Wiltshire Council
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AGENDA SUPPLEMENT (1)

Meeting:	**Cabinet**
Place:	**The Kennet Room - County Hall, Trowbridge BA14 8JN**
Date:	**Tuesday 24 April 2018**
Time:	**9.30 am**

The Agenda for the above meeting was published on 16 April 2018. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Will Oulton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713935 or email william.oulton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

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Statement from Councillor Mervyn Hall, Town Mayor, Marlborough Town Council

Item 10 - Freehold of assets to be sold

Land at Kelham Gardens, Marlborough, is being considered again for disposal albeit in different circumstances to when it was first discussed by the Cabinet Capital Assets Committee in July 2017. It is now requested that this land be considered as a freehold asset transfer to Marlborough Town Council to provide a car park for residents which would go some way to meeting a well evidenced need in the town. The Town Council has commissioned both a Planning Appraisal and an Outline Feasibility Report both indicating that such a facility would be possible at the site.

Statement from residents of Kelham Gardens, Marlborough

Item 10 - Freehold of assets to be sold

We have lived next to the above, disused site, for the last 18 years and during that time attempts have been made to develop it, in partnership with adjacent landowners. It's worth a reminder that the outline planning permission on the extended site expired in September 2007 after several failed development attempts, most notably in 2005 when David Wilson Homes proposed a scheme to build 25 flats. Despite a recommendation for approval from the planning officer at the time, the Regulatory Committee unanimously rejected this application for a number of reasons. We presume we do not need to reiterate these on the assumption that Dr Carlton Brand will have investigated the details prior to his conclusion presented at your Cabinet Meeting of 3rd July 2017. We noted at the time that the recommendation to Cabinet (subsequently approved) was to " dispose of the site to local residents/owners subject to an overage provision if the rear land is developed". We were therefore extremely surprised and disappointed to find that this was not the action subsequently proposed and expressed our concerns via email to Estates Officer Joanna Thorpe. Joanna stated in her reply "At the CCAC meeting, the resolution was to authorise the relevant Associate Director to dispose of the freehold interest in the various assets put forward. The recommendation in the report for Kelham Gardens was to deal with those parties that had already expressed an interest in acquiring the land, but that does not preclude those that may show an interest if the site was marketed more widely." This did not seem to be in keeping with the recommendation presented and agreed at that meeting.

As you can imagine, we do not need to see the full details of the Council's current assessment of the site given our familiarity with its limitations and barriers to development. That said, we were pleased to note the current report pack acknowledges, " ……the existence of access rights for adjacent landowners, potential contamination, flood risk, utilities on site as well as other factors are significant site constraints". In short, we are fully aware of the following:

- **Flood Risk**

The entire site, including the land adjacent to the proposed plot for sale, forms an integral part of the flood compensation scheme identified at the time of development of the Kelham Gardens housing scheme. The Environment Agency was very specific in its report for the David Wilson Homes proposal that a defined flood route adjacent to No. 2 Kelham Gardens would be required to mitigate the flood risk to our properties and also that any development of the site would require additional volume provision to this end.

- **Contamination**

In view of the historic uses of the site, conditions were imposed on the original outline planning permission requiring a contamination report to be carried out.

- **Access for Utilities**

An access road traverses the land, effectively cutting across the plot at an oblique angle and there is a requirement for 24-hour access by the utilities that use it.

It is therefore not surprising to us that prospective developers have failed in their attempts to build on the site. In fact, we are convinced that it will prove impossible to develop but may seem an attractive proposition, superficially. We are very aware that the site marketing effort undertaken by your chosen auctioneers has prompted a degree of interest. This is unsurprising to us, given the relatively low price guide for what on the surface appears to be a prime piece of real estate with a suggestion of a healthy profit opportunity. However, it is also extremely likely that those enquiring (and we have spoken to a few on visits to the site) have no idea as to the complexity of this land. Perhaps this is why, in full awareness of the issues, an overage provision was recommended, to enable the Council to meet its disposal criteria, i.e. to maximise any financial potential when disposing of assets.

Having lived next to a neglected and often overgrown site, which on occasion has required the replacement of our fence (paid for by the Council), we are concerned that if the plot is sold to an ill-informed speculator, another prolonged period of indecision/inaction will occur. We ask that, in coming to a decision as to the means of disposal of this plot, this statement is taken into account.

We would also like to make Cabinet Council aware that we have made an offer to the Council for an amount of (amount redacted) to include a (amount redacted) overage provision. We have no interest in developing the land for any commercial gain and our sole interest lies in extending our respective gardens. We are aware that we would need to apply for change of use to this end. We would also hope to work with the charity ARK (Action for River Kennet) to 'gift' to them, if appropriate, the relevant portion of the land that includes the river frontage. We have already sounded them out to this end and they are keen to progress ideas along these lines should the opportunity arise. ARK access to the river could be via the same access road that is required by the utilities.

Please consider our offer, knowing that, if accepted, the site will be disposed of in a way that should satisfy Council asset disposal requirements and bring a speedier end to a potentially very long process.

Dr Andy Beale and Lisa Beale (2 Kelham Gardens), Dr Graham Muller and Rona Muller (3 Kelham Gardens), Norman and Mary Hammond (4 Kelham Gardens).

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