

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	FREEMANTLE COMMON: DISPOSAL OF PROPERTY AND DE-REGISTRATION/EXCHANGE OF COMMON LAND
<b>DATE OF DECISION:</b>	12 MARCH 2012
<b>REPORT OF:</b>	CABINET MEMBER FOR RESOURCES, LEISURE AND CULTURE
<b>STATEMENT OF CONFIDENTIALITY</b>	
Not Applicable	

### **BRIEF SUMMARY**

The former Ridgeway House School and Prospect House have been declared surplus to requirements and are to be sold to realise a capital receipt following the vacation of Prospect House in early 2013. The redevelopment of the sites will require the construction of a new highway footpath on land that is currently a small strip of registered common land at Freemantle Common. This will require an application to the Secretary of State to de-register the strip of common land. It is proposed that other Council owned land will be formally designated as replacement common land so that there will be a net gain of common land. The land required for the footpath will also require to be appropriated from open space to highways holding powers.

### **RECOMMENDATIONS:**

- (i) To authorise the Head of Legal, HR and Democratic Services to make an application to the Secretary of State for the deregistration and exchange of common land identified on the plan at Appendix 1.
- (ii) To authorise the Head of Legal, HR and Democratic Services to advertise the proposed appropriation of common land proposed to be deregistered and open space at Freemantle Common Road identified on the plan at Appendix 1 for two consecutive weeks in a local newspaper.
- (iii) If no objections are received, and subject to obtaining Secretary of State's consent to the exchange of common land, to authorise the Senior Manager: Property, Procurement and Contract Management to appropriate the required areas of common land and open space for highway purposes.
- (iv) In the event that any objections are received to the proposed appropriation to bring a subsequent report and refer those objections to Cabinet for determination.
- (v) To delegate authority to the Senior Manager: Property, Procurement and Contract Management to approve the preferred tender, agree the terms of the sale and to carry out all ancillary matters to dispose of the site

### **REASONS FOR REPORT RECOMMENDATIONS**

1. To enable the redevelopment of Council land thereby promoting environmental improvements, new housing and delivering a capital receipt.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. The former Ridgeway House School & Prospect House could be retained in Council ownership; this would however have a number of disadvantages including:
  - i) Would not generate a Capital Receipt
  - ii) Encourage security risks associated with empty properties once the buildings have been vacated
  - iii) There are no Council requirements for Ridgeway House School and the current services provided at Prospect House are being relocated elsewhere. There are therefore no requirements for the retention of either of these buildings.
3. Market the site without appropriating the relevant areas of public open space and without obtaining consent for the deregistration and exchange of common land. This option is not recommended as highway improvements are required to enable development of the site. Without being able to carry out these improvements, the sites could only be sold on the basis of their existing uses resulting in a significantly reduced capital receipt.
4. Market the site without carrying out the highway improvements along Freemantle Common Road. This would however prejudice any development on the site significantly reducing the level of Capital receipt.

### **DETAIL (Including consultation carried out)**

5. Outline Planning Consent was originally granted for the development of the former Ridgeway House School site. As part of the pre-planning consultation process the Councils Highway Officer established that the existing access into the site was inadequate in terms of pedestrian safety with regards to a residential development. The officer advised that two footpaths be constructed either side of Freemantle Common Road at the junction with Peartree Avenue to enable a pedestrian link between Peartree Avenue and the proposed development.
6. Subsequent to this, Phase 3 of the Modernisation of Southampton Day Services was approved as a result of which Prospect House will be surplus to requirements and available for disposal on completion of the extension and refurbishment of Woolston Community Centre, scheduled for completion in early 2013. The amalgamation of the Prospect House site with the Ridgeway House site will create a single, more attractive development opportunity. The two sites are therefore to be marketed together and a new planning application for the redevelopment of the combined site has been submitted.
7. Based on the revised proposals only one footpath is now required alongside Freemantle Common Road so as to provide a connection between the existing footpath on Peartree Avenue and the proposed development. The land identified for the formation of the footpath comprises a strip of land part of which (30 sq m) is registered common land (identified as (a) on the attached plan), being part of Freemantle Common, and part (20 sq m) being an adjoining area of open space which lies outside of the boundaries of the registered common (identified as (d) on the attached plan. Both pieces of land are held under the Open Spaces Act 1906. This small area comprises

grassed fringes, devoid of any trees or shrubs.

8. In order for this strip of common land to be used as a footpath the consent of the Secretary of State is required to deregister the land. It is unlikely that an application to deregister with no provision for replacement land will succeed unless there are special circumstances. Further, it is expected that, except in special circumstances, the proposed replacement land will not result in a diminishment of the stock of public access land. Land previously identified for exchange did not find support from other stakeholders and consultees. A new area of land (198 sq m) has been identified for this purpose comprising part of the tree belt within the grounds to the former Ridgeway House School (identified as (b) on the attached plan). It is also proposed to include the area of open space (identified as (d)) that lies between this area of exchange land and the existing common land in the application so that the land is wholly integrated into the existing common land .
9. Informal consultation has been carried out whereby all stakeholders and interested parties were written to advising them of the revised proposals to de-register and offer in exchange the strip of replacement land. The responses have been supportive of the proposed exchange.
10. Formal advertising of the proposal to deregister and exchange the common land of the intention to appropriate the land will be carried out in accordance with the statutory procedures.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

11. There are no ongoing revenue implications arising from the sale of either Ridgeway House School or Prospect House as neither currently generate any rental income. However if Secretary of State Consent is not granted and the disposal of the site does not proceed or is delayed, this will require site security costs to be incurred once both buildings are vacated. These costs will need to be met by the relevant service Portfolio in the first instance.
12. Council agreed at its May 2003 meeting that the capital receipts generated from the sale of Ridgeway House and the other SEN schools released and sold could be used to support the capital expenditure incurred in implementing the SEN Strategy major capital projects. In addition, Council agreed at its September 2008 meeting that part of the capital receipt generated from the sale of Prospect House and could be used to support the capital expenditure incurred in implementing Phase 3 of the Modernisation of Southampton Day Services.
13. These capital schemes and funding have been incorporated within the current approved capital programme. Therefore any capital receipt from the sale over and above the funding used for these schemes will be used to reduce the funding deficit on the overall General Fund capital programme. A receipt lower than this will increase the deficit.

### **Property/Other**

14. Ridgeway House is in temporary use as a depot for the Decent Homes Programme for the Sholing, Peartree and Merryoak areas. Prospect House is scheduled to be vacated on completion of the extension and refurbishment of

Woolston Community Centre in early 2013. Both properties have been declared surplus and to be sold.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

15. The power to sell the properties is Section 123 of the Local Government Act 1972 .
16. The Council is required to obtain Secretary of State Consent before the de-registration of common land and exchange of replacement land can take place, the procedure for which is governed by Section 16 of the Commons Act 2006.
17. The Council is required to advertise proposals for the appropriation of open space under Section 122 of the Local Government Act 1972 in a local newspaper for two consecutive weeks and to consider any objections.

### **Other Legal Implications:**

18. None

## **POLICY FRAMEWORK IMPLICATIONS**

19. The proposal set out in this report is not contrary to any policy implications. The disposal of a council property for a capital receipt supports the Councils capital programme.

<b>AUTHOR:</b>	Name:	Bronwyn Dunning	Tel:	023 8083 2385
	E-mail:	bron.dunning@southampton.gov.uk		

**KEY DECISION?** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	Peartree
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**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

**Appendices**

1.	Site Plan V3295
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**Documents In Members' Rooms**

1.	None
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**Integrated Impact Assessment**

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	Yes/No
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**Other Background Documents**

**Integrated Impact Assessment and Other Background documents available for inspection at:**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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