
LAND ADJACENT ST CLARE'S ABBEY, DARLINGTON

**Responsible Cabinet Member – Councillor Stephen Harker
Efficiency and Resources Portfolio**

Responsible Director – Ian Williams, Director of Economic Growth

SUMMARY REPORT

Purpose of the Report

1. To declare Council owned land adjacent to St Clare's Abbey surplus to requirements and to approve a joint marketing exercise with The Hospitaller Order of St John of God, subject to consultation with Highways and Planning/Conservation officers.

Summary

2. The Council owns 1.89Ha (4.67 acres) of land, shown hatched on the plan at **Appendix 1**, between Carmel College and St Clare's Abbey. The land is currently only accessed via the school playing fields and is overgrown with rough grass, brambles and self-seeded trees.
3. The Hospitaller Order of St John of God has instructed agents to sell St Clare's Abbey for residential development subject to planning permission and the agents have suggested that if the Council's land is sold at the same time then it will create economies of scale which will generate higher values for both properties.
4. Access to St Clare's and the Council's land is proposed from a new entrance to be created off Carmel Road North but there are significant issues to be worked through and resolved regarding highways, the Abbey's Listed Building status, a group Tree Preservation Order and mitigation for loss of bio-diverse land.

Recommendation

5. It is recommended that:
 - (a) Cabinet authorise the marketing and subsequent disposal of the Council's land subject to resolution of Highways, planning and conservation issues and with terms for a sale being agreed in consultation with the Cabinet Member for the Efficiency and Resources Portfolio.

- (b) The Head of Legal Services be authorised to finalise and complete the documentation required to facilitate the disposal.

Reasons

6. The recommendations are supported by the following reason:
- (a) To achieve a significant capital receipt for the Council.
- (b) To increase the provision of residential properties in Darlington.

Ian Williams
Director of Economic Growth

Background Papers

No Background papers were used in the preparation of this report.

Richard Adamson : Extension 2737

S17 Crime and Disorder	This report has no implications for crime and disorder.
Health and Well Being	There are no Health and Well Being Issues
Carbon Impact	There are no sustainability issues
Diversity	There are no diversity issues
Wards Affected	Hummersknott Ward
Groups Affected	Not Applicable
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision for the purpose of the Call-in Procedure
One Darlington: Perfectly Placed	There are no issues adversely affecting the Community Strategy.
Efficiency	A capital receipt from the sale of the property will help the Councils budget.

MAIN REPORT

Information and Analysis

7. The Council owns 1.89Ha (4.67 acres) of land, shown hatched on **Appendix 1**, between Carmel College and St Clare's Abbey. The land is currently only accessed via the College playing fields and is overgrown with rough grass, brambles and self-seeded trees. The land is not used to any significant degree by the College and is not used for school sports.
8. The land is licensed to the College but with provision for the Council to be able to terminate the licence subject to payment of 50% of any sale proceeds. The adjacent playing fields are leased to the College on a long lease which does contain a provision for access across the fields to develop the land. Part of the land

is subject to a restrictive covenant effectively prohibiting development as long as St Clare's Abbey is used for religious purposes.

9. The Hospitaller Order of St John of God, freehold owners of St Clare's, have instructed agents to sell the property for the best price obtainable and, whilst they obtained planning permission in 2011 for a nursing home and a care home, they are now hoping to sell for residential development of the grounds as well as a change of use and refurbishment for residential use of the Abbey itself.
10. The agents acting for the Order have approached the Council to investigate whether it will be possible to sell our adjacent land in conjunction with, or at the same time as, St Clare's as it is felt that there will be economies of scale which would benefit both parties by increasing the sale value. From the Council's point of view the value of its land would be increased by taking access through St Clare's rather than through the College playing fields and a joint marketing exercise and sale would avoid the need to pay a ransom for access in the future.
11. St Clare's Abbey includes a chapel which is a grade II* Listed Building and whilst planning permission was granted in 2011 for two detached buildings, one nursing home and one care home, (11/00397/FUL) and this included a new access to the east onto Carmel Road North through the listed walls, this was supported to facilitate a sustainable use for the Abbey building. Consultation needs to be carried out internally to ensure that an access is appropriate both in Conservation terms for the setting and in Highways terms for the number of dwellings that could be built on the site.
12. The Western boundary of St Clare's comprises a belt of mixed trees which is the subject of a group Tree Preservation Order (TPO (No 3) 1962). It is considered that there is space between specimen trees to drive an access into the Council's land but this needs to be worked up in some detail with the Council's Arboricultural Officer.
13. The Council's land has no specimen trees on it but there are some groups of trees that are self-seeded and the area has become wildlife friendly and bio-diverse and any development will need to be sympathetic to the area.
14. Due to the need to react to the potential opportunity presented by the proposed sale of St Clare's, Officers have not yet fully considered whether it will be feasible to access the Council's land via St Clare's due to the environmental and statutory issues detailed above, however it is recommended that a potential disposal be approved subject to resolution of these issues.

Financial Implications

15. Any costs associated with the disposal of the land will be met from the capital receipt. The remaining balance on the capital receipt will be available for meeting other strategic needs of the council.

Legal Implications

16. The Council is under a legal duty to achieve best consideration in any disposal of land. The proposal set out in this report should help in achieving that.

Equalities Considerations

17. In seeking to dispose of this site the potential impact on those people with protected characteristics under the Equality Act 2010, is considered to be no greater than the impact on any other group or individual.

Outcome of Consultation

18. Internal consultation is ongoing but marketing of the Council's land will only proceed once all of the issues have been resolved internally. External consultation will be carried out as part of the statutory planning process.