

BABERGH DISTRICT COUNCIL

FROM: Housing Panel

REPORT NUMBER: **J225**

TO: STRATEGY COMMITTEE

DATE OF MEETING: 8 April 2010

TRANSFER OF LAND TO THORPE MORIEUX PARISH COUNCIL FOR AMENITY USE

1. PURPOSE OF REPORT

- 1.1 To seek approval to transfer Babergh owned land at Bury Road Thorpe Morieux to Thorpe Morieux Parish Council for use as open space for the benefit of the parish.

2 RECOMMENDATION

- 2.1 That the Babergh owned land at Bury Road Thorpe Morieux be transferred at 100% discount to Thorpe Morieux Parish Council for use as amenity land for the benefit of the parish in perpetuity, subject to Ministerial consent being obtained to the disposal. The Committee is able to resolve this matter.

3. FINANCIAL IMPLICATIONS

- 3.1 The disposal of Babergh owned land currently valued at £7,000 at 100% discount.

4. RISK MANAGEMENT

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
The Parish Council is unable to undertake the landscaping and management of the land.	Very Low	Critical	The Parish Council has already indicated that it will have the resources to landscape and manage the land.
Ministerial consent is not granted for the disposal of the site at less than market value.	Very Low	Critical	Disposal will not take place without Ministerial Consent being granted

5. KEY INFORMATION

- 5.1 The whole Babergh DC owned site consists of 1.03 hectares of land designated for housing use. The land was subject to a planning approval in 1947, but the houses at 1 to 8 Bury Road were the only properties built. The land was subsequently leased to Strutt & Parker (Farms) Ltd for agricultural use. As an agreement has now been reached with Strutt & Parker (Farms) regarding the right of way provided by the 1947 approval; this approval is now regarded as no longer extant.

- 5.2 Following representations from Babergh and the Parish Council Strutt & Parker agreed to surrender their lease and return the land to Babergh management, provided that their right of way was maintained, and this has been provided for in the design of the proposed housing scheme on the northern part of the site.
- 5.3 Following a local need housing survey a local need affordable housing scheme of 6 units was agreed by the Parish Council in partnership with Orwell Housing Association. The Babergh land in Bury Road was designated as the most appropriate site for the scheme in consultation with Babergh Development Control.
- 5.4 On 29 January 2010 the Head of Community Development in consultation with the Housing Panel agreed the transfer of 0.46 hectares of the site to Orwell Housing Association for the construction of the affordable housing scheme. Thorpe Morieux Parish Council requested that the remainder of the land be transferred to them as the parish has very little amenity land. This request is supported by the Ward Councillor.
- 5.5 The Open Space Manager has calculated that the play space requirement for Thorpe Morieux is 0.46 hectares. The only open space currently available is a small piece leased from Strutt & Parker Ltd. next to the village hall.
- 5.6 On 29 January 2010 the Housing Panel considered 3 options for the transfer of the amenity land:
- (i) Transfer the land at 100% discount to the Parish Council with a provision that the land be held in trust as amenity land for the benefit of the parish in perpetuity, and to be maintained properly by the Parish Council.
 - (ii) Sell the land to the Parish Council with the same provisions. The land has been valued by the District Valuer at £7,000 and the Parish Council has stated that it does not have enough funds to purchase the land, even at a discount. However they are able to fund the ongoing landscaping and maintenance of the land, mainly through the use of local resources.
 - (iii) Retain the land in Babergh ownership and remain responsible for the care and upkeep of the land. The Open Space Manager has estimated that this would cost Babergh up to £27,000 to convert the land to amenity use plus annual maintenance costs. The Parish Council believe they can reduce this figure by up to 75% by the use of local resources offered on a self-help basis.
- The Housing Panel supports the adoption of option (i). The local Member was present at that meeting and is supportive of the proposal. As this is a disposal of land held for Housing Act purposes in respect of which the General Disposal Consent does not apply, Ministerial Consent to the disposal will be required. A clause will be inserted in the Covenant for the transfer of the land to stipulate that any increase in the value of the land will be repaid to the Council.
- 5.6 If the land is granted to the Parish Council it proposes to set up a management sub-committee, reporting to the full Parish Council, to oversee the landscaping of the site and its future management. The Parish Council is consulting with Babergh's Open Space Manager to draw up an action plan for the conversion of the land from agricultural to amenity use, and there is an enthusiastic body of volunteer workers in the parish to help get the work done. The Parish Council will also be exploring alternate sources of funding for the possible provision of play equipment on the site, as they have been unable to obtain funding for the equipment on the leased land.

6. **APPENDICES**

Appendix 1 – Site of proposed amenity land at Bury Road Thorpe Morieux.

7. **BACKGROUND PAPERS** – None

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