

**Wiltshire Council**

**Cabinet Capital Assets Committee**

**15<sup>th</sup> November 2016**

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**Subject: Sherston: Land North of Sopworth Road**

**Cabinet member: Fleur de Rhe Philipe** - Economic Development, Skills, Strategic Transport and Strategic Property

**Key Decision: Yes**

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**Executive Summary**

Sherston Parish Council is preparing a Neighbourhood Plan. One of the sites being considered relates to an area of around 3.19 hectares (7.897 acres) to the north of Sopworth Road, Sherston, in third party ownership, over which the Council has a controlling legal interest. The desire is for a mixed use development including housing, GP Surgery and extension to the primary school.

In order to progress the Neighbourhood Plan, the Parish Council needs to know whether Wiltshire Council is prepared to enter into a land transaction with the owner to enable the site to come forward for development and ensure that the site is deliverable.

Members are invited to consider whether to approve the council entering into an agreement with the landowner, and whether such a land transaction is to provide sufficient land for the GP Surgery.

**Proposals**

In the event that the Neighbourhood Plan is made and it allocates land north of Sopworth Road, Sherston for development to:

1. Enter into and complete a land transaction with the owner to enable development to take place in accordance with the Neighbourhood Plan on terms to be agreed, subject to consultation with the Cabinet Member for Economic Development, Skills, Strategic Transport and Strategic Property.
2. Include in the transaction an area of land sufficient to provide a GP Surgery.

In the further event that the CCG confirms long-term funding provision for the GP Surgery in Sherston to:

3. Sell the land for the replacement GP Surgery to a developer, the doctors themselves, or some other third party, with the sale agreement providing for the construction of the facility.
4. Review the decision in 5 years' time in the event that the construction of the replacement GP Surgery has not been secured.

### **Reason for Proposals**

To support the ambitions of the Sherston community in the preparation of its Neighbourhood Plan and, in the event that the 'made' Neighbourhood Plan includes the development of the land north of Sopworth Road Sherston, to facilitate its delivery.

**Dr Carlton Brand**  
**Corporate Director**

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#### Purpose of Report

1. In the event that the Sherston Neighbourhood Plan supports the allocation of development of the land north of Sopworth Road, Sherston, to seek authority to enter into and complete a land transaction with the owner, a condition of which will be the provision of land for a replacement GP Surgery.

#### Relevance to the Council's Business Plan

2. The proposal will assist in creating stronger and more resilient communities.

#### Background

3. The Parish Council will shortly be consulting its community regarding possible development in its area.
4. One of the sites that has been put forward, by the land owner, for consideration is around 3.19 hectares (7.897 acres) to the north of Sopworth Road, Sherston.
5. The Council has a controlling legal interest over the land through a restrictive covenant prohibiting development together with an option to acquire around 2 hectares (5 acres) of the land that fronts Sopworth Road.
6. Unless the Council agrees to enter into a transaction with the land owner that will release the covenant and option, the site will not be deliverable for housing development, and therefore would not be suitable for inclusion in the Neighbourhood Plan.
7. The Parish Council is aware that the current GP Surgery is in need of a modern replacement. It has been advised that an obligation to provide such a facility through the planning process would be inappropriate.
8. It is therefore requesting the Council to provide an assurance that if there is support for development at Sopworth Road, through the public consultation process, that the transaction with the owner will provide sufficient land for a

replacement GP Surgery. The owner's representative has confirmed that such provision would be acceptable in principle.

### **Main Considerations for the Council**

9. This report has been produced following a specific request from Sherston Parish Council. Naturally it does not want to include a site in the consultation process if there is no reasonable prospect of the site being delivered. This is the same approach the Council took when 'calling for sites' during the Core Strategy Process.
10. During that process, a number of property owners approached the Council, where it owned adjoining land, asking for a letter of comfort that if they were successful in securing a development allocation in the Core Strategy process then the Council would enter into a joint sale agreement. Such letters were sent where there would be no negative impact on operational service delivery, on the basis that the decision regarding the possibility of development on third party land should be decided through the planning process rather than through a property decision. In this way, both the land owner and the community have the ability to express their views and suitable weight is given by the Planning Committee.
11. Similarly in regard to the subject site, if the Council does not agree the principle to enter into a land transaction then it will deprive the Sherston community of the opportunity to consider the benefits or otherwise of this site for development compared to others.
12. Naturally any land transaction would have to comply with the best value requirements of the Local Government Act 1972.
13. As regards providing land for a GP Surgery as part of the land transaction, at the time of writing this report there is an indication that revenue funding for the ongoing provision of a GP Surgery in Sherston will be forthcoming from the local Clinical Commissioning Group (CCG), but not capital funding. However, it is possible that this may change in the short or medium term and therefore it is suggested that if Members are minded to support such an initiative that the undertaking to make sufficient land available for a GP Surgery should remain for, say, 5 years, after which the position can be reviewed. An extension of time could then be given if there is a realistic prospect that funding will be forthcoming.
14. In the event that funding is secured during that period, then Members may wish to transfer the land at a price that would enable the construction to take place.
15. Alternatively, the Council could construct the facility itself if there is capital or revenue funding available for a reasonable period of time from the Health sector or other sources. However it is recommended that such a course of action is subject to a further report to this Committee in the event that the site is allocated for development and details of the funding are known.

### **Safeguarding Implications**

16. The provision of a replacement surgery would enhance wellbeing.

### **Public Health Implications**

17. The provision of a replacement surgery would enhance wellbeing

### **Corporate Procurement Implications**

18. None.

### **Equalities Impact of the Proposal**

19. The provision of a replacement surgery would enhance wellbeing to all in the community.

### **Environmental and Climate Change Considerations**

20. If the community support development of the site then there will be environmental and climate change considerations that are best dealt with through the planning application process in due course.

### **Risk Assessment**

#### **Risks that may arise if the proposed decision and related work is not taken**

21. Those in the community that would support or object to the development of the site will not have the opportunity to express their opinions thereby undermining the planning process.

22. There is a risk that the local GP Surgery will close.

#### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

23. The community may reject the allocation of the site in the Neighbourhood Plan for development. No action will be taken to mitigate this risk as it is a matter for the community to decide upon as part of the planning process. If the site is rejected then the Council will have suffered no direct loss.

24. It may not be possible to agree terms with the landowner over the release of the covenant and surrender of the option. The Council's only option is to act reasonably in its negotiations whilst maintaining its statutory obligations under S123 of the Local Government Act 1972. It is in both parties' interests to reach an agreement if the site is allocated in the Neighbourhood Plan for development.

### **Financial Implications**

25. The option proposed in this report is seeking approval to sell its land interest in the land north of Sopworth Road, Sherston subject to an allocation of a piece of land to build a GP Surgery.

26. The purpose of this is to assist in the Neighbourhood Plan process by providing assurance to the Sherston community that any development taken up on the land the Council currently has an interest on could only proceed if a GP surgery is provided.
27. At this stage there are no immediate financial implications of declaring the option for disposal with this condition. Full business cases covering the delivery of the GP Surgery will be prepared in the event that the Neighbourhood Plan is 'made' and the Council land is allocated for development, with any subsequent decision being brought back to CCAC for consideration.
28. The inclusion of the condition for the GP surgery increases the probability of the site being allocated for development in the Neighbourhood Plan, which in the future could generate a capital receipt. The inclusion of the condition will affect the level of capital receipt the council and the other land owner will receive, and the receipt could be lower than if the GP Surgery condition was not included. However without the condition, the probability of the land being allocated in the Neighbourhood Plan is very low.

### **Legal Implications**

29. The Council must comply with its statutory obligations under S123 of the Local Government Act 1972 to obtain best value in the disposal of its assets.

### **Options Considered**

30. The Council could decide not to enter into a land transaction with the site owner but this would deprive the community the opportunity to consider whether development of the site is in its best interests. The Council would also lose the opportunity of securing a substantial capital receipt.
31. Accordingly it is recommended to reject this option.

### **Conclusions**

32. If Members approve the proposals, then it will provide the Council with an opportunity to obtain a substantial capital receipt and may assist the Neighbourhood Plan process.

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### **Carlton Brand**

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10<sup>th</sup> October 2016

### **Background Papers**

None

### **Appendices**

Site Plan

