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**By:** Barbara Cooper, Director of Economic and Spatial Development

**To:** Gary Cooke, Cabinet Member for Corporate and Democratic Services

**Subject:** Sale of Rights of Access to Area F1, Discovery Drive, Village 2, Kings Hill,

**Classification:** Unrestricted

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**Summary:** This report outlines the rationale for the sale of access rights across a small area of land at Kings Hill to facilitate access to an adjacent residential development proposal outside of KCC's ownership but integrated into the wider Kings Hill development.

## 1. Introduction

Kings Hill is one of Kent's flagship mixed use developments and is subject to a strong and long running development partnership between KCC and Liberty Property Trust UK. It provides high quality, and in some cases exemplar, forms of development. The Kings Hill development provides a proven and essential source of income to KCC through annual distributions generated by the effective disposal of residential development land.

The Land known as Area F1 lies adjacent to the Kings Hill development but outside of the Partnership's ownership, however KCC through the Kings Hill Partnership owns and controls the land required to access the development area, this area totals 180m<sup>2</sup> and forms the sole access to F1.

The Kings Hill Development Partnership has anticipated the development of the F1 site for over 12 years and has accordingly made provisions for it in terms of the necessary infrastructure and services. The land owner of Area F1 has now selected a housebuilder to take forward a consented residential scheme for the site, planning reference TM/13/00910/RM.

The sale of access and service rights across KCC land is required in order to enable the scheme to progress. The process for negotiating access rights to neighbouring developments is set out in case law such as *Stokes v Cambridge* 1961, however each agreement is unique with a number of factors to be taken into consideration. The negotiated access payment recognises the enhancement in value that the wider Kings Hill development has brought to the F1 land. The figure is considered to demonstrate Best Consideration within s123 of the Local Government Act.

## **2. Relevant priority outcomes**

The decision directly links to the Council's Medium Term Plan (Bold Steps for Kent) in that it aligns with:

Priority 8 - Responding to key regeneration challenges working with our partners by unlocking a key site within a growth point and which contributes to providing new homes and commercial opportunities at Kings Hill.

Priority 9 - Support new housing growth that is affordable, sustainable and with the appropriate infrastructure; and

Priority 10 – Deliver growth without gridlock.

The proposed decision relates to the long term agreed Master Plan and strategy for Kings Hill as part of the Council's Policy Framework

## **3 Consultation and Communication**

Local Member consultation has taken place and the decision was discussed and endorsed by the Policy and Resources Cabinet Committee on 27<sup>th</sup> September 2012.

## **4. Financial Implications**

The transaction is to exceed £1million. Further financial information is contained within the exempt report that is not for publication and should be considered by the decision maker alongside this report.

## **5. Legal Implications**

The sale of access rights will bind the purchaser to the standard terms used in most other recent Kings Hill land disposals. These ensure a consistent approach to build quality and protect the long term best interests of the development.

## **6. Equality Impact Assessments**

Through this report members are not being asked to create, update or remove a policy, procedure or service and therefore there are no equality impacts.

## **7. Sustainability Implications**

There are no sustainability implications involved with the land sale. Any implications relating to the building of houses on this site have been identified and mitigated against as part of the original planning consent and process within the associated Section 106 agreement.

## **8. Alternatives and Options**

The alternative option would be to not grant access rights to Area F1. This would result in land with planning permission remaining undeveloped and new family and affordable housing not being built.

Although land values are generally cyclical in nature, it is considered that delaying the sale of access rights would result in a significant disadvantage to the objectives and returns to the Development Partnership and KCC.

## **9 Risk and Business Continuity Management**

None

## **10 Conclusion**

The sale of access rights are in line with the adopted disposal strategy at Kings Hill. The sale will enable new homes to be built and result in a significant financial contribution to the Kings Hill partnership and subsequently KCC directly.

## **11. Recommendations**

The Cabinet Member for Business Strategy Performance and Health Reform is asked to consider and approve the decision to authorise the sale of access rights.

## **12. Background Documents**

A location based plan attached for reference purposes.

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