

Single Member Cabinet Decision

Executive  
Forward Plan  
Reference

**E3453**

**Entry Hill Depot Site, Entry Hill, Bath BA2 5NA –  
Recommendation for Disposal**

<b>Decision maker/s</b>	Cllr Richard Samuel, Cabinet Member for Resources
<b>The Issue</b>	Agree that The Entry Hill Depot Site does not offer an opportunity to develop for Residential Development in the short to medium term and therefore could be offered for sale or lease for employment use only in accordance with the local plan.
<b>Decision Date</b>	13th April 2023
<b>The decision</b>	<p>The Cabinet Member agrees to:</p> <ol style="list-style-type: none"><li>1. Determine that the Entry Hill Depot site be disposed of by lease or sale on the basis it is limited to employment use only.</li><li>2. Delegate to the Head of Corporate Estate in Consultation with the Section 151 Officer the power to enter into a direct lease and or sale to a local employer subject to:<ol style="list-style-type: none"><li>a) a Red Book RICS valuation</li><li>b) Overage provisions</li></ol></li></ol>
<b>Rationale for decision</b>	<p>Biodiversity - One of the key planks of the Planning Policy update is net biodiversity gain. The main points in consideration of this are detailed in Section 8 of the SMD Report.</p> <p>The planning policy consideration is the main obstacle to a residential or mixed-use development. Second is contamination / made up ground and third the difficulty of showing biodiversity net gain. These points are explored in greater depth in sections 3 and 8 of the SMD Report.</p> <p>The development of the subject site for employment/industrial use is far more sustainable for all reasoning detailed in the report, rather than the consideration of a potential, although unlikely, residential use. However, the transfer will be subject to overage provisions in the event that residential use ever became viable.</p>

<b>Financial and budget implications</b>	<p>The proposed sale of the subject site has received Section 151 Officer approval during 2021/22, with the potential capital receipt previously included in the Council budget.</p> <p>Any newly agreed terms to be subject to a refresh of the previous third party RICS Red Book valuation to ensure any disposal would be at the open market rate as evidenced by the RICS valuation.</p>
<b>Issues considered</b>	<p>Sustainability; Property; Corporate</p>
<b>Consultation undertaken</b>	<p>Ward Councillor; Cabinet colleagues; Section 151 Finance Officer; Chief Executive; Monitoring Officer</p>
<b>How consultation was carried out</b>	<p>A site visit undertaken on 18 July 2022 by Ward Members and Directors. The SMD report forwarded to The Cabinet Member for Resources, s151 Officer, Monitoring Officer and Chief Executive for comment and report amends.</p>
<b>Other options considered</b>	<p>Earlier in the year the Council's intention was to secure a short-term revenue stream with a capital receipt in four years' time. If this is still the case, the Council can continue to do this. If, however, the Council's intention has changed this could be re-visited. The Council could either put the property up for sale on the open market or alternatively, given the interest from the proposed purchaser, get an up-to-date independent valuation and sell now. The benefits to the latter method of disposal are that the proposed purchaser is familiar with the site and its conditions. They are less likely to negotiate at the last minute and although not guaranteed, the Council is more likely to receive the capital receipt this financial year.</p> <p>If the property is placed on the open market, it is unlikely that a capital receipt will be achieved this financial year, given the site conditions, and planning complexities. The recommendation, therefore, is to proceed as per recommendations detailed in the SMD report.</p> <p>The principle of best consideration being achieved is safeguarded by the Red Book (Fair i.e., Open Market Value) Valuation request being secured, and its outcome being agreed as the Purchase Price subject to clawback provisions as again, detailed in the report.</p>
<b>Declaration of interest by Cabinet Member(s) for decision:</b>	<p>None</p>
<b>Any conflict of interest declared by anyone who is consulted by a Member taking the decision:</b>	<p>None</p>

<b>Name and Signature of Decision Maker/s</b>	Councillor Richard Samuel Economic Development and Resources
<b>Date of Signature</b>	13 April 2023
<b>Subject to Call-in until 5 Working days have elapsed following publication of the decision</b>	