

**Report to:** Cabinet

**Date of Meeting:** 4 January 2016

**Report Title:** Land at Summerfields, Bohemia Road

**Report By:** Peter Grace  
Assistant Director Financial Services & Revenues

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### **Purpose of Report**

To report on an objection received regarding the proposed disposal of land forming open space

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### **Recommendation(s)**

- 1. Having carried out the necessary procedures under Section 123 of the Local Government Act 1972 and having taken account of the objection received Cabinet is recommended to proceed with the sale of land at Summerfields**

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### **Reasons for Recommendations**

The Council must fully and properly consider any objections in accordance with statutory provision in coming to a decision.

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## Background

1. Section 123 of the Local Government Act 1972 (the Act) provides that if the Council wishes to dispose of any land which falls within the definition of open space (as contained in the Town & Country Planning Act 1990) then it must first advertise the disposal in the local paper for two consecutive weeks and then consider any objections received.
2. The land at Summerfields forms part of a larger area (including Summerfields Business Centre and Register Office building) which the Council has agreed in principle terms to dispose of to an affordable housing provider.
3. In order to comply with the Act a Notice was placed in the Hastings & St Leonards Observer on 16 October and 23 October 2015 and a copy of this is attached at Appendix 1.

## Consideration of Representation

4. At the closing date of 13 November 2015 one letter was received in response to the Notice and a copy of this is attached at Appendix 2.
5. The letter contains three specific objections (numbered 1 to 3) which are considered in turn below.
  - a. Point 1 - lack of public consultation over the sale. The land has been included in the Council's Land & Property Disposal Programme every year at least since 2008/2009 and this is reported annually to Budget Council which is a public meeting. The budget is open to consultation for a period of 4 weeks prior to the cabinet meeting.
  - b. Point 2 - the sale is contrary to Council policy to protect employment land. The Council has two functions as Local Planning Authority and as land owner which are distinctly separate. The Policy referred to is a Planning Policy and so this will need to be addressed at such time a planning application is submitted.
  - c. Point 3 - the cost benefit analysis is massively in favour of keeping the land. The report to Council on 22 July 2015 titled 'Co-location of ESCC Register Office in Hastings Town Hall and creation of civic facilities within Aquila House' addresses the majority of the points raised. As well as facilitating the sale of the larger site the proposal will provide an income stream, and an opportunity to relocate the Council's civic and democratic functions to an efficient, modern, flexible working environment. Also to correct two of the statements made:
    - i. the buildings on the site are not fit for purpose and are beyond their economic life so are not suitable for use as offices for the Council.
    - ii. the Council's new lease of Aquila House will be for 15 years with a break after 10 years. The agreement is within the Landlord & Tenant Act 1954 so the Council has security of tenure.

## Merits of Disposing

6. The merits of disposing of the land are outlined below.

### Capital Receipt

- a. The Council is likely to receive a substantial capital receipt if the land is sold with the larger area. This will contribute towards funding schemes in the Council's Capital Programme which means we will not have to borrow money at additional cost.

### Supply of Housing

- b. The Hastings Planning Strategy (adopted February 2014) identifies a need for a minimum of 3,400 additional housing units in Hastings by 2028. Disposing of the land would facilitate development of the larger site which could accommodate some 32 housing units which would help with the need.

### Affordable Housing

- c. The Hastings Planning Strategy says that housing developments on previously developed land will be expected to provide affordable housing. Applying this requirement to the larger site will yield at least 8 affordable units and if the sale to an affordable housing provider is completed then 100% of the housing units would be affordable.

## Conclusion

7. The recommendation is that the land should be disposed of as the merits outweigh the objection that has been received.

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## Wards Affected

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## Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

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## Additional Information

Background document: Report to Council 22 July 2015  
<https://hastingsintranet.moderngov.co.uk/documents/s8414/Co-location%20of%20ESCC%20Register%20Office%20in%20Hastings%20Town%20Hall%20and%20creation%20of%20civic%20facilities%20within%20Aq.pdf>  
Appendix 1 Copy of Notice and plan  
Appendix 2 Letter from Mrs Heather Grief dated 3 November 2015

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### **Officer to Contact**

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