the pump station, including a new access from the existing road.
- 3.6 The pump station will be located as close to the existing road as possible, subject to the technical design, planning approval and highways access requirements. The adoptable

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pump station will provide a point of connection into the “triangle” of Council owned land adjacent to the HF, essentially straddling both sites.

- 3.7 If the adjacent triangle of Council land is brought forward for development at a future date a stand - alone pump station would be required. By utilising the additional land required for an adoptable pump station as part of the HF this would provide reduced servicing costs for the triangle of land, this enhances its suitability for future development opportunities.
- 3.8 The land shown pink on the attached is currently included within an Option Agreement between CN and the Council. The option allows for CN to call upon the land within it to potentially use as a northern access route for the TGV development. As a result of the HF being developed on the land there is a need for this to be removed from the Option Agreement, this obligation will be passed to WS.
- 3.9 WS have requested early access onto the site to start preliminary works prior to the various legal agreements being completed to ensure they are able to start drawing down their funding from the NHS for the HF as it is time limited.
- 3.10 Any agreement to facilitate early access will include obligations to restore the site or for the Council to reclaim costs should the development for any reason not progress. It is felt that there is very little risk to the Council of entering into this arrangement with another public body.
- 3.11 The following ward councillors have been consulted on the recommendations of this report and their responses summarised below:
 - 3.11.1 Councillor Steve Hayes – I am glad it is moving ahead and the funding etc. has now been resolved. It will be a great addition to Tadpole
 - 3.11.2 Councillor Rahul Tarar – I am happy with this
 - 3.11.3 Councillor Vera Tomlinson – No comment received

4. Alternative Options

- 4.1 The Council could decide not to provide the additional land required to facilitate an adoptable pump station, reverting to a pump station that would only serve the HF. The Council could choose not to facilitate early access on to the site, however, this could jeopardise the delivery of the HF on this site as the funding for the development is time limited.

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5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The Council is obliged to achieve a best value consideration for any commercial disposal. The additional land required for the adoptable pump station is approx. 240m² or 0.06 acres, the land was valued prior to the initial CMBN by an independent third party at £7.5k per acre reflecting the existing agricultural usage.
- 5.2 The value of the additional land required to facilitate the pump station is therefore £450. The benefit of the enhancement to the Council's retained triangle of land from the provision of a pump station substantially outweighs this figure so this amount does not to be added to the agreed sale price.

Legal and Human Rights Implications

- 5.3 Legal and Human Rights implications have been fully taken into account in the preparation of this report. It is considered that the recommendations of this report are compatible with Convention Rights.
- 5.4 The Chief of Legal Officer will prepare and issue all legal documentation on such terms as is necessary in order to protect the Borough Council's interests.

Climate Change Impact

The proposals would not bring a change in service delivery and Officers believe that there is no expected effect on the Council's carbon footprint.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.5 None specific to this Briefing Note have been identified.

Diversity Impact Assessment

- 5.6 A Diversity Impact Assessment has not been completed for this briefing note as it deals with the disposal of freehold land and does not make any recommendations that would affect services.

Risk Management

- 5.7 The transfer of these assets reduces the Council's risks associated with holding the assets. There are no other known risks linked to this Report

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6. Consultees

- 6.1 The Corporate Director of Finance and Assets (s151 officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – Plan
8.2 Appendix 2 – Previous CMBN

9. Declarations of Interest

- 9.1 Cabinet Members are reminded to consider whether they have any known interests in any of the matters referred to in this Briefing Note. If such an interest exists this should be declared to the Monitoring Officer (or Committee and Member Services Manager), and they should take no part in the consideration of the Briefing Note and should refer the Briefing Note to the Leader of the Council instead for consideration.

10. Sign-off

- 10.1 The Cabinet Member is requested to respond with 5 days of the date of this report (by 14th March 2021).
- 10.2 The Cabinet Member is requested to indicate one of the following responses to the Recommendations set out in Section 2 of this report:

[To be signed electronically but the signature will be redacted on the published version.]