

Meeting	Cabinet Resources Committee
Date	4 November 2013
Subject	Former Nursery Site, Burtonhole Lane, Mill Hill, NW7 1AS
Report of	Cabinet Member for Resources and Performance
Summary	This report recommends a disposal of the council's freehold interest in the above site to 'The Landscape Garden' (maintenance and garden landscaping business) for the purposes of horticulture, to grow trees and shrubs.

Officer Contributors	Suzanna Lewis – Principal Valuer
Status (public or exempt)	Public (with a separate exempt report)
Wards Affected	Mill Hill
Key Decision	Yes
Reason for urgency / exemption from call-in	N/A
Function of	Executive
Enclosures	Appendix 1 – Location Plan No. 24371
Contact for Further Information:	Judith Ellis: 020 8359 7359 (judith.ellis(valuation team)@barnet.gov.uk Suzanna Lewis: 020 8359 7356 (Suzanna.lewis@barnet.gov.uk)

1. RECOMMENDATIONS

That Cabinet Resources Committee

- 1.1 Notes that the above site is declared surplus to the council's requirements**
- 1.2 Approves the sale of the council's freehold interest in the Former Nursery Site, Burtonhole Lane shown outlined in red on the attached plan 24371 to The Landscape Garden for the purposes of horticulture to grow trees and shrubs, on the terms detailed in this and the exempt report.**
- 1.3 Authorises the Chief Operating Officer, in consultation with the Cabinet Member for Resources and Performance, to take all action necessary to dispose of the Property for the best consideration that can reasonably be obtained.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

The Corporate Plan 2013-2016 contains the strategic priority of promote responsible growth, development and success across the borough and 'Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study'. A key principle of the Medium Term Financial strategy is to continually review the use of Council assets so as to reduce the cost of accommodation year on year and to obtain best consideration for any surplus assets to maximise funds for capital investment and/or the repayment of capital debt.

- 3.3 The sale of the Former Nursery Site, Burtonhole Lane will provide a capital receipt to support the Council's priorities and bring this currently unused area of land back into use.
- 3.4 The Council's Estates Strategy 2011-2015 sets out our commitment to continually review the use of the council assets so as to reduce the cost of accommodation year on year and to obtain best consideration for any surplus assets to maximise funds for capital investment and/or the repayment of capital debt. The recommendation supports this, by reducing management costs and by generating a capital receipt for the Council in line with this objective.

4. RISK MANAGEMENT ISSUES

- 4.1 It is considered likely that the sale and redevelopment of this land will raise levels of public concern and involvement and will give rise to policy considerations. We expect local residents to actively have a particular focus on the future of this site. The local community preservation group have submitted representation over the interest in this site to see its Green Belt use protected. This proposal will mitigate and reduce the public concerns in this location.

- 4.2 The commitment to secure an agreement which constrains the loss of green belt use of the site should mitigate this risk..
- 4.3 Under the sale documentation the use of the land will be restricted to horticultural purposes to grow trees and shrubs, for a garden maintenance and landscaping business and/or any compatible use within the green belt as may be agreed between the Council and the prospective purchaser. Overage provisions will also be included so that if any alternative development or use is permitted, consistent with green belt status, the Council can share in the enhanced value of the land.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The proposal does not compromise any issues under the Council's Equalities Policy and do not compromise the Council in meeting its statutory equalities duties.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 There are no procurement, performance and value for money, staffing, IT or sustainability implications. It is anticipated that a capital receipt will be received by the Council. The property implications are set out in paragraph 9 below and in the accompanying exempt report.
- 6.2 Any costs incurred in the preparation of this process, will be covered by the customer and support group budget.

7. LEGAL ISSUES

- 7.1 Subject to the provisions under Section 123 of the Local Government Act 1972 the Council may dispose of land held by them in any manner they wish. Except with the consent of the Secretary of State, a Council shall not dispose of land under Section 123 otherwise than by way of a short tenancy for a consideration less than can be reasonably obtained.
- 7.2 Under the Green Belt (London and Home Counties) Act 1938 the Council is obliged to publish in one or more newspapers circulating in the locality in which the land proposed to be sold is situated a notice of the proposal containing a description of the land proposed to be sold, together with a plan showing the proposed boundaries. The public must be given a minimum period of 28 days in which to make objections. The Council must then seek the consent of the relevant minister. The minister before giving his consent under this Act shall consider any objections which have been received to the proposed sale.
- 7.3 As planning authority the council has a degree of control over any proposed or future use, though there is the possibility of the restriction imposed on the Property mentioned under paragraph 4.3 being modified or discharged under Section 84 of the Law of Property Act 1925 many years in the future. As a consequence, consideration in conjunction with the Councils legal team will be given as to how that risk can be mitigated within the sale documentation.

8. CONSTITUTIONAL POWERS

- 8.1 Council Constitution, Responsibility for Functions, states in paragraph 4.6 the functions delegated to the Cabinet Resources Committee including all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.

9. BACKGROUND INFORMATION

- 9.1 The site is roughly triangular in shape comprising of some 0.2 Hectares (0.5 acres), bordered to the north by Mill Hill Village Sports Club, beyond which there is agricultural and open land reaching to Darlands Lake Nature Reserve. To the west are two residential cottages and the Finchley Nurseries Garden Centre. There is an unmade road which runs north/south along the frontage of the site. To the east is Burtonhole Farm, the Camdenians Sports Club and a number of residential dwellings.
- 9.2 Further to the South, in The Ridgeway, is the National Institute of Medical Research, which is planned to be relocated to Kings Cross St Pancras in 2015. Also located in The Ridgeway is Mill Hill School, a co-educational independent day, weekly boarding and full boarding school which was established in 1807.
- 9.3 The site is located off Burtonhole Lane, which joins The Ridgeway (B552) which links to roads providing access onto the North Circular (A406).
- 9.4 The former tenant who previously leased the land for a term of 20 years from 25 March 1985, covenanted to keep the land in good repair and condition. Following the expiry of the lease on 24 March 2005, the Landscape and Architecture Business held over under the terms of the lease which included a rent of £1,900 pa. The tenant surrendered the lease in May 2012 giving the Council possession of the land. Over the 27 years the tenant managed the land there were complaints about its condition. Generally the tenant failed to meet the obligations under the lease, and the land now requires investment.
- 9.5 The site is a management intensive small parcel of land constrained to Green Belt uses.

Summary of Market Testing and Bidding Information

- 9.6 The marketing exercise was undertaken through the Council website at the start of the year adverts were placed in two local newspaper over a period spanning up to March 2013. Details of the bid submissions received are set out in Appendix 1 in the accompanying Exempt Report.
- 9.7 It is the view of the Valuation Manager that the disposal is in accordance with section 123 of the Local Government Act 1972; and the recommendation will meet the Council's statutory duty to obtain best value referred to in 7.1 above.
- 9.8 It is considered that the proposal detailed in this report will successfully deliver a capital receipt to the council to assist with delivering the council's objectives.
- 9.9 A freehold sale is recommended rather than the grant of a short term tenancy, as set out in the details of the bid submissions in Appendix 1 to the accompanying Exempt Report.

10. LIST OF BACKGROUND PAPERS

10.1 None.

Cleared by Finance (Officer's initials)	JH
Cleared by Legal (Officer's initials)	IG

Appendix 1 – Location Plan No. 24371

