



## Overview & Scrutiny Board

2 April 2019

## REPORT

**Subject Heading:**

Call-in of a Cabinet Decision - Property Disposals

**SLT Lead:**

Anne Brown – Deputy Director of Legal & Governance

**Report Author and contact details:**

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**Policy context:**

The Council's Asset Management Plan

**Financial summary:**

The disposal of the properties identified in this report if approved will generate capital receipts which will be utilised to fund Council priorities approved as part of the Capital Strategy. Disposal will also deliver minor reduction in ongoing revenue costs

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

**SUMMARY**

In accordance with paragraph 17 of the Overview & Scrutiny Committee Rules, a requisition signed by two Members representing more than one Group (Councillor Gillian Ford and Councillor Ray Morgan) are requisitioning the Cabinet Decision

made on 13 March 2019, to dispose of the Land at Hall Lane Pitch & Putt Course, Upminster, on the following ground. The grounds for the requisition and an initial response from officers are shown below.

## RECOMMENDATION

**That the Board considers the requisition of the Cabinet Decision and determines whether to uphold it.**

## REPORT DETAIL

### **Grounds for the Call In.**

Councillor Gillian Ford and Councillor Ray Morgan are requisitioning the Cabinet Decision made on the 13th March, to dispose of **the** Land at Hall Lane Pitch & Putt Course, Upminster, on the following grounds:

1. The Local Plan Map and Policy DC18 of the Core Strategy show the Hall Lane Pitch & Putt land being designated under the broad description of 'parks, open spaces, playing fields, allotments'.
2. The site has been excluded from the Playing Pitch Strategy and the 2016 Open Space Assessment. The site specific assessment by LUC (Oct 2016) identifies that there is a need and demand for a publicly accessible park and garden. It clearly states that the development of the site would be contrary to Policy 18 of the emerging Local Plan unless suitable equivalent or better quality provision is made in a suitable location. Why has the site been deliberately omitted and Policy 18 ignored?
3. As the site has not been declassified and the above applies. The land should have undergone a statutory consultation process to be disposed of as part of the draft Local Development Plan submission. Why has this not been undertaken?
4. The miniature pitch and putt site is surrounded by the Hall Lane Policy Area Zone B. Any development would impact on Policy Area Zone B. Why has this not been taken into consideration?
5. There has been no consideration or feasibility study of the retention of the site for public wellbeing. The nearest park is dedicated for sports activities. This site has other health benefits that have not been taken into consideration, for example social prescribing as part of Havering's strategy towards health prevention. Why?

6. Land disposal requires tree surveys to be undertaken. A tree survey has been undertaken of the site as part of planning application P0.248.19. Why has this survey been ignored as part of the sale, as there is a requirement to consider TPO's in accordance with the survey's findings?
7. Policy 18 of the Local Plan sets out (criteria (i)) "that the Council will continue to protect the boroughs designated open spaces from development". Why is this Policy not being adhered to?
8. No consideration has been given to Policy 30 Nature Conservation section iii with the commitment to preserving veteran trees. Why?
9. No consideration has been given to Policy 28 and the site as a heritage asset. Why?
10. No consideration has been given to Policy 29 protecting green infrastructure. Why?
11. No consideration has been given to Policies 33 on emissions. Why?
12. No consideration has been given to Policy 34 on air quality. Why?
13. Could you explain why there has been no public consultation on the sale of the land in respect to the residents gates leading onto the site, usage, rights of access without challenge from the local authority, afforded to them for over 20 years.
14. Contrary to planning application P0248.19 which suggests a percentage of the site to the front of the development would be retained for public open space, it is the intention for the site to be sold as a whole. Therefore planning application P0248.19 would not have any public open space, why?
15. The As part of application P0248.19, a land value statement was submitted. The BNP Paribas references the Council's CIL viability study for a greenfield classification of between £250,000 to £350,000 per hectare and they have used the mid-point of this range to generate a value of £1,066,000. This is the value the land would need to be offered for in order that the development can be viable. They go on to say that even at this level there is currently a projected deficit in value based on current returns and they are reliant on this area outperforming London trends, and on being able to minimise cost inflation, in order to return the payment in lieu of affordable housing. This is a significant area of risk. The land value figure is £7.3m per hectare for residential land in Havering as reported in the GLA Economic Evidence Base for London 2016. Why the huge difference in land value figures?

## **Response to the Call In.**

Councillor Gillian Ford and Councillor Ray Morgan are requisitioning the Cabinet Decision made on the 13th March, to dispose of the Land at Hall Lane Pitch & Putt Course, Upminster, on the following grounds:

*No decision has been made on the disposal of the land .The Cabinet was recommended to:*

*(a) Agree, in principle, that the land referred to below is no longer required to be held for the purposes for which the Council presently holds it and that it should be appropriated to planning purposes with a view to its subsequent disposal in due course:*

- *Land at Gooshays Drive, Harold Hill*
- *Hall Lane Pitch & Putt Course, Upminster*

*(b) Authorise, for the purposes of (a) above and in accordance with section 122(2A) Local Government Act 1972 and section 233(4) Town and Country Planning Act 1990 that notices are placed in a local newspaper circulating in the area for two consecutive weeks expressing*

- (i) an intention to appropriate the land to planning purposes; and*
- (ii) an intention to dispose of the land following its appropriation.*

*(c) Consider any objections to the intended appropriation and/or disposal before a decision to appropriate or dispose is made.*

*(d) Agree, in principle, following its appropriation for planning purposes, to the disposal of the land referred to above subject to (b) and (c) above.*

*The Council's intention therefore, is for the Cabinet to consider all of the objections made, both to the appropriation and the disposal at another meeting before a decision is made on whether or not to proceed with the disposal.*

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*Points 1,2,3,4,6,7,8,9,10,11,12,14 and 15 relate to planning considerations, which will be considered in due course as part of the process to determine the planning application, which has been submitted. The report indicates that the Council intends to see the land used for development subject to securing planning and other relevant consents.*

*The Cabinet did not decide on the merits or demerits of the planning application or planning position of the site as is shown in the above recommended decisions (a) to (d). It is considered that all the above points will be dealt with under the process of determining the planning application.*

*With respect to point Number 5, the site is considered to offer little value in the delivery of the Council's health and wellbeing policies. It is located in one of the least deprived wards of the borough where physical activity rates are much higher than most deprived wards in the north (Gooshays and Heaton and the south (South Hornchurch)*

*With respect to point Number 13, the Council does not recognise any rights of access or use acquired by any of the said residents. The land is managed and maintained by the Council as a pitch and putt. It is secured by mesh fencing and the entrance gates .It is kept secured except when the pitch and putt facility is open.*

Appendix – Cabinet decision  
Appendix – Cabinet report