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of the Local Government Act 1972

<p>Mr Hunt, Cabinet Member for Finance and Resources</p>	<p>Ref No: FR18 18.19</p>
<p>January 2019</p>	<p>Key Decision: Yes</p>
<p>Surplus Declaration and Disposal of Court Meadow, Hanlye Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5HN</p>	<p>Part I: Part II: Appendix B for Members Only</p>
<p>Report by Executive Director Economy, Infrastructure and Environment</p>	<p>Electoral Division: Cuckfield and Lucastes</p>
<p>Summary</p> <p>This report seeks approval by the Cabinet Member for Finance and Resources that Court Meadow, Hanlye Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5HN be declared surplus to service operational requirements and approval of the disposal of the County Council’s freehold estate.</p> <p>Appendix B, (Part II for members only), advises on the outcome of the initial marketing of Court Meadow. The Cabinet Member is asked to approve the sale to the purchaser making the most suitable bid.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>The County Council’s Future West Sussex Plan set outs its ambition to minimise the burden of local taxation, delivering the best outcomes for residents with the money it spends, whilst living within its means. In 2018 the County Council agreed to adopt an Asset Management Policy and Strategy. An objective of the strategy is to acquire, manage, maintain and dispose of property effectively, efficiently and sustainably, together with optimising financial return and commercial opportunities. In line with this strategy the County Council now proposes to dispose of the freehold interest at Court Meadow, Hanlye Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5HN</p>	
<p>Financial Impact</p> <p>The County Council will receive a capital receipt for the land. The capital receipt will be used to fund the County Council’s Capital Programme. Selling Agents fees will be deducted from the sale proceeds.</p>	
<p>Recommendations:</p> <p>That the Cabinet Member endorses:</p> <ol style="list-style-type: none"> 1) The decision that the County Council declares Court Meadow, Hanlye Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5HN, surplus to service operational requirements 	

- 2) That the County Council disposes of the freehold estate of Court Meadow, Hanlye Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5HN, subject to an exchange of contracts conditional upon the purchaser obtaining a grant of planning approval on the site area as set out in Appendix A; and that
- 3) authority is delegated to the Executive Director of Economy, Infrastructure and Environment in consultation with the Director of Law and Assurance to conclude the terms of the sale with buyer.

PROPOSAL

1. Background and Context

- 1.1 Court Meadow is vacant former special needs school, forming part of a larger site owned by the County Council that includes the children's home, Orchard House and a separate dwelling, The Lodge, and also a small gypsy, Roma and traveller site. It is only proposed to dispose of the Court Meadow site as identified on the plan at Appendix A.
- 1.2 On 23 February 2010 WSCC reported to the Official Schools Adjudicator (OSA) and formally proposed under sections 10 and 15 of the Education and Inspections Act 2006 that two Special Needs Schools (Newick House and Court Meadow) be closed and that a new single site generic Foundation Special School be opened on 1 September 2012 in the grounds of Oakmeeds at Burgess Hill. This proposal was accepted by the OSA who made a Determination (STP 486). Court Meadow school closed in 2012 following completion of the new Woodlands Meed School facility
- 1.3 Following vacation WSCC let the property for a short while, but the site has largely stood empty. The site has an allocation in the Cuckfield Neighbourhood Plan for ten dwellings.
- 1.4 In 2018 it was proposed to declare the site surplus and move to sell the site subject to the purchaser achieving planning consent. Residential development agents, Henry Adams, were procured to market the property.
- 1.5 In response to the marketing which commenced in May 2018, a total of fifteen offers were received by the bid closing date. These are detailed in Appendix B attached to this report.
- 1.6 The top five bidders were interviewed in July but the disposal has been delayed whilst Mid Sussex District Council considered a nomination by the Parish Council that Court Meadow School be included in the Lists of Assets of Community Value. On 22 November 2018 Mid Sussex District Council confirmed this nomination had not been successful and had therefore added Court Meadow to the List of Unsuccessful Nominations for a period of 5 years.
- 1.7 Following this confirmation, all offers received have been re-considered by the appointed selling agents and having regard to the location of site

adjacent to the Area of Outstanding Natural Beauty (AONB) and the Council's County's requirements to protect their interest in the adjoining retained site, they recommend acceptance of a suitable bid where there is a high expectation that the bidder will be able to deliver a scheme to meet both the local planning authority and the County Council's requirements.

- 1.8** Due to the location of this site adjacent to an operational children's residential care home and the gypsy, Roma and traveller site, both owned and managed by the County Council, the County Council does need to maintain an element of control in the development process and a high density development scheme is considered to be unsuitable for this site. The County Council will seek reassurances from the purchaser that care will be taken during the construction process to minimise the impact on the local residents. Additionally the County Council will ensure through the contract and the transfer agreement that the design of the development will be sensitive to the needs of the residents and will not impact on the value of the retained land, with the retention of a highway access through the sale site for the benefit of the retained land.

2.0 Proposal Details

- 2.1 The proposal is to sell the property to a suitable bidder as recommended by the selling agents, subject to an exchange of contracts conditional upon the purchaser obtaining a grant of planning approval to redevelop the site with 10 dwellings. The purchaser is to pursue the planning application within a short designated timescale.
- 2.2 Should the offer be withdrawn or in the event that contracts are exchanged and planning permission is subsequently refused or undecided by an agreed long stop date, it is proposed to sell to the next suitable bidder or to another party at an agreed minimum value. Subject to the period of time that may have elapsed, it is possible that the property may have to be remarketed.
- 2.3 The proposal remains subject to:
- i) Contract and legal due diligence
- 2.4 It is proposed that the Cabinet Member for Finance and Resources agrees to this transaction being concluded by delegated authority to the Executive Director Economy, Infrastructure and Environment in consultation with the Director of Law and Assurance.

FACTORS TAKEN INTO ACCOUNT

3. Consultation

- 3.1 The Member for Southwater (acting as advisor to the Cabinet Member for Finance and Resources) and the local Member for Cuckfield and Lucastes have been consulted.

4. Financial (revenue and capital) and Resource Implications

4.1 The buyer will pay the agreed price for the property. Estate agents fees will be deducted from the capital receipt.

4.2 Revenue consequences of proposal

Savings in security and other ongoing holding costs associated with vacant property will be achieved.

4.3 Capital consequences of proposal

A capital receipt will be received.

5. Legal Implications

5.1 WSCC will dispose of the freehold estate in the property.

6. Risk Assessment Implications and Mitigations

	Risk	Mitigating Action
1	There is a risk that the sale may fall through if planning approval for ten dwellings is not forthcoming from Mid Sussex District Council in which case other offers will be considered. A full marketing exercise will be repeated if necessary but this may mean a reduced capital receipt if the market changes during this time.	A proposed deadline of 30 June 2019 will be given to the purchaser to secure planning consent and to conclude the purchase. Should the sale to the preferred bidder not proceed, WSCC will consult the under bidders. In the event that none of the original bidders are still able to proceed the property may need to be remarketed.
2	There is a continued financial risk in holding onto under-utilised assets, which can delay capital receipts or income, or where there is a no or limited service benefit.	The decision to dispose of the property within an agreed timeframe.

7. Other Options Considered (and Reasons for not proposing)

7.1 Other options considered included WSCC progressing to bring the site forward for development. This option was discounted due to the need to achieve capital receipts to fund the County Councils capital programme.

8. Equality and Human Rights Assessment

8.1 The Equality Assessment does not need to be addressed as this is a report dealing with an internal procedural matter only, however as the location of

this site is adjacent to an operational children's residential care home and the gypsy, Roma and traveller site, the County Council does need to maintain an element of control in the development process and a high density development scheme is considered to be unsuitable for this site

9. Social Value and Sustainability Assessment

9.1 The proposal will bring social, environmental and economic benefits by recycling vacant and surplus sites for new developments and uses.

10. Crime and Disorder Reduction Assessment

10.1 Not applicable

Contact Officers:

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APPENDIX A – Site Plan of Court Meadow, Cuckfield

APPENDIX B – PART II for members only