



## Officer Decision Record – Key Decision

Key decisions taken by an officer are subject to the 5-day call in period from circulation to Members, and therefore the decision will be released for implementation following the call-in period and no call in being received.

### 1. Cabinet date and copy resolution this key decision relates to

#### Freehold disposal of Land at South View, Humberston

Cabinet resolved at its meeting of 20<sup>th</sup> July 2022 the principle of a freehold disposal of the Land at South View, Humberston (the “Site”) – as outlined on the Location Plan attached at Appendix One.

#### *“DN.25 FREEHOLD DISPOSAL OF LAND AT SOUTH VIEW, HUMBERSTON*

*Cabinet received a report from the Portfolio Holder for Finance, Resources and Assets seeking authority to dispose of the subject site by way of a freehold disposal via marketing on the open market.*

#### *RESOLVED –*

- 1. That the freehold disposal of the subject site be approved.*
- 2. That authority be delegated to the Executive Director of Environment, Economy and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets the responsibility to deal with all marketing, negotiation and completion of terms resulting in disposal.*
- 3. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be delegated authorisation to complete all requisite legal documentation.*

*REASONS FOR DECISION - The subject site has been left vacant for many years and within that time the site has been subject to low levels of maintenance. The Council are committed to seeing sites invested in and improved and is committed to*

*enable suitable development opportunities within the borough, which further supports the Council's strategic priorities of 'stronger communities and stronger economy.'*

*OTHER OPTIONS CONSIDERED - To do nothing would see the Site remain vacant and surplus to the Council's requirements. This was not considered a viable option as the Council risk continuing to be wholly liable for the Site together with all future associated expenditure in terms of maintenance. To dispose of the Site for less than Market Value (via the 'Less Than Best' protocol) or under a Commercial Lease arrangement were not considered the most viable options as the Site should generate interest from the opportunity to dispose of the freehold via the open market."*

The Site was placed on the open market following an instruction to PPH Commercial on the 5 October 2022 and five (5) interests from various parties were received. The marketing exercise concluded with 'Best and Final' offers at 5pm, 21 December 2022. This has resulted in four (4) offers being received.

Offers are based on the freehold disposal of the whole site.

**Offer 1 (preferred)**

£601,101.99

New development of residential use - 8 or 9 dwellings - being a mixture of houses and dormer bungalows, all of which will be Self-Builds. There will be a very low density of housing per Hectare which will reduce the impact on neighbours.

Sustainable drainage and use of permeable paving will be introduced as part of the development.

Unconditional cash offer

**Offer 2**

£587,500

Subject to planning and ground investigations & S106.

New development of residential use – minimum 14 dwellings.

**Offer 3**

£525,000

New development of residential use – 7 No Assisted Living units and a detached bungalow

Unconditional offer

**Offer 4**

£515,000

New development of residential use

Subject to planning and ground investigation and ecology survey

The proposal results in the disposal of Open Space, therefore A Public Notice has been placed in the local media on two (2) consecutive weeks across 6th and 13th January 2023 requesting any grounds for representation or objection to the disposal.

One (1) objection was received on the 22<sup>nd</sup> January 2023 which was within the Public Notice period (expiry deadline 5 pm 3<sup>rd</sup> February 2023). The objection, which has been redacted to remove personal information, is attached in full at Appendix Two.

The points raised are noted, however it is thought that there is nothing in the objections that outweigh the Council obtaining the capital receipt, especially with the site being an allocated Housing site under the Council's Local Plan. The issues raised will be considered under the planning process should the new owner apply for permission.

**2. Subject and details of the matter (to include reasons for the decision)**

Approval to complete the freehold disposal of the subject Site to the preferred bidder for the price of £601,101.99 which demonstrates the 'best price reasonably obtainable' following a period of exposure on the open market. The sale is unconditional, and proof of funds have been obtained in support of a cash purchase.

**3. Decision being taken**

That the Executive Director of Place & Resources, in consultation with the Portfolio Holder for Finance, Resources and Assets, settle all terms and ensure that all necessary actions are carried out to complete the freehold disposal.

That the Assistant Director of Law, Governance and Assets (Monitoring Officer) be authorised to complete and execute all requisite legal documentation in relation to the matters outlined above.

**4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.**

No.

**5. Anticipated outcome(s)/benefits**

That the freehold of the Site be sold resulting in a capital receipt and the vacant land being improved and brought back in to use for the benefit of the local Community. This will also improve the street scene in this area of the Borough.

**6. Details of any alternative options considered and rejected by the officer when making the decision (this should be similar to original cabinet decision)**

To do nothing would see the Site continue to be under-utilised and the condition of the Site deteriorate which could attract Anti-Social Behaviour (ASB). The repair and maintenance obligations and cost would rest with the Council. This would result in a negative impact to the community and street scene.

A lease of the Property has not been considered, which would need to have been granted for a long term to result in a comparable offer. However, given the type and location of the Site, the Council does not require the retention of an element of control. There are no conditions set out as part of the proposed freehold transfer of the Site and the proposed use will mitigate any risks to the Council of the Site not being used.

**7. Background documents considered (web links to be included and copies of documents provided for publishing)**

Cabinet Report

**8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons**

N/A

**9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)**

N/A

**10. Monitoring Officer Comments (Monitoring Officer or nominee)**

The Council have power under s123 Local Government Act 1973 to dispose of property at the best price reasonably obtainable. If land has been used previously for

open space, then a notice has to be displayed in a local newspaper and any objections need to be considered.

**11. Section 151 Officer Comments (Deputy S151 Officer or nominee)**

The sale will generate a capital receipt to the Council of £601k less costs of disposal and this amount will be used for re-investment into the Council's capital investment programme.

**12. Human Resource Comments (Head of People and Culture or nominee)**

There are no direct HR implications.

**13. Risk Assessment (in accordance with the Report Writing Guide)**

The risk to the Council in progressing with a freehold disposal to the preferred bidder is considered minimal. The Council has been assured that funds are in place to acquire by way of a cash offer.

Future risks will be passed to and remain with the purchaser in respect to the Site and the operational costs and the obligation of repair and maintenance to an acceptable standard to ensure ongoing use, as well as investment opportunities.

There are no identifiable environmental sustainability implications because it is the intention that the condition of the Site will be improved and thereafter maintained based on an operational use. The investment and usage will be a positive reflection to the street scene and will remove the financial commitments of the Council.

**14. Has the Cabinet Tracker been updated with details of this decision?**

Yes

**15. Decision Maker:**

Name: Sharon Wroot

Title: Executive Director for Place and Resources

Signed: REDACTED

Dated: 14.03.23

**16. Consultation carried out with the  
Portfolio Holder:**

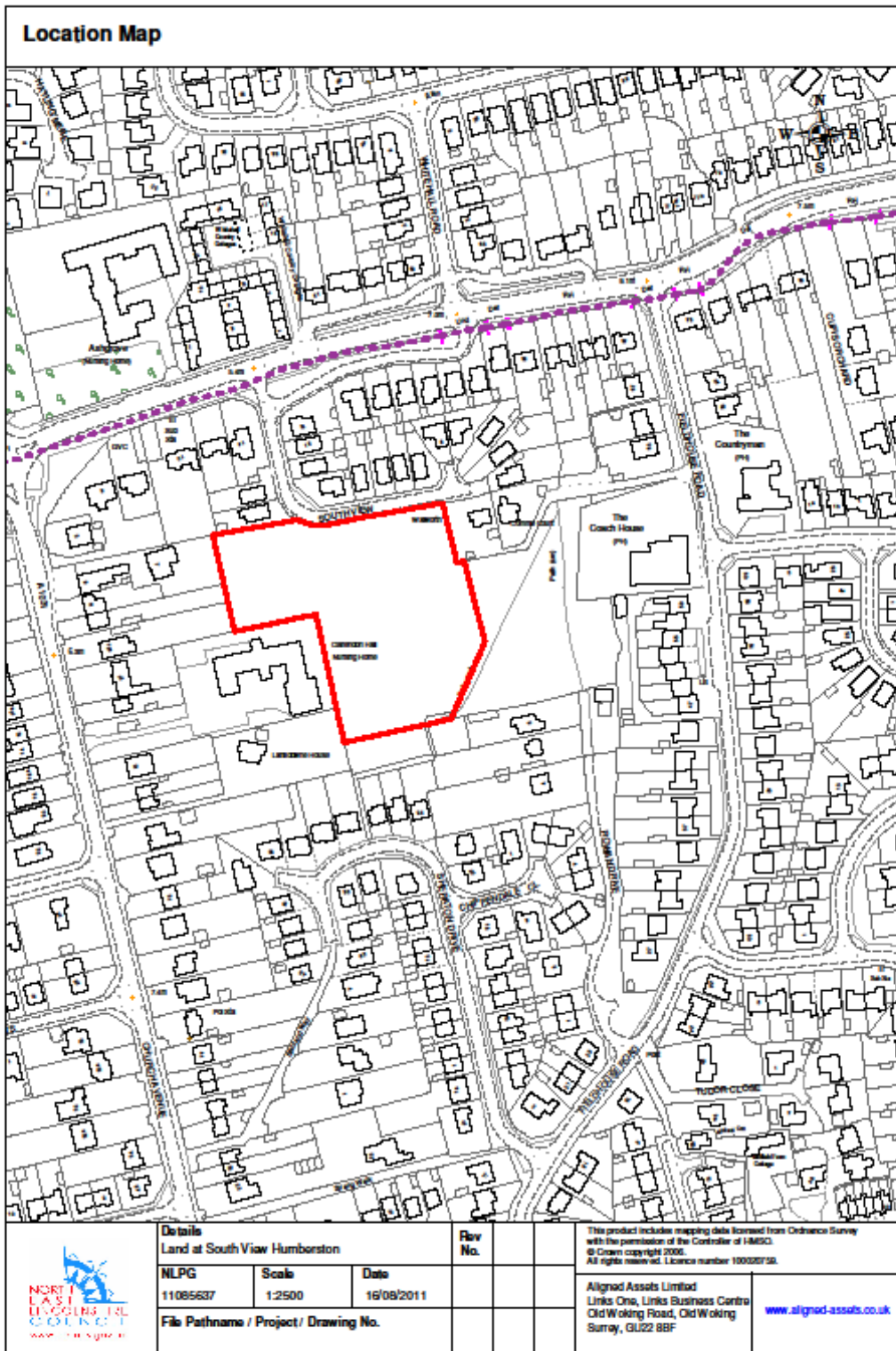
Name: Cllr Stephen Harness

Title: Portfolio Holder for Finance,  
Resources and Assets

Signed: REDACTED

Dated: 14<sup>th</sup> March 2023

**Appendix One**



## Appendix Two – Objection

North Sea Lane  
Humberston  
North East Lincolnshire

22<sup>nd</sup> January 2023

Mr Simon Jones  
North East Borough Council  
Municipal Offices  
Town Hall Square  
GRIMSBY  
North East Lincolnshire  
DN31 1HU

Re: Proposed Disposal of Public Open Space for Land at South View, Humberston

Dear Mr Jones

We are writing to raise our objection in relation to the advert for proposed disposal of public open space for land at South View, Humberston.

Planning permission on the land has been sought, and rejected, on two previous occasions by the local authority and the request to dispose of the land will allow private owners to progress the same request for planning permission. The local authority should retain the land and allow it to continue to be used as is, for the benefit of the local community, wildlife and part of the flood defences for the local area.

In raising this objection, we have summarised below the points of previous objections, which remain unaltered: -

- Over 100 objections raised previously when planning permission sought.
- South View is unacceptable as an access point to the area for traffic and heavy plant machinery that would access the site due to the configuration of the road; too narrow, parked cars, right angle which blocks site.
- The land is a natural flood defence for the local area and soaks up a massive amount of water. Flooding does still occur, but this would be exacerbated if the site is developed.
- The land is home to wildlife and should be left as a space for the wildlife to flourish and for the local community to enjoy and benefit from.
- North East Lincolnshire has fulfilled the quota for housing; selling the land would only result in subsequent applications for planning permission on the site.



In summary, we strongly object to the disposal of the land for the reasons above and would also raise that the Heritage Officer has previously called for an investigation to be undertaken – the results from this investigation should be made public and reviewed as part of this recommendation.

Yours sincerely

[Redacted signature]

[Redacted name]