

**PROPERTY DISPOSAL
LAND AT JOHNSON HOUSE, HILLCREST**

**EXE 12 08 08
Item 15**

EXECUTIVE MEMBER: Cllr A Holliday
LEAD OFFICER: F McMorrow Corporate Director Neighbourhood and Development
REPORT AUTHOR: C A Lloyd

Summary and Recommendation: Executive is asked to consider if, in principle it is prepared to agree to dispose of the land required for the Johnson House extension (Consultation Option B), taking into account the objections and the notes as to how these can be dealt with satisfactorily. It is also recommended that Abbeyfield is requested to meet with residents' representatives and ward councillors to agree a woodland management plan prior to the disposal being completed.

Members are asked to note the information prior to part 2 of this meeting.

1. INTRODUCTION

- 1.1. An approach has been made by the Abbeyfield (Whitehaven) Society to purchase land adjacent to Johnson House Hillcrest Avenue Whitehaven, to enable an extension to the existing care home.
- 1.2. Johnson House is located between Woodlands Avenue and Hillcrest Avenue and adjacent to Jericho Plantation; please refer to Appendix A for location details.
- 1.3. A Planning Application has been made for the extension and Approval was given on 29 May, please refer to Appendix B for approval details.
- 1.4. A number of objections were raised in connection with the Planning Application, and these together with the applicant's statement were considered by the Planning Panel at the time it gave approval.

2. REQUEST TO PURCHASE

- 2.1. Abbeyfield subsequently made an approach to the Council as landowner through Capita to purchase additional land to the side of Johnson House to accommodate the extension to the premises.
- 2.2. This piece of land is currently overgrown, located between Johnson House and extending to the wooded area known as Jericho Plantation. There would be a need to remove one tree 1'4" diameter at the edge of the wood, and beyond two 10" diameter, one at 8", two at 6", plus some small saplings probably self seeded. The bulk of the wooded area will not be affected.
- 2.3. Council policy when selling land is to minimise fragmentation caused by retaining small isolated portions of land and to sell blocks of land. In this instance Abbeyfield has been advised that if the Council is to dispose of land to Abbeyfield then the entire plantation in Council ownership would need to be purchased (leaving a small portion of adjacent Plantation in vicarage ownership/grounds).
- 2.4. Discussions on terms for a sale have taken place, a valuation given by Capita, and a price to purchase has been agreed on the foregoing basis. Council officers have advised Abbeyfield that as a condition of sale they would wish to see for the Plantation transferred to Abbeyfield:
 1. a form of management of the woodland to be introduced (see more later), and
 2. a welcoming accessible entrance retained into the woodland to encourage continued and improved use by residents.
 3. Safeguards to be included to limit future use of the woodland to recreation with public access.
- 2.5. Abbeyfield has expressed a preference to purchase the smaller area of land but will accede to a Council requirement to take the whole.
- 2.6. In this respect Abbeyfield has consulted English Nature on management of such an area as the Jericho Plantation and if a purchase is successful would wish to establish a maintenance regime for the woodland in partnership with local residents. Abbeyfield has proposed to seek to establish a joint management regime.
- 2.7. Abbeyfield has been advised that consultation with heads of Service portfolio holder and ward councillors will be undertaken and that Executive approval will be required to the disposal.

3. CONSULTATION

- 3.1. A consultation note was sent out to 13 officers and members. The note included two options to sell: A -Reduced area as required by Abbeyfield, B – larger area in Council ownership. One officer replied, three members replied, of the four replies received three favour Option B, and one advises that he has received a large number of objections, and states that he wishes to oppose the sale of the land, and mentions that the original vendor was told it would be for the benefit of the residents. The complaints are attached at Appendix D.
- 3.2. There has been discussion on the complaints with Abbeyfield representative who is of the view that all the complaints raised were exactly the same as those considered at the Planning Panel alongside an explanatory statement from Abbeyfield, which resulted in the complaints being dismissed. This information is included at Appendices C. A statement from Abbeyfield is attached at Appendix E.
- 3.3. Council officers have advised Abbeyfield that Planning Approval matters have to be considered separately to disposal matters and it will be necessary to consider the representations made against any approval to sell.
- 3.4. An officer note is made against the complaints in Appendix D, confirming validity of statements and indicating how the complaints may be addressed.
- 3.5. (Should members be minded to approve a disposal complainants would be advised of the way in which their objections will be dealt with).

4. RECOMMENDATION

- 4.1. Members are asked to consider if, in principle they are prepared to agree to dispose of the land required for the Johnson House extension (Consultation Option B), taking into account the objections and the notes as to how these can be dealt with satisfactorily.
- 4.2. It is also recommended that Abbeyfield is requested to meet with residents' representatives and ward councillors to agree a woodland management plan prior to the disposal being completed.
- 4.3. If an in principal decision is given any decision on cost to be dealt with in Part 2.

5. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)

- 5.1. None, other than officer time. Disposal would result in a significant capital receipt.

6. IMPACT ON CORPORATE PLAN

6.1. The sale of the Jericho Plantation will actually provide an opportunity for an improvement in the provision of this recreational space

List of Appendices

Appendix A: Location of site – 2 plans
Appendix B: Planning approval and conditions
Appendix C: Planning panel observations
Appendix D: Objections and notes
Appendix E: Abbeyfield statement

List of Background Documents: Project files, consultations, letters received, plans etc. NB: PHOTOGRAPHS AVAILABLE OF SITE.

List of Consultees: Leader, Portfolio holder, Corporate Team, Ward Councillors, Abbeyfield.

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed. This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	None
Impact on Sustainability	Contributes to sustainability
Impact on Rural Proofing	None
Health and Safety Implications	None
Impact on Equality and Diversity Issues	None
Children and Young Persons Implications	Improves recreational facility
Human Rights Act Implications	None
Monitoring Officer comments	No comments
S. 151 Officer comments	Disposal would be in line with the Asset Management Plan and would provide a capital receipt which could be used to support service delivery.

Is this a Key Decision? Yes