

## **NON-KEY DECISION**

REPORT OF: Head of Planning Policy & Economic Regeneration

REPORT NO. PLA.492

DATE:22<sup>nd</sup> March 2005

<b>TITLE:</b>	<b>LAND AT HIGH STREET MARKET DEEPING</b>
<b>FORWARD PLAN ITEM:</b>	N/A
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	N/A
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Non-Key Decision

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	Cllr John Smith Economic
<b>CORPORATE PRIORITY:</b>	Town Centres
<b>CRIME AND DISORDER IMPLICATIONS:</b>	Not significant
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	None
<b>BACKGROUND PAPERS:</b>	Outlined and referenced within report

## **1. PURPOSE OF REPORT AND SUMMARY**

**A parcel of land, between High Street, Market Deeping, and the River Welland is presently being marketed for sale. The present use of the land is as a private garden, albeit separated from the property to which it relates by High Street. The land offers the potential for use as a public amenity, an issue identified in the Market Deeping Health Check. It is recommended that steps be taken to secure the land for use as a public amenity, utilising funds retained from the s.106 agreement relating to the Tesco development at Godsey's Lane.**

## **2. DETAILS OF REPORT**

The parcel of land identified on the plan attached to this report is being marketed for sale. It is situated on the south side of High Street, Market Deeping, situated between the road and the River Welland. It has a 50m frontage to High Street, and a depth of approximately 16m; a site area of 0.08ha. It is well treed, the trees being the subject of a 1988 Tree Preservation Order. The trees have been the subject of a preliminary inspection by the Council's Arboriculturalist and a number of the trees are deemed to be 'dead, dying or dangerous' and in need of removal. A number of other trees are in need of routine maintenance work. The land is presently in use as a private garden to No.45 High Street, 'The Georgians', situated on the opposite side of High Street.

The land forms part of a broader strip of land situated between High Street and the River Welland. This land has hitherto been identified as an important open space within the Market Deeping Conservation Area<sup>1</sup>, and the recently commissioned Market Deeping Health Check<sup>2</sup> similarly recognised the importance of the space, and the benefits of improving public access to the riverside.

The land has recently been marketed for sale, and the recently reformed Town Centre Management Partnership at their meeting on 21<sup>st</sup> March 2005 have requested that steps be taken to secure this land as a public amenity, utilising funds secured for town centre enhancements from the Tesco, Godsey's Lane development.

Planning gain funding was secured from the Tesco development for a variety of projects, including contributions to the Market Place pedestrianisation scheme, CCTV coverage and traffic calming. The unspent balance of funding stands at approximately £53,000, although about £20,000 of this has been committed to a scheme of traffic calming on The Grove and The Orchard. The terms of the Section 106 agreement allows for the remaining balance (after the implementation of the traffic calming) to be utilised for the 'strengthening and enhancement of the town centre, or the better integration of the Tesco Store with the town centre. The securing of this land for public access would be consistent with these objectives.

The use of part of the s.106 funds to secure the land, obtain the necessary planning consent, and to bring the land up to an appropriate open space standard would seem an entirely appropriate use of the monies, and a project which enjoys widespread

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<sup>1</sup> Market Deeping Heritage Economic Regeneration Scheme Implementation Programme Document 1999 and Market Deeping Conservation Area 2005

<sup>2</sup> Market Deeping Health Check; Graham Vallis Associates 2004

support within the town. It is anticipated that delivering the site to an acceptable open space standard would be approximately £25,000.

Various options exist in relation to securing the site. These could include SKDC acquisition, with licensing to another body (eg. the Town Council); SKDC grant to allow another body to purchase; or SKDC purchase and gifting in trust to another body. At this point, no preferred option has been identified. However, it is recommended that authority be given to secure the acquisition of the site, on the following basis;

- (a) SKDC to meet the costs of acquisition of the site;
- (b) SKDC to meet the costs of securing planning permission and bringing the site up to an acceptable open space standard
- (c) Future maintenance and liabilities of the site to be met by another body.
- (d) Future ownership and ongoing maintenance arrangements to be determined in consultation with the Solicitor to the Council
- (e) Acquisition subject to the grant of planning permission for use as public open space, and subject to franking by the District Valuer.

The most logical body to undertake future maintenance and insurance liabilities would seem to be Market Deeping Town Council. They have given an undertaking that they would be prepared to meet the ongoing maintenance and insurance liabilities for the site.

The securing of this site for public use would, it is considered, represent a positive enhancement to the amenities of the town centre and the conservation area as a whole. There is no net cost to the District Council, and no ongoing revenue implications, assuming another body will assume ongoing maintenance responsibilities

### **3. OTHER OPTIONS CONSIDERED AND ASSESSED**

There is some indication that the site, through marketing, has attracted interest from other purchasers, some of which would not provide for public use of the space. Market Deeping Town Council would be interested in securing the site, although the timing would be likely to preclude this, 2005/6 precepts having been set. It is considered that prompt intervention is therefore required to secure this land for the public benefit of the community. The consequence of not doing so, would be to preclude the future creation of this space as a public amenity.

### **4. COMMENTS OF OTHER RELEVANT DIRECTORS / SERVICE MANAGERS**

The matter has been discussed with the Director of Finance and Strategic Resources and the Corporate Manager, Democratic and Legal Services (Monitoring Officer). There are no direct financial implications for the authority, and the precise nature of any acquisition and future maintenance will be the subject of future discussion and agreement with the Solicitor to the Council.

Discussions have taken place with the Development Control Services Manager in relation to the change of use of the land to public open space. His preliminary view is that such a proposal would be likely to attract a favourable recommendation.

## **5. RECOMMENDATIONS**

It is recommended that authority be given to secure the acquisition of the site, on the following basis;

- (a) SKDC to meet the costs of acquisition of the site;
- (b) SKDC to meet the costs of securing planning permission and bringing the site up to an acceptable open space standard
- (c) Future maintenance and liabilities of the site to be met by another body.
- (d) Future ownership to be determined in consultation with the Solicitor to the Council
- (e) Acquisition subject to the grant of planning permission for use as public open space, and subject to franking by the District Valuer.
- (f) Funding to be drawn from the monies received via the Tesco, Godsey's Lane s.106 agreement, subject to an upper ceiling of £25,000 total cost.

## **6. CONTACT OFFICER**

**M J Sibthorp**  
**Head of Planning Policy & Economic Regeneration**  
[m.Sibthorp@southkesteven.gov.uk](mailto:m.Sibthorp@southkesteven.gov.uk)  
**Tel: 01476 406472**