

**CABINET
5 APRIL 2022**

DISPOSAL OF LAND AT 294 HAUGHTON ROAD, DARLINGTON

**Responsible Cabinet Member – Councillor Scott Durham
Resources Portfolio**

Responsible Director – Ian Williams, Chief Executive

SUMMARY REPORT

Purpose of the Report

1. To authorise the disposal of land at 294 Haughton Road Darlington shown edged red on the attached plan (**Appendix 1**), subject to the granting of planning permission for development.

Summary

2. The Council owns land at Haughton Road totalling 0.13 ha (0.34 acres) which is surplus to Council requirements and available for development – currently grassed open land.
3. The landlord for the Wickes retail store adjacent to the subject land, have approached the Council about acquiring this site in order to increase the outdoor retail area for Wickes with access coming from the store not off Haughton Road.
4. Without Prejudice negotiations with the landlord have reached an agreed sales figure for the site, subject to a restricted use and subject to obtaining planning consent. These terms are set out in the attached PART III report (**Appendix 2**).

Recommendations

5. It is recommended that:
 - (a) The sale of 0.13ha (0.34 acres) of land at 294 Haughton Road, Darlington be approved in principle with the Chief Executive Office being authorised to negotiate full terms in consultation with the Cabinet member for the Resources Portfolio and with the terms being reported subsequently on the Schedule of Transactions, and;
 - (b) The AD Law and Governance be authorised to document sales accordingly.

Reasons

6. The recommendations are supported by the following reasons:
 - (a) To achieve a capital receipt for the Council.
 - (b) To assist business development and job creation in Darlington.

Ian Williams
Chief Executive

Background Papers

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

Jane Sutcliffe : Extension 5746

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 and Climate Change	There are no sustainability issues
Diversity	There are no diversity issues
Wards Affected	Haughton & Springfield
Groups Affected	Not Applicable
Budget and Policy Framework	This report 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
Council Plan	There are no issues adversely affecting the Community Strategy
Efficiency	A capital receipt will help the Council's budget.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

7. The Council owns 0.13ha (0.34 acres) of land at 294 Haughton Road shown on the attached plan at Appendix 1. The land is surplus to Council requirements and is currently grassed open land neighboured on both sides by residential dwellings.
8. The Council has been approached by the Landlord for Wickes DIY retail store, which lies adjacent to the subject land. They wish to purchase the land in order to expand the Wickes outdoor retail area. Terms are being negotiated subject to abnormal development costs and purchasers defining their exact requirements.

9. In order to give some flexibility and to be able to respond to the prospective purchaser in timely fashion it is recommended that the Chief Executive Officer be authorised to agree terms in consultation with the Cabinet member for the Resources Portfolio and complete the sale of this plot as appropriate subject to the grant of planning permission.

Valuation Comment

10. The price agreed in principle for the plot represents the best consideration available for the freehold interest in line with the provisions of S.123 of the Local Government Act 1972.

Planning Comment

11. It is considered that the development proposed for the land at 294 Haughton Road is acceptable for outdoor retail purposes. Planning permission will of course be required. Whilst some initial discussions have taken place with the landlord, prior to any application being submitted it is advised the matter be considered formally through the pre application process to ensure that a satisfactory form of development is secured. Any application would be assessed in the context of both National and Local Planning Policy.

Financial Implications

12. The site could be considered a windfall site and the sale will achieve a capital receipt for the Council.

Legal Implications

13. The Council has the power to sell land pursuant to S.123 Local Government Act 1972 and the proposed sale complies with the requirements of that Act as a sale for full value.
14. Specific legal advice is not required but the Assistant Director, Law and Governance, will be required to document the sale of the property and deal with any issues arising from the legal process.

Consultation

15. External consultation will take place as part of the normal planning process. Internal consultation has raised no objections to the proposed sale.