

Cabinet Member Briefing Note

Disposal of Land at Tadpole Farm for a Health Care Facility

To: Cabinet Member for Strategic Infrastructure, Transport & Planning & and Cabinet Member for Commercialisation, Education and Skills

Date: 15th June 2020

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 sale of 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 vary the S106 for Tadpole Farm to replace the current site identified for the provision of a Health Care Facility for the Council owned land it is proposed to sell to Westrop Surgery for this purpose.
- 1.3 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:

- 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 sell the land shown blue fill on the plan attached, as an Appendix 1 to Westrop Surgery. The sale 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.
- 2.2 The Head of Planning, Regulatory Services and Heritage, in consultation with the Chief Legal Officer, will exercise his authority (Paragraph 258 of the Council's Scheme of Delegations, Part 8 of the Constitution) to enter into a Deed of Variation to the Tadpole Farm Section 106 Agreement (11th September 2012), and the Supplemental Deed (27th April 2017) whereby the health care facility land is moved to the location shown blue fill in the plan attached as an Appendix 1.

Further information on the subject of this report can be obtained from Rob Richards, 07740 037316, richards@swindon.gov.uk. Or Helen Haines, 07824 550421, hhaines@swindon.gov.uk

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The sale will include provisions requiring Crest Nicholson to fully service the site for Westrop Surgery to use for the purpose of their consented scheme (S/RES/17/0579).

3. Detail

- 3.1 The Tadpole Farm development S106 Agreement (11th September 2012) obliged Crest Nicholson (CN) to provide a fully serviced site for a Health Care Facility to serve the needs of the Tadpole Garden Village development. The site was to be made available to a Health Care Provider funded by or under contract with the National Health Service and include some or all of the following uses: GP surgery, dental surgery and community nursing facility.
- 3.2 The site identified within the S106 is located to the south of the development, adjacent to the Western Common open space and adjacent to the Public House. The site is not particularly well located, in terms of access, and is smaller than Westrop Surgery (WS - appointed health care provider, which is to run the practice) would like.
- 3.3 WS subsequently identified a site, which is Council owned, opposite the new Primary, Special Educational Needs and Secondary Schools, shown green, yellow, and brown respectively (Appendix 1). The site was created when CN constructed the access road from Tadpole Garden Village (TGV) linking into the existing road from the direction of the A419, which provides access to the solar farm, Chapel Farm and Hills Landfill sites. WS has advised that it would much rather be based on the Council owned site, and without discussion with the Council on the availability of the site, WS has obtained planning consent for a medical practice there.
- 3.4 The proposed site on the Council land is not serviced i.e. there are no utilities to it, and the Council has no ability to provide services to the site, as the road access to the site is via a private road owned by CN. A cost plan to fully service the site has been provided by CN, the figure for servicing is in line with the level of costs incurred by the Council in providing services to the primary school. Additionally, CN has advised that it has negotiated a disposal of the current health care facility site to the neighbouring public house. On the basis that the

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cost of servicing the proposed site equates to the value it has been offered for the existing site, CN confirmed it is supportive of the S106 being amended to substitute the Council owned site. The Contract for the sale and the Transfer document will include provisions requiring CN to deliver the site in a fully serviced state as it is already obliged to do so under the S106, but instead it will be for a different area of land.

- 3.5 Given the commercial nature of the transaction, until the disposal of the land to WS, and the variation to the S106 have completed, details of the land valuation, sale costs to WS, the CN sale of existing site and servicing costs are to be remain confidential. Once all the deals have been completed and the information is available on the Land Registry, therefore available to the public, the information can be released. In the interim, the financial details are set out in a private and confidential Appendix 2.
- 3.6 The following ward councillors have been consulted on the recommendations of this report and their responses summarised below:
- 3.6.1 Councillor Steve Heyes – The sooner the better as there is a definite demand. It is good that the same provider will continue to serve this area.
- 3.6.2 Councillor Rahul Tarar – Fully supportive
- 3.6.3 Councillor Vera Tomlinson – Very Supportive of this as we do need a Medical facility in this location.
- 3.7 The Parish was notified on the 22 May 2020.

4. Alternative Options

- 4.1 The Council could choose not to make the site available for use for the Health Care Facility; the existing S106 arrangements for its provision would remain in place.

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5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The financial information relating to this transaction is set out in Appendix 2, which is private and confidential for the reasons set out at 3.5.
- 5.2 Crest Nicholson has undertaken to meet the Council's Legal, Estates and S106 costs of £3,300 (net).

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 information within the report is to remain confidential until the sale of the land and the variation to the S106 agreement are completed.
- 5.5 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

- 5.6 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)

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

Diversity Impact Assessment

- 5.8 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.

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Risk Management

- 5.9 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.

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.

The Corporate Director of Finance and Assets (s151 Officer) cleared this report for publication on: 22nd May 2020.

The Chief Legal Officer (Monitoring Officer) cleared this report for publication on: 12th June 2020.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix One: Site plan

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 Members are requested to respond with 5 days of the date of this report (by 22nd June 2020).

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Cabinet Member One

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:

Note and support the proposed action to be taken under delegated authority –
Yes / No

Note and request the proposed action be reconsidered – Yes / No

Reasons for Reconsideration:

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Request Report be Referred to Cabinet - Yes / No

NB To protect against identity theft, Cabinet Member's signatures will be redacted on public versions of the signed Briefing Note.

Date ..15th June 2020.....



SignedCabinet Member

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Cabinet Member Two

- 10.3 The Cabinet Member is requested to indicate one of the following responses to the Recommendations set out in Section 2 of this report:

Note and support the proposed action to be taken under delegated authority –

Yes

Note and request the proposed action be reconsidered – No

Reasons for Reconsideration:

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Request Report be Referred to Cabinet - No

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Date ...15th June 2020.....

Signed



.....Cabinet Member