

APPENDIX D

Officer Response to Call In on Sale of land off Station Road, Foxton

Points of Clarification

1. In September 2013, Full Council approved the HRA Asset Sustainability Policy (Disposals and Acquisitions). This policy reviewed previous practice in the disposal and acquisition of land/property to ensure the Council had a robust and clear policy on the process.
2. The Head of Housing Strategy was newly appointed at this time and looked at the case afresh in line with the HRA Asset Sustainability Policy (Disposals and Acquisitions). At no point were previous negotiations taken into account.
3. Therefore the previous engagements with Endurance Estates had no bearing on the recommendation to Cabinet in August 2017 and the Committee is therefore invited to disregard any matters raised prior to 2015.

Moving on to 2015 to 2017 comments (page 4, 3rd paragraph onwards)

4. [On 13th May 2015 housing officers write to Mr Tim Holmes again.](#) To put into context, the Housing Portfolio Holder at the time (Councillor Mark Howell) was originally contacted on 18th January 2015 regarding the potential to relook at rights over access. As general practice, the Housing Department were therefore asked to look into this matter and a meeting was arranged with Endurance Estates and officers on 20th February 2015.
5. During the course of that time, there were various email correspondence with Councillor Roberts regarding the Council's position in terms of its HRA Asset Sustainability Policy and the council-owned land at Station Road, Foxton.
6. On 13th May 2015 an 'in principle' decision was taken, in accordance with Policy. This letter was copied to Councillor Roberts. In that letter it stated that we would be happy to work with the tenant if the scheme went ahead to release some of the garden land.
7. A meeting was held with both Councillor Roberts and the parish council on 25th June 2015. This was attended by Stephen Hills - Housing Director, Julie Fletcher – Head of Housing Strategy and Stephen Reid – Planning Lawyer. The purpose of the meeting was to set out the process for considering sale of land in accordance with policy and to discuss issues raised.
8. The Housing Department sought an indicative price for the sale of land in accordance with Policy. In order to ascertain the value, an independent valuer was appointed and there were various email exchanges with Endurance Estates for clarification on assumptions made within the financial appraisal. As part of the valuation there was some discussion with Highways to ascertain the feasibility of an alternative access which is a necessary input into the assumptions for the valuation. This is general practice when valuing land/property.
9. No other discussions took place with Endurance Estates which were not relevant to the valuation.

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10. Planning Committee resolved to grant outline planning permission on 7th December 2016, with resolution of the decision completed 23rd March 2017.
11. Comment that 'no-one from housing came to the planning committee to challenge this proposal (i.e. for a single track access)'. As stated on many occasions, it was not the Housing Department's role to influence in any way the outcome of the planning decision and it would therefore have been inappropriate to make representation.
12. An email was received from Endurance Estates on 23rd December 2016 asking to progress the 'in principle' decision to sell following the planning decision and a request that we would now consider the sale of some of the garden land.
13. On 29th March 2017 a meeting was arranged between the Head of Housing Strategy, the Property Surveyor and Highways to understand the implications of the access. This is standard practice to gather all relevant information to help inform the Member decision and to ensure that the Council is best placed to protect its assets. This meeting and subsequent emails for clarification were not in any way negotiations 'behind stage'.
14. A further meeting was arranged on 12th June 2017 (at the convenience of the parish council) between Councillor Harford (Housing Portfolio Holder), Head of Housing Strategy and the parish council. Councillor Roberts was also made aware of this meeting. The purpose of the meeting was to brief the parish council on the proposed decision of the Portfolio Holder and the reasons for this decision.
15. A decision notice was published on 23rd June 2017 once all considerations had been taken into account and published.
16. As the Local Member objected to this decision, the matter was referred to Cabinet.
17. The decision to consider the call-in by the Scrutiny & Overview Committee is based on the proportionality of the decision by Cabinet, i.e. the action to be taken be proportionate to the desired outcome. It has always been the preference of Endurance Estates to purchase land to provide for a wider access but the Housing Department were not prepared to negotiate further until planning permission had been secured. Following planning permission, and a further approach by Endurance Estates, discussions have been held with the tenant of no.31 who has indicated her willingness to release some of the garden land to facilitate a wider access. The wider access would mean that the road can be built up to an adoptable standard, which would reduce maintenance costs for tenants and residents of the new development. It is therefore considered that the decision taken by Cabinet was proportionate in consideration of the sale of land to facilitate the access to the proposed development. Any changes to the proposed access would require further planning consideration.

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