



## Cabinet

16 DECEMBER 2015

**Subject Heading:**

**Cabinet Member:**

**CMT Lead:**

**Report Author and contact details:**

**Policy context:**

**Financial summary:**

**Is this a Key Decision?**

**When should this matter be reviewed?**

**Reviewing OSC:**

### PROPERTY DISPOSALS

**Councillor Roger Ramsey**

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The Council's Asset Management Plan

The disposal of the properties identified in this report would generate capital receipts.

Yes

Expenditure or saving (including anticipated income) of £500,000 or more

Not Applicable

Overview & Scrutiny Board

### The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

### SUMMARY

On various occasions Cabinet approval has been given to the disposal of a number of Council owned sites that have been identified as surplus either as a result of specific projects or more general property reviews carried out by Strategic Property Services.

As the Council has pursued a policy of selling surplus sites for many years it becomes more difficult to identify new sites for disposal that do not pose challenges, either technically or in terms of planning, and especially in respect of

objections to disposal that arise in many cases. Nonetheless, constant and on-going appraisal of property assets to identify disposal opportunities is a requirement on all local authorities and at Havering is essential in providing capital receipts to fund spending to support and enhance Council services.

This report identifies further sites that do not appear to meet the Council's approved criteria for property ownership and therefore need to be considered for disposal.

## RECOMMENDATIONS

That Cabinet:

- 1 Declare as surplus the freehold interest in the properties listed below and **authorise** their disposal and **authorise** the Head of Property in consultation with the Director of Legal & Governance, oneSource to deal with all matters arising including the appropriation for planning purposes and thereafter to complete the disposals.
  - Land at Logan Mews, Romford
  - 38 Regarth Avenue, Romford
  - 1 and 3 Widecombe Close, Harold Hill
- 2 (a) **Agree** to declare surplus and dispose of the freehold interest in the properties listed below and **authorise** adverts to be placed in a local newspaper in order to comply with the statutory requirements relevant to the proposed disposal of open space under Sections 122 and 123 of the Local Government Act 1972 and for the appropriation of open space for planning purposes.
  - Land at Hubbards Chase, Emerson Park
  - Land adjacent to Tweed Way Hall, Rise Park
  - Land adjoining former Whitworth Centre, Harold Hill
  - Land at Priory Road, Harold Hill
  - Land at Rainham Road, Hornchurch

(b) **Agree** that any representations made in response to these advertisements be formally considered and in the event that disposal of land is confirmed **authorise** the Head of Property in consultation with the Director of Legal & Governance, oneSource to deal with all matters arising and thereafter to complete the disposals.
- 3 **Authorise** the land at Wingletye Lane as shown on the plan within Appendix 1 to this report be made available for public recreational use subject to the usual park byelaws and subject to the land at Hubbards Chase proceeding to disposal.

## REPORT DETAIL

- 1 Over the last few years Cabinet has considered several reports that dealt with the results of a number of systematic property reviews and service led projects that identified surplus property assets. Following this consideration, approval has been given to a number of property disposals.
- 2 The Council's Asset Management Plan states that land and property assets should only remain in Council ownership if they:
  - need to be retained in Council control for the provision of services
  - are of great value to the Council, community and other stakeholders and are in need of the degree of protection from development or other uses afforded only by ownership
  - are investment properties providing a financial return that can fully satisfy relevant investment criteria
- 3 As well as ensuring that the portfolio of retained property is suitable for the operational needs of the Council, there is a continuing need to generate capital receipts from the disposal of assets in order to pursue capital projects. The review and identification of new disposal and capital receipt opportunities make an essential contribution to funding the Council's capital programme.
- 4 The combination of these factors has highlighted the need for a continuing systematic review of the Council's assets to ensure that those that continue to be retained match one of the definitions referred to above and those that do not are considered for disposal or re-use.
- 5 The required outcome of any asset disposal is to ensure that the Council's assets are managed efficiently and that their value makes a positive contribution to service delivery. However, where the site is to be redeveloped in accordance with the Council's planning policies the disposal may also assist in the pursuit of certain planning objectives, such as housing provision.
- 6 The sites identified for disposal within this report are:

Appendix 1	Land at Hubbards Chase, Emerson Park
Appendix 2	Land adjacent to Tweed Way Hall, Rise Park
Appendix 3	Land adjoining former Whitworth Centre, Harold Hill
Appendix 4	Land at Logan Mews, Romford
Appendix 5	38 Regarth Avenue, Romford
Appendix 6	Land at Priory Road, Harold Hill
Appendix 7	Land at Rainham Road, Hornchurch
Appendix 8	1 and 3 Widecombe Close, Harold Hill

Each appendix sets out the strategic context in identifying the land for disposal along with any associated projects. Further data on the asset and a site plan are also provided.

7. When a public authority proposes to sell an area of land that has been used as public open space it is required to follow a statutory process set out in S.123 of the Local Government Act 1972. This process involves advertising the proposed disposal for two consecutive weeks in a local publication. Any objections or representations must then be formally considered. The proposed disposals that require such a process are identified within the recommendations shown above.
8. In most cases it is also considered prudent to appropriate the land for planning purposes if it is identified for disposal and future development. This ensures that the Council's intended strategy for the land is clear and is often required by potential purchasers of the land.
9. To appropriate an area of open land for planning purposes also needs to follow a statutory process set out in the Local Government Act 1972. This process involves advertising the proposed disposal for two consecutive weeks in a local publication. Any objections or representations must then be formally considered.
10. On 13 March 2015 Cabinet approved, in principle, that the Council should establish a Council Owned Housing Company to deliver Market Rent and Market Sale Homes. In particular, approval, in principle, was given to the disposal of assets to the Company at market rates. The Deputy Chief Executive, Communities & Resources now has delegated authority to determine the principles and processes by which the said assets shall be disposed of and the terms of disposal.
11. It is possible that some of the disposals identified within this report will be of interest to the Housing Company and could be transferred to that Company, at market rates, under the delegated authority referred to above. This will be dealt with under that delegation and does not affect this report that just identifies the sites as potentially surplus and seeks approval to their disposal.

## REASONS AND OPTIONS

### **Reasons for the decision:**

The Council should regularly review assets to ensure that they meet the requirements of the Asset Management Plan and make the best possible contribution to the aims of the Council.

### **Other options considered:**

The only other option immediately available would be to not sell these sites. They are considered to be surplus to the Council's requirements and retaining them may not maximise their contribution to the Council's aims.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

Capital presale expenses up to the allowable maximum will be offset against the capital receipts. Any costs over and above this, or of a revenue nature will be met through the prioritisation of existing resources.

There is a risk that the disposal proceeds may be less than anticipated or that additional pre-sale expenses may be identified in which case the Head of Property would reconsider the position in consultation with the appropriate Lead Member. The economic case for each disposal will be kept under consideration throughout the sale process.

Costs will be incurred in connection with the processes required under Sections 122 and 123 of the Local Government Act 1972 in connection with the appropriation for planning purposes and disposal of open space. This will involve publishing adverts in the local press for two consecutive weeks. The cost of the adverts will be met from the pre-sale expense budgets initially and will be offset against the capital receipt as completion takes place.

The arrangements set out in Appendix 1 in respect of the proposed disposal of land at Hubbard Chase, Emerson Park involve bringing an additional 1.50 acres of land into more formal recreational use. The increased cost of Grounds Maintenance is estimated to be £1,500 per annum and this will be met from existing budgets held by the Parks Service.

### **Legal implications and risks:**

There are no direct legal implications in identifying that certain properties are potentially surplus to the Council's requirements and can be sold or that certain areas can be brought into public use.

The legal implications for the conveyances required to complete the disposals will be considered when it is brought to the market.

The appropriation for planning purposes and disposal of land used as open space will have to follow the processes set out in Sections 122 and 123 of the Local Government Act 1972 that involve placing advertisements in two consecutive editions in the local press and the formal consideration of any representations made in response to those advertisements.

### **Human Resources implications and risks:**

There are no Human Resources implications or risks in identifying these areas of land for disposal.

**Equalities implications and risks:**

There are no Equalities implications or risks in identifying these areas of land for disposal.

**BACKGROUND PAPERS**

None

**DISPOSAL OF LAND AT HUBBARDS CHASE, EMERSON PARK AND  
CREATION OF ADDITIONAL OPEN SPACE AT  
WINGLETYE LANE, EMERSON PARK**

- 1 The Council own the freehold interest in land at Hubbards Chase, Emerson Park as shown on the attached Plan SPS 1916, extending to approximately 3.00 acres. Part of the land is within the Metropolitan Green Belt but the remaining area, extending to approximately 1.20 acres, identified on the plan, is outside of the Green Belt.
- 2 The whole site has been used in the past for recreational purposes. It is covered by park byelaws and is held subject to Section 10 of the Open Spaces Act 1906.
- 3 The site has previously been used for junior football but this use ended in 2006 and pitches have not been marked out since then.
- 4 The Council also own land in Wingletye Lane, Emerson Park also shown on the attached Plan SPS 1916, extending to approximately 2.70 acres. This land is undeveloped and is not currently allocated for a specific use. It is open, grassed land but is not available for public use. It is within the Metropolitan Green Belt and is fenced to protect it from any unauthorised uses.
- 5 The current proposal is to bring the land in Wingletye Lane (2.70 acres) into use for public recreation and to dispose of the area of land at Hubbard Chase that is outside of the Green Belt (1.20 acres) for residential development, subject in both cases to planning and to any other required consents. The rest of the land at Hubbards Chase (1.80 acres) would remain as open space available to the public and access to it would be protected through any new development. The land at Wingletye Lane would become subject to the usual park byelaws.
- 5 The proposal would result in a total of 4.50 acres of open land being available for public use in this area compared to 3.00 acres currently – an increase of 50%. The additional cost of grounds maintenance for the additional areas of land is estimated to be £1,500 per annum and this will be met through existing Parks budgets. It would also bring forward a site considered suitable for development, subject to planning, that would increase the supply of family housing in this area and generate a capital receipt.
- 6 The cost of any works required to bring the Wingletye Lane land into public use would be offset from the capital receipt generated from the sale of land at Hubbards Chase and would be dealt with as part of the preparations for the disposal. The Parks Services have estimated that these costs are likely to be in the region of £200,000 and this could easily be met from the estimated capital receipt.
- 7 The Head of Culture and Leisure Services supports the proposal subject to funds being made available from the capital receipt to bring the land in

Wingletye Lane into public use. There may also be a need to consult with local residents to ensure that the proposed use of the additional land at Wingletye Lane and the retained open land at Hubbards Chase are used in a way to meet local need.

<b>Housing Revenue Account (HRA) or General Fund</b>	General
<b>Site Area</b>	1.20 acres for disposal
<b>Description</b>	Open space.
<b>Current Use</b>	Open space – used for informal recreation only
<b>Ward</b>	Emerson Park
<b>Site Details</b>	<p><b>Description</b> Open land currently used for recreational purposes</p> <p><b>Principle of Development</b> Planning issues have been considered by the relevant Officers and residential use may be acceptable in principle. It will be necessary for the individual characteristics and constraints of the site to be considered in the context of a development scheme before the planning position can be finally determined.</p> <p><b>Legal Title</b> The land is registered to the Council. There are no covenants or other restrictions that would preclude development.</p> <p><b>Other</b> In order to deal with planning issues and any objections that may arise from a proposal to sell an area of open space it is necessary to be able to put forward a local alternative area for recreational use</p>



## APPENDIX 2

### LAND ADJACENT TO TWEED WAY HALL, TWEED WAY, RISE PARK

- 1 The Council own the freehold interest in Tweed Way Hall, Rise Park. The hall is let to the Tweed Way Hall Community Association under the terms of a 10 year lease from 2012. The land owned by the Council also includes an area of vacant land that is not included within the lease.
- 2 The land is not required for the operation of the hall and is not currently used. The management of the land has been challenging at times and measures taken to protect the amenity of neighbouring properties (breaking up the surface and leaving the grass uncut to deter anti-social behaviour) are not a satisfactory solution in the longer term.
- 3 It is considered that the site is suitable for a small residential development subject to planning and other consents. This would provide additional homes, generate a capital receipt and bring the land into use. It would also deal with the ongoing management issues.

<b>HRA or General Fund</b>	General
<b>Site Area</b>	0.28 acres
<b>Description</b>	Vacant land adjacent to Community Hall
<b>Current Use</b>	Vacant land
<b>Ward</b>	Pettits
<b>Site Details</b>	<p><b>Description</b> An area of unused land within the curtilage of the Community Hall but not required for the hall use. It is not included within the lease held by the Community Association.</p> <p><b>Principle of Development</b> Planning issues have been considered by the relevant Officers and residential use may be acceptable in principle. It will be necessary for the individual characteristics and constraints of the site to be considered in the context of a development scheme before the planning position can be finally determined.</p> <p><b>Legal Title</b> The land is registered to the Council. There are no covenants or other restrictions that would preclude development.</p>

**LAND ADJOINING FORMER WHITWORTH CENTRE, HAROLD HILL**

- 1 The Council own the freehold interest in an area of land immediately adjacent to the site of the (now largely redeveloped) Whitworth Centre in Harold Hill.
- 2 The land is a small open area adjacent to existing Council housing in Hitchin Close. It is adjacent to Noak Hill Road but access to the site would be through the new development on the Whitworth Centre site.
- 3 The land has been contoured and landscaped but is largely used as a means of gaining pedestrian access to Noak Hill Road. It is also used informally for dog walking but is not large enough for any more formal recreational use.
- 4 It is considered that the site is suitable for a small residential development subject to planning and other consents. This would provide additional homes, generate a capital receipt and bring the land into use

<b>HRA or General Fund</b>	Housing
<b>Site Area (acres)</b>	0.6 acres
<b>Description</b>	Amenity land adjacent to the new development on the site of the former Whitworth Centre, Harold Hill
<b>Current Use</b>	Amenity land
<b>Ward</b>	Heaton
<b>Site Details</b>	<p><b>Description</b> A landscaped area adjacent to existing residential properties.</p> <p><b>Principle of Development</b> Planning issues have been considered by the relevant officers and residential use may be acceptable in principle.</p> <p>The site currently has an open, landscaped quality. It forms a belt of land, with good tree cover, which runs in a northerly direction behind Hitchin Close, fronting on to Noak Hill Road.</p> <p>A planning application for residential development on this site would be a matter of judgment for Regulatory Services Committee but it is considered that a well-designed, high quality</p>

scheme could attract a planning consent.

It is recognised that the character of land adjacent to the site (the former Whitworth Centre) has changed as a result of its reclassification within the Local development Framework and its subsequent redevelopment and this also indicates that development of the subject site may be acceptable.

**Legal Title**

The land is registered to the Council. There are no covenants or other restrictions that would preclude development.

**Other**

Pedestrian access to the land is currently obtained from Noak Hill Road or via Hitchin Close. No vehicular access exists presently and this would be required in the event of development being pursued.

There is an adopted footpath travelling through the centre of the site and this will need to be diverted or developed around in the event that development takes place.

There may be trees on site of sufficient quality to justify TPOs but the site has not yet been reviewed by the Councils Tree Preservation Officer.

There is some service equipment beneath the site including a gas main and an abandoned water distribution main. Any development scheme will need to accommodate these utilities.

**LAND AT LOGAN MEWS, ROMFORD**

- 1 The Council own the freehold interest in a small area of land in Logan Mews that currently contains 8 lock up garages. Logan Mews runs behind a parade of largely Council owned shops at the southern end of High Street, Romford close to the car park that serves The Brewery Shopping Centre.
- 2 Some of the garages have been used in the past for the storage of items by the Council. Others have been let out under standard garage licences. The storage use could be easily relocated and the licences brought to an end to achieve vacant possession of the site.
- 3 The garages are not in good repair and they currently make a negative contribution to Romford Town Centre. The financial return from letting out the garages is not attractive compared to the likely value of the land for development.
- 4 It is considered that the site is suitable for a small residential development subject to planning and other consents. This would provide additional homes, generate a capital receipt and bring the land into use that is more aligned with the regeneration of Romford Town Centre.

<b>HRA or General Fund</b>	General
<b>Site Area (acres)</b>	0.05 acres
<b>Description</b>	8 Garages and a parking space
<b>Current Use</b>	As above
<b>Ward</b>	Romford Town
<b>Planning/Transportation/ Access Issues</b>	<p><b>Description</b> The site consists of a row of 8 garages and a parking space.</p> <p>The site is located within the retail fringe area of Romford Town Centre as it sits behind the High Street. The High Street is identified as a secondary retail location.</p> <p><b>Principle of Development</b> Planning issues have been considered by the relevant Officers and residential use may be acceptable in principle. It will be necessary for the individual characteristics and constraints of the site to be considered in the context of a development scheme before the planning position can be finally determined.</p>

**Legal Title**

The Council's land is subject to legal constraints. Part of the land (which is predominantly adopted highway) is subject to rights of way. The title plan for EGL307232 shows that this does, however, affect the western corner of the Council's garage site.

In addition, the land is subject to a right in favour of Romford Brewery to construct an access ten feet wide (with or without gates) if this was ever required. The right granted does mean that the whole of the site owned by the Council cannot be developed.

Other than the constraints outlined, there are no covenants which would preclude development

The land is registered to the Council. There are no covenants or other restrictions that would preclude development.

**Other**

The site is accessed via Logan Mews which is an adopted highway. The Highway extends to the boundary of the neighbouring land and is situated at each end of the row of garages.

There is a main water distribution pipe travelling along the boundary of the garages. This will need to be accommodated within any design.

## APPENDIX 5

### 38 REGARTH AVENUE, ROMFORD

- 1 The Council hold the freehold interest in a number of residential properties in Regarth Avenue, Romford. At the end of the road, bordering the River Rom, one of these properties (No 38) is shortly to be vacated.
- 2 The property is a detached unit that has been converted for office use and has been used by an organisation called "Tapestry" - formerly Age Concern. That use has now come to an end and the premises are being returned to the Council with vacant possession. No alternative Council use has been identified for the property.
- 3 The premises are in poor condition and extensive works would be required to bring them back into mainstream residential use.
- 4 It is considered prudent to declare the property surplus and to identify it for disposal. However, the site could be of strategic importance in dealing with the regeneration of Romford Town Centre (especially as part of any scheme that links areas of land in Bridge Close - currently in industrial use - to the approaches to Romford Station) and disposal will be held until these issues are considered.

<b>HRA or General Fund</b>	General Fund
<b>Site Area (acres)</b>	0.09 acres
<b>Description</b>	Detached house which has been converted into office accommodation comprised of two offices, toilet and kitchen on the ground floor with three offices and a bathroom / filing room upstairs.
<b>Current Use</b>	The property is currently used by 'Tapestry' (formerly Age Concern) as office accommodation.
<b>Ward</b>	Romford Town
<b>Planning/Transportation/ Access Issues</b>	<p><b>Description</b> Detached house, used as offices in need of extensive repair and modernisation</p> <p><b>Principle of Development</b> There is an established residential use. Part of the site sits within Flood zone 3 on account of its proximity to the River Rom.</p> <p><b>Legal Title</b> The land is registered to the Council. There are no covenants or other restrictions that would preclude development.</p> <p><b>Other Issues</b> None.</p>

**LAND AT PRIORY ROAD, HAROLD HILL**

- 1 The Council own the freehold interest in an area of open space in Priory Road, Harold Hill.
- 2 The land is immediately adjacent to a larger area of Council owned land that is within the Green Belt. That area of land was formerly part of Manor Farm and has now been incorporated into Dagnam Park. The area of land identified in this report is not within the Green Belt and does not form part of the park.
- 3 It is considered that the site is suitable for a small residential development subject to planning and other consents. This would provide additional homes, generate a capital receipt and bring the land into use.
- 4 If the land were to be developed it would be necessary to reserve a small area of land to the western boundary to provide a buffer between the development and the River Ingrebourne. This reservation strip would also provide access to the land at the rear.

<b>HRA or General Fund</b>	General
<b>Site Area (acres)</b>	1.35 acres
<b>Description</b>	Open space
<b>Current Use</b>	As above
<b>Ward</b>	Gooshays
<b>Planning/Transportation/ Access Issues</b>	<p><b>Description</b> An area of grassed land fronting Priory Road.</p> <p><b>Principle of Development</b> Subject to it being demonstrated that development complies with LDF policies on open space then alternative uses could be considered, of which residential would be the preferred option, in line with Policy CP1.</p> <p>The site makes a contribution to the character and openness of this part of Priory Road and the layout and design of the scheme will need to reflect this.</p> <p>There are a number of large trees around the site boundaries. A detailed assessment of these would be required as part of any planning application.</p>

	<p>Carters Brook also lies to the north of the site and would present environmental and flood risk issues.</p> <p>Part of the site is within Flood Zones 2 and 3. A Flood Risk Assessment will be needed with any submission and the scheme will need to satisfy the sequential test. Any development of this site will need to give careful consideration to its impact on the adjoining green belt land.</p> <p><b>Legal Title</b> The land is registered to the Council. There are no covenants or other restrictions that would preclude development.</p> <p><b>Other</b> The site contains a foul sewer travelling diagonally across the site from the north to the southern boundary. Any development will need to reflect the existence of the sewer.</p>
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## APPENDIX 7

### LAND AT RAINHAM ROAD, HORNCHURCH

- 1 The Council own the freehold interest in Bretons Recreation Ground, Rainham Road, Hornchurch. Within that landholding there are two small areas of land fronting Rainham Road that could be suitable for development.
- 2 The whole of Bretons Recreation Ground, including these two areas, is within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) sets out certain circumstances where development within the Green Belt is appropriate. One of these is where the proposal involves the in-filling of gaps between existing developed areas.
- 3 The sites that are now being considered for disposal are considered to meet this requirement. One of the sites is between existing residential properties known as Bretons Cottages, along the frontage of Rainham Road.
- 4 The second site is at the end of the row of existing cottages, immediately opposite build development on the opposite side of Rainham Road. A small development on this site would “square off” the boundary between the built environment and the Green Belt.
- 5 It is recommended that part of the capital receipt from any disposal is used to enhance Bretons.

<b>HRA or General Fund</b>	General
<b>Site Area</b>	0.46 acres and 0.31 acres
<b>Description</b>	Two small areas of land at the edge of Bretons Recreation Ground, on the frontage to Rainham Road.
<b>Current Use</b>	Open Land within Bretons Recreation Ground.
<b>Ward</b>	Elm Park
<b>Site Details</b>	<p><b>Description</b> See above</p> <p><b>Principle of Development</b> The sites are within the Metropolitan Green Belt and any application for redevelopment will need to be compatible with Green Belt policy and guidance. It is considered that a well laid out, high quality development that “fills” in areas between existing housing – linked to improvements to the wider recreation ground may be permitted.</p> <p><b>Legal Title</b> The land is registered to the Council. There are no covenants or other restrictions that would preclude development.</p> <p><b>Other</b> None</p>

**1 AND 3 WIDECOMBE CLOSE, HAROLD HILL**

- 1 The Council hold the freehold interest in two terraced houses in Widecombe Close, Harold Hill. The two properties have been used as a residential facility for adults with learning difficulties and extensive works have taken place to combine the two units including the removal of one staircase and one kitchen.
- 2 The remaining residents have recently been relocated to similar accommodation at Peel Way and the properties are no longer required by Adult Services. No other Council use has been identified and the properties are now considered to be suitable for disposal, most likely to the Council's Housing Company.
- 3 If the properties were sold without restriction (and in their current condition) it is likely that they would be attractive to bidders who may wish to use them as a House in Multiple Occupation (HMO). It is not considered that an HMO is an appropriate use in this location and it is proposed that prior building works and the process of sale be used to protect against this. The properties will be managed and marketed for sale as two separate, single units suitable for family housing.

<b>Housing Revenue Account or General Fund</b>	General
<b>Site Area</b>	N/A
<b>Description</b>	Two terraced houses that have been merged and converted into a residential care facility for adults with learning difficulties.
<b>Current Use</b>	Residential
<b>Ward</b>	Heaton
<b>Site Details</b>	<p><b>Description</b> See above</p> <p><b>Principle of Development</b> Returning the properties to general residential use does not require planning consent. No planning consent is required in order to proceed with a disposal.</p> <p><b>Legal Title</b> The land is registered to the Council. There are no covenants or other restrictions that would preclude the disposal.</p>