	<p style="text-align: center;">Executive 22 April 2013</p> <p style="text-align: center;">Report from the Director of Regeneration and Major Projects</p>
For Action	Wards Affected: Sudbury
<p>Proposals comprising disposal of land adjoining 19 Elms Gardens, Elms Court, Sudbury HA0 2RT and establishment of new a replacement allotment site at Gladstone Park Gardens, Dollis Hill</p>	

1.0 SUMMARY

- 1.1 The subject land comprises a disused former allotment that has been neglected for a number of years.
- 1.2 This report sets out proposals to bring the site back into use by splitting the site into two, recommending Executive approval to disposal proposals, comprising on one part a short-term lease arrangement in stages for allotment related use and on the other a longer-term freehold disposal for redevelopment.
- 1.3 As proposals comprise a loss of allotment land, the paper asks the Executive to note previously approved replacement site proposals at Gladstone Park including provisions for forward funding of works the cost of which will be recovered from the capital receipt generated.

2.0 RECOMMENDATIONS

That Members approve:

- 2.1 That on the Northern half of the site detailed as stage 1 and 2 in the Appendix 1 plan. A short term lease is entered into for less than 7 years to be contracted out of the security of tenure provisions of the 1954 Act, with the land to be used as an allotment / food growing community garden by the local Association or Trustees as the Council's legal services may determine appropriate at peppercorn rent, allowing that the land be bought back into use. The initial lease will comprise only of the stage 1 site and subject to satisfactory performance the remaining stage 2 site will be added.

- 2.2 The freehold_disposal of the Southern half of the site edged in green on the Appendix 1 plan with access from Elms Court for re-development, the capital receipt estimate is between £900k-£1m.
- 2.3 That, as per the 15 November 2010 Executive report agree to the creation of a new replacement site at Gladstone Park, Dollis Hill subject to the appropriate legal procedure and forward funding of works up-to £250k, to create the new allotment, the cost of which will be recovered through the capital receipt generated under recommendation 2.2 above.

3.0 BACKGROUND

- 3.1 The subject land was originally acquired by Wembley Borough Council under the Allotments Act 1908. It was subsequently transferred to the London Borough of Brent under the Local Government Act 1963 as a successor authority.
- 3.2 The site is bordered on the southern edge by the Chiltern Railway line and on the west by the Sports Field belonging to the London Post Office Sports and Social Association.
- 3.3 A small area as shown on the Appendix 1 plan is subject to a 99 year lease between Eastern Electricity Board (now UK Power Networks) and Wembley Council (now Brent Council) for an electricity substation effective from 25th December 1959 at a rent of £5.
- 3.4 The site plan at Appendix 1 of this report details the land, which in 2009 was reported as being derelict for over ten years this position remains the same today, the site has a total area of about 0.411 ha.
- 3.5 The land has been the subject of various Executive reports, in 2009 the Executive approved proposals allowing the de-designation as allotment subject to appropriate consents, disposal and re-use as housing in order to provide decant accommodation for the Barham Park redevelopment. This proposal was further developed in the 15 November 2010 Executive report which provided provisions that should negotiations not conclude with a registered provider – which they subsequently did not, then a sale on the open market be allowed.
- 3.6 In accordance with the requirements set out in section 8 of the Allotments Act 1925, Brent Council in May 2009 obtained consent from the Secretary of State to dispose of the land, this was approved on 8 May 2009, subject to the condition that such disposal to be at a price no lower than current valuation and the provision of an alternative allotment and for that provision to be ready for use.

4.0 PROPOSAL

Short term lease

- 4.1 The proposal comprises disposal of the Northern half of the site as per Appendix 1, Stage 1 and 2 an area of about 0.1875 ha for allotment, food growing and wildlife purposes as contained in the appropriate Allotment Acts.
- 4.2 On the Stage 1 area edged and hatched red, the Council would enter into a lease on contracted out provisions under the 1954 Act for 7 years less 7 days – thus allowing us to enter a lease on the agreed terms exercising our Powers under the 2003 Act which provides that a local authority may disposal of land at less than best consideration where the local authority considers that the disposal will help it secure the promotion or improvement of the economic, social and environmental well-being of its area, the lease will be with the Sudbury and Elms Association or Trustees as the Council's legal services may determine appropriate.
- 4.3 Sudbury and Elms Associations works will comprise site clearance, creation of an adequate boundary fence, create a compost site, lay out allotment plots and access footpaths. The land would then be cultivated to the Council's satisfaction for food growing and community garden purposes over a rolling programme of 3 years of the lease commencement.
- 4.4 This proposal would provide that a previously difficult to manage and hard to let allotment site that has fallen into a poor state to gradually be restored and be bought back into use.
- 4.5 Subject to the criteria being met, the Council would incorporate into the lease the remaining Stage 2 area edged and hatched blue by way of a deed of variation.
- 4.6 The Sudbury and Elms Association consists of members who will be encouraged to engage in environmentally friendly cultivation of the site and harvest rainwater for watering their crops.
- 4.7 It is noteworthy the Association will require assistance from the Council to pay for skip hire by way of ward money for which the Association will be responsible for making the appropriate application. The Association is also expecting items such as water tanks to be donated from community sources. The Associations projected income and expenditure (April 2012/2013) is as follows:

Item	£
Income	1254.75
Expenditure	£1085.43
Balance	£258.32

- 4.8 The lease will be at a peppercorn rent as the area of land is in need of substantial works of clearance of vegetation and it is reasonable that a lease is granted at a peppercorn rent for a period of seven years.

Freehold disposal

- 4.9 It is proposed that the Southern half of the site edged in green and 0.224ha (0.55acres) on Appendix 1 with an entrance from Elms Court would form a disposal for development purposes.
- 4.10 The site would be brought to the open market through an informal tender process. It is likely a conditional exchange of contracts will be required subject to the developer:
- Submitting and obtaining planning consent for residential development.
 - The developer agrees to undertake all necessary site works at their own expense.
 - An access corridor will be reserved through to the phase 2 allotment area, should the phase 2 letting not proceed
- 4.11 The Secretary of State's consent dated 8th May 2009 states, that no development can take place until such time as the alternative allotment site at Gladstone Park is ready for use.
- 4.12 The Council's Core Strategy protects open space of local value from development (Policy CP18). Although the allotment site does not have a great value in its current state it is adjacent to an area of public open space deficiency and could potentially fulfil an open space role. The Core Strategy also seeks to meet Brent's significant housing needs and accepts that, while housing should not generally be built on green-field land, in a small number of cases this is acceptable where this can be justified.
- 4.13 In the report to Executive in Nov 2010 the justification for development of this green-field site was that it would provide decant space to assist with the Barham Estate regeneration. Justification was also based on the agreement that alternative allotment provision would be made at Gladstone Park. It was argued that the Elm Gardens site has limited open space value (being dis-used for some years) and that there is greater demand for allotment space at Gladstone Park.
- 4.14 In the end alternative arrangements were made and the regeneration of the Barham Estate is progressing without the Elm Gardens allotments as a decant site. Furthermore the alternative allotment provision at Gladstone Park was to be located on an area of existing open space and the previous proposal always resulted in a net loss of open space.
- 4.15 Without the exceptional circumstances of assisting in the regeneration of the Barham Estate and given that the Elm Gardens site is adjacent to an area of open space deficiency it would be contrary to policy to allow development of the former allotment site unless it secures sufficient improvement in local open space provision. This would be a matter for the council's Planning Committee to weigh in the balance if a planning application is submitted for this site.

- 4.16 If a reasonable planning consent could be achieved for a relatively low density development likely to be about 8-10 terraced houses the site could reasonably expected to have a value in the order of £900,000. If planning consent for a relatively low density development of 18 one bedroom flats were to be achieved the site could have a market value in the order of £1,000,000.

Replacement allotment

- 4.17 The 15 November 2010 report and recommendations asked the Executive to agree to the creation of a new replacement allotment at Gladstone Park, Dollis Hill subject to the appropriate legal procedures, see Appendix 2 for details of the site.
- 4.18 As per the previous report, it should be noted that as the proposed site is held as education land, the change of use to statutory allotment land will need appropriation.
- 4.19 It is also possible that the Council will need to forward fund works and effectively be reimbursed from the proceeds of sale.
- 4.20 Discussions with the Department of Communities and Local Government may need to be entered into to seek to see if a lower alternative provision could be made at Gladstone Park in view of the reduction of the residential disposal site by about 45% the remaining 55% will be reserved for relocating other strategically located allotments.
- 4.21 The use of existing Council land as allotments would not require planning permission. Ancillary development such as fencing, walls or other structures may in some cases require permission.
- 4.22 At the time of the November 2010 the estimated cost of the conversion into an access friendly, modern allotment site was for circa £250,000. This figure may need to be reviewed given the time lapse and also if a smaller replacement is acceptable.

Conclusion

- 4.23 The Executive report 2010 noted concerns by local residents, as this proposal comprises working with a local association this should no longer be an issue and concerns around development will be dealt with through the planning consultation process.
- 4.24 The Executive is therefore asked to give its approval to the disposal proposals. Any delay could lead to further deterioration in the sites condition, which may lead to an actual reduction in the potential capital receipt and an early disposal of both sites is therefore recommended.

5.0 FINANCIAL IMPLICATIONS

- 5.1 This site is not currently included within the Council's Capital Disposals Programme, and as such the additional receipt arising will contribute positively

to the funding of the Council's overall Capital Programme. The use of Capital Receipts in the funding of the Capital Programme restricts the level of unsupported borrowing required to fund capital schemes and accordingly the level of associated debt charges falling upon the revenue account. Movement against the forecast levels of capital receipts could require reduced/additional levels of unsupported borrowing or changes to the approved Capital Programme.

- 5.2 The capital receipt from the disposal is estimated to be £900k to £1m. Costs arising directly from the sale of the site will be met from the capital receipt generated in line with accounting guidelines. This will include costs associated with replicating an allotment provision at the new allotment site at Gladstone Park (estimated at £250k).
- 5.3 Approval for residential use on the southern half of the site would provide the council with additional resources from the New Homes Bonus over a period of six years. The level of funding would be determined by the council tax band and whether it related to affordable housing. The New Homes Bonus provides councils with additional resources to meet the costs of services arising from increased development in an area.
- 5.4 The Council will contribute towards the costs of skip hire for clearance works on the northern half of the site from existing Ward Working budgets.

6.0 LEGAL IMPLICATIONS

- 6.1 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease. The essential condition is that the Council obtain (unless it is a lease for 7 years or less) the best consideration that is reasonably obtainable.
- 6.2 Disposals on the open market, either by way of auction or by way of appointing a marketing agent, will satisfy the best consideration requirement.
- 6.3 Where the Council intends to dispose of allotment land (other than for use for allotments) it requires the consent of the Secretary of State for Communities and Local Government.

7.0 DIVERSITY IMPLICATIONS

- 7.1 See attached Impact Needs Requirement Assessment (INRA) at Appendix 3.

8.0 STAFFING/ACCOMMODATION IMPLICATIONS

- 8.1 None – this is a redundant disused site.

BACKGROUND PAPERS

- Brent Executive, 15 November 2010 report titled: Disposal of former allotment site adjacent to 19 Elms Gardens, Sudbury and establishment of

new replacement allotment site at Gladstone Park Gardens, Dollis Hill (available online).

- Brent Executive, 26 May 2009 report titled: Barham Park Estate Proposed Estate Regeneration (available online).

APPENDIX

- Appendix 1: Site Plan and Proposals
- Appendix 2: Replacement Allotment land – Gladstone Park
- Appendix 3: INRA

Contact Officers

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Appendix 1 The Subject Plan and Proposals

EXECUTIVE COMMITTEE Land Adjoining 19 Elms Gardens and Elms Court, Sudbury HA0



Plan for information purposes only.



Stage 1



Stage 2



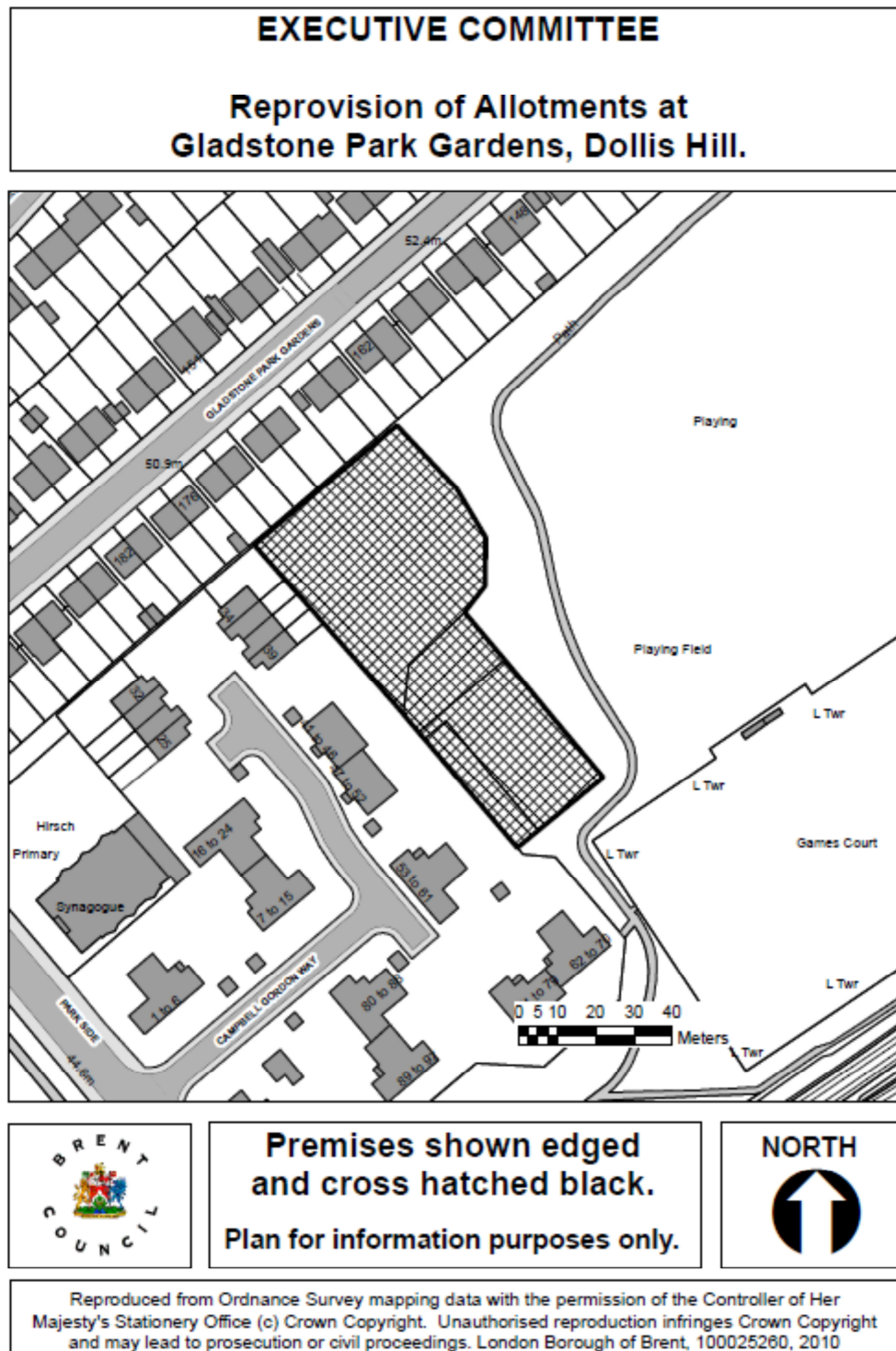
Land for Disposal

NORTH



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Appendix 2 – Replacement allotment land: Gladstone Park
Gladstone Park proposals as per 15 November 2010 Executive Report, the scale of which may need to be reduced to reflect equivalent provision to the current Elms Gardens redevelopment proposal possibly.



Appendix 3 – INRA

Impact Needs/Requirement Assessment Completion Form

Department: Regeneration and Major Projects.	Person Responsible: Sarah Chaudhry – Head of Strategic Property
Service Area: Property and Asset Management.	Timescale for Equality Impact Assessment :
Date: 19 February 2013	Completion date: 19 February 2013
Name of service/policy/procedure/project etc: This is a disposal transaction.	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Y Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Y Retrospective <input type="checkbox"/>	Adverse impact <input type="checkbox"/> Not found <input checked="" type="checkbox"/> Y Found <input type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact N/A Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N	Please state below: as no I haven't completed points 1 to 6.
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/Asylum Seekers Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faitn including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Person responsible for arranging the review: Sarah Chaudhry	Person responsible for publishing results of Equality Impact Assessment: There will be no Equality Impact to society from this transaction.
Person responsible for monitoring: Sarah Chaudhry	Date results due to be published and where: No results will be published
Signed: Sarah Chaudhry	Date: 19/2/13

Impact Needs/Requirement Assessment Completion Form

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

1. What is the service/policy/procedure/project etc to be assessed?

The proposal comprises three elements:

1. Disposal on a short term basis to a local allotment group.
2. Disposal on a long term basis for redevelopment.
3. Redevelopment of park land for allotment use.

2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area

This is a previously disused piece of land and a potential liability to the council, the aim is to reduce the risk and to generate a capital receipt for the council.

3. Are the aims consistent with the council's Comprehensive Equality Policy?

Yes - The allotment land has previously been reported as difficult to do anything with, subsequently a local group has come up with a local solution that helps bring the site back into use. On the freehold disposal anybody, regardless of age, creed, religion, sexuality, ethnicity and gender had an opportunity to bid for this property in an open and transparent way. In terms of the park land redevelopment, there is no disposal, our plans would aim to improve this space.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

No.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

Previous Executive reports and experience of marketing and selling properties.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

There are no unmet needs or requirements that can be identified that could affect specific groups.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

I have not consulted externally as part of my assessment. Although through the planning process, consultation will take place.

8. Have you published the results of the consultation, if so where?

No, because none has been undertaken.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

This is not a function or policy.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

This is not a service or policy.

11. If the impact cannot be justified, how do you intend to deal with it?

N/A

12. What can be done to improve access to/take up of services?

N/A

Impact Needs/Requirement Assessment Completion Form

13. What is the justification for taking these measures?

N/A

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

I will be responsible for the monitoring progress of this proposal.

15. What are your recommendations based on the conclusions and comments of this assessment?

That the Council be able move forward with this sale transaction as per the recommendation in the report.

Should you:

1. Take any immediate action? No.
2. Develop equality objectives and targets based on the conclusions? No
3. Carry out further research? No

16. If equality objectives and targets need to be developed, please list them here.

N/A.

17. What will your resource allocation for action comprise of?

N/A

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please): SARAH CHAUDHRY

Date: 19/02/13

Service Area and position in the council: Head of Strategic Property.

Details of others involved in the assessment - auditing team/peer review:

Once you have completed this form, please take a copy and send it to: The Corporate Diversity Team, Room 5
Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD