

CABINET

23rd December 2019

KETTON CENTRE [LIBRARY AND COMMUNITY HUB] - ACQUISITION OF LAND

Report of the Strategic Director for Places

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/181019	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr G Brown, Deputy Leader and Portfolio Holder for Planning, Environment, Property and Finance.	
Contact Officer(s):	Chris Traill, Strategic Director Places	01572 758426 ctrail@rutland.gov.uk
	Judith Bayes, Estates Surveyor [Projects]	01572 758290 jbayes@rutland.gov.uk
Ward Councillors	Ketton - Mr G Brown and Mrs K Payne	

DECISION RECOMMENDATIONS

That Cabinet:

Approves

1. The acquisition of land adjoining Ketton Centre [Library and Community Hub] from the Peterborough Diocese.
2. The allocation of the sum of £ 7,200 of S106 monies towards the works for the scheme and that this project is added to the Capital Programme.
3. That legal costs of c£2,500 are funded through the legal budget.
4. Authorisation to the Director for Places, in consultation with the Cabinet Member with portfolio for Planning, Environment, Property and Finance to agree the final terms, including the precise area of land, generally in line with the Heads of Terms.

1 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to obtain authority from Cabinet to acquire the freehold of an area of land adjoining the Ketton Centre [Library and Community Hub], to enable the better management of the land and to provide additional parking spaces for the Centre.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Ketton Centre [Library and Community Hub] site was originally acquired by the Council from Peterborough Diocesan Board of Finance in 1972. The Diocese retained land adjoining the Library site, being the access road used jointly with the School, an area of land used for informal car parking, an area of garden land and 67 High Street [now in private ownership].
- 2.2 Since 1972 there have been various unsuccessful attempts to clarify boundaries and user rights. This has led to protracted and costly dialogue with the Diocese since that time, and to uncertainty as to legal liabilities and rights of way. In the past the Diocese has been reluctant to dispose of any land in this location. However, they are now minded to dispose of the garden land and the informal parking area.
- 2.3 The Diocesan Board of Education has now reached agreement with the owners of an adjoining property to transfer the ownership of the garden land. In addition the Diocese has offered to the Council the freehold of the informal parking area for a nominal sum. Heads of terms have been negotiated and agreed, subject to Cabinet and to contract.

3 HEADS OF TERMS

- 3.1 Sale Price £1.00 (one pound only).
- 3.2 RCC at their own cost to maintain and if necessary replace, in a good and serviceable condition, the boundaries as shown by inward facing 'T' marks. The PDBE to approve the specification of any new boundary fences/walls. Note: The large sycamore tree is not included in the land to be transferred.
- 3.3 RCC at their own cost to maintain the land in a good and serviceable condition as a car park for the benefit of the adjoining property LT419436 [the Library].
- 3.4 RCC to pay a contribution of 25% of the future cost of maintaining the road in between the entrance to the car park and the High Street. [Note: The garden land purchasers to have a period of 12 months for vehicular access and thereafter on foot only].
- 3.5 RCC to use the land as a car park for the benefit of the adjoining property LT419436 only [as a library or other community use]. Use other than as a car park will be subject to the approval of the Diocese, such consent not to be unreasonably withheld or delayed, and a clawback of 30% for 30 years to be imposed for such alternative use and for which a planning permission is required. The clawback to be based upon the current use value without a planning consent and with a planning consent, and to be payable when the planning consent is implemented on site.
- 3.6 Each party to bear their own legal and surveyors costs.

4 LAND AREA

- 4.1 The approximate area to be transferred to the Council has been agreed but due to historic discrepancies relating to conveyance plans, title plans and the removal and replacement of fences it has proved challenging to finalise the transfer plan. The plan Appendix 1 shows the potential area for transfer [edged red] and the final area will be agreed with the Director for Places, in consultation with the Cabinet Member with portfolio for Planning, Environment, Property and Finance.

5 CONSULTATION

- 5.1 Consultation has taken place internally with Senior Officers and Elected Members of the Council.

6 ALTERNATIVE OPTIONS

- 6.1 Do nothing and continue to have frequent dialogue with the Diocese regarding management and repair responsibilities for the parking area and the fencing. The poor condition of the parking area would remain as a serious concern for the Library users, and the lack of control over parking users would be detrimental to the functioning of the Library.

7 FINANCIAL IMPLICATIONS

- 7.1 The purchase price is £1.00.
- 7.2 There would be an initial cost to put the land in a good and serviceable condition as a car park. The car park land has been in poor condition for some time although this has been marginally improved recently using surplus tarmac from the works carried out to the Library site wall [Appendix 2 photo].
- 7.3 The proposed works specification includes laying further tarmac 'planings' to the extended parking area, with some resurfacing works to the existing car park, repair of the pavement at the vehicular crossover, signage, lighting, hand rail and lockable bollard and a small contingency. This has been estimated at £7,200.
- 7.4 In addition there would be periodic costs relating to the upkeep of the Diocese road, with the Council contributing 25% of the total cost. This road is currently in a good condition and works are not anticipated within the next 5 years. The additional parking spaces may result in a higher rateable value for the Library, with a small increase (<£500 based on an initial view from the Revenues team) in the rates payable.
- 7.5 The initial works would be funded from S106. The general maintenance costs would be funded from the Property Services budget in future years. Based on an initial assessment no significant costs are expected.
- 7.6 Legal costs will be incurred by the Council for the land transfer. These are estimated at £2,500.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 Any acquisition, disposal, appropriation or exchange of property or other fixed assets must be made in accordance with the capital programme approved by the Council or through a separate approval. This report seeks authorisation to include the acquisition in the capital programme. As the value is less than £1m then Cabinet is able to approve this project.

8.2 The freehold of the land would be transferred to the Council.

9 DATA PROTECTION IMPLICATIONS (MANDATORY)

9.1 A Data Protection Impact Assessments (DPIA) has not been completed as there are no data protection implications

10 EQUALITY IMPACT ASSESSMENT (MANDATORY)

10.1 No Equality Impact Assessment has been undertaken due to the report being for the acquisition of land.

11 COMMUNITY SAFETY IMPLICATIONS

11.1 The current uncontrolled use of the informal car parking area does from time to time create behavioural issues. Greater visible presence from Parish Council use of the car park will help minimise this impact.

12 HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no Health and Wellbeing implications.

13 ORGANISATIONAL IMPLICATIONS

13.1 ENVIRONMENTAL IMPLICATIONS

13.2 The repair of the parking area and the Council's ability to control the area should create a better and safer environment.

13.3 HUMAN RESOURCE IMPLICATIONS

13.4 There are no Human Resource implications.

13.5 PROCUREMENT IMPLICATIONS

13.6 There are no procurement implications.

14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 The recommendations set out in this report will enable the Council to improve and control the parking area, and to maintain the value of the Council's asset [the Library] by providing controllable parking space.

15 BACKGROUND PAPERS

None

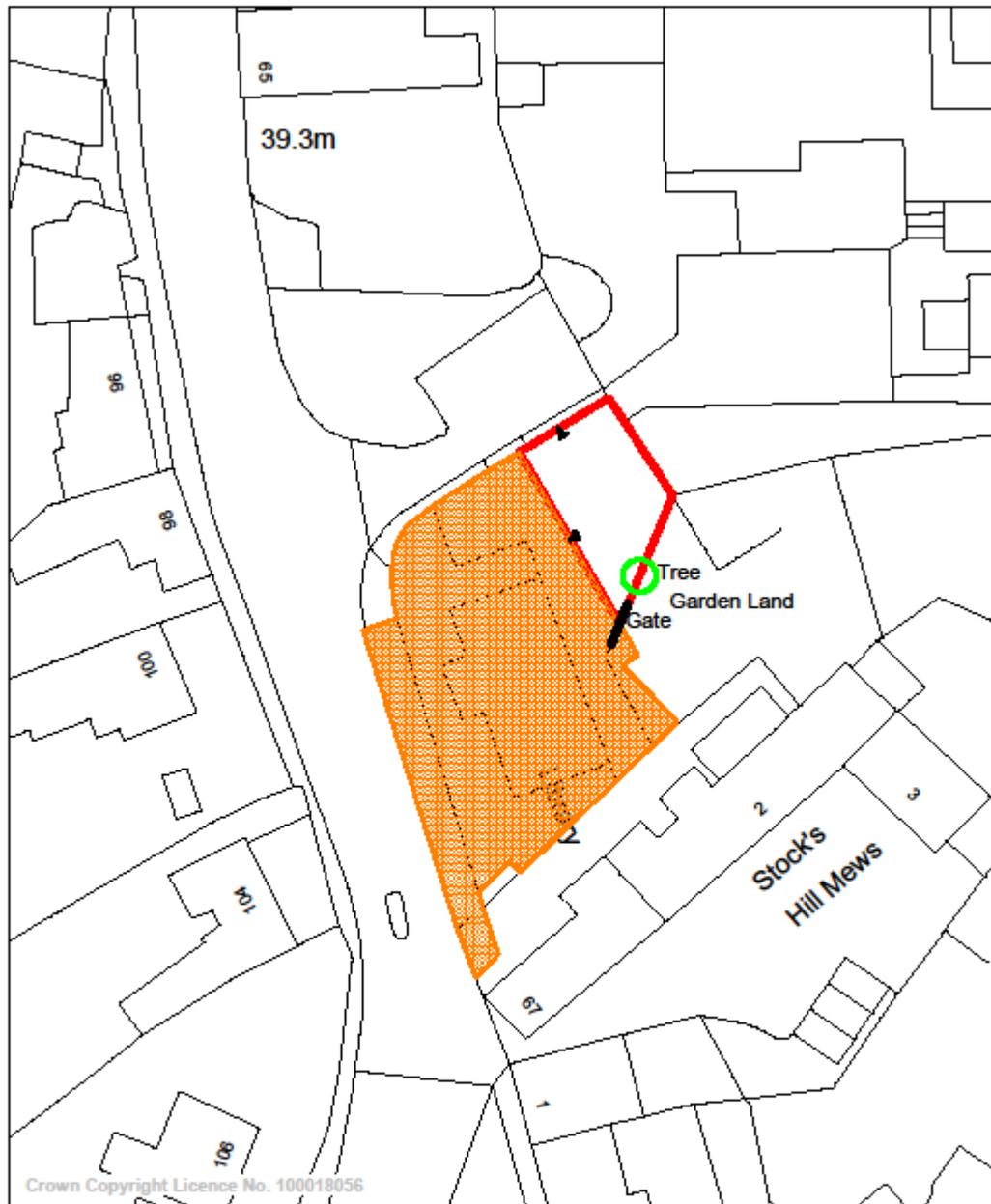
16 APPENDICES

16.1 Appendix 1 - Land to be acquired

16.2 Appendix 2 – Photograph

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Appendix 1 Land to be acquired [subject to final survey]



Centre: 498040.56 , 304416.09

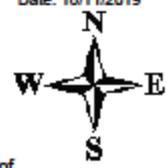
Scale: 1/500

Date: 18/11/2019

Note: Printing may affect the scale of this plan



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Appendix 2 Photograph [November 201

