

Matford offices – Public Open Space

Report of the Director of Transformation and Business Services

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

1) Recommendation

That the Cabinet be asked to:

Confirm that DCC proceeds with the disposal of the former Matford offices site (County Hall, Exeter) to include the curtilage necessary to develop the area, taking into consideration the objections received from members of the public and subsequent review by officers as set out in Appendix B below.

2) Background / Introduction

In October 2023 Cabinet agreed to include the Matford Offices site in a group of properties that the Council could dispose of. However, the Matford Office site is unique as it includes some Public Open Space. The next step therefore in the process for disposing of this particular site was to comply with the requirements of s123(2A) of the Local Government Act 1972. That legislation requires that where a local authority is disposing of Public Open Space it advertises its intention to do so in a local paper for 2 consecutive weeks and then considers any objections received.

The Public notice, which includes a plan, is attached to this report at Annex A. The total area of land is 0.60 hectares (ha) and the building footprint was an area of 0.47 ha leaving an area of 0.23 ha which could be considered as usable Public Open Space. The land in question represents 4.65% of the current total green open space at County Hall.

As required by the Local Government Act, a public notice was placed in the Express and Echo Newspaper published on 28th December and 4th January and invited objections to the proposals by the end of 12th January 2024.

3) Main Body / Proposal

The total number of objections received were 133.

The objections received were analysed and the categories of objections are set out in the following table:

Conservation Area & should not be built on	122
Other/better ways to raise money to ease financial pressure	114
Requesting root & branch survey of CH site	112
Better sites that can be developed	79
Site is not in the local plan	76
Disruption of building works/ development	68
Concerned developer will leave fenced off area for lengthy time period	68
High Buildings Visually Intrusive	46
Sale of this land will lead to further sale of CH land/ piece meal sales	42
Increase over subscribed primary school	38
Increase of flooding due to reduced green space	35
Reason for sale was to save running costs but now demolished	33
Shortsighted to sell for a capital receipt now & loose future use	30
Not enough detail in the notice	28
No control over what developers will build/ retaining character	21
Concerns over access if turned into residential accommodation	18
Wanting more consultation with local residents	16
Greater pollution	15
Condition of demolition being returned to grass	15
Greater footfall in the ecologically import Exe Valley/nearby Sites	11
Old maps indicate area has a footpath across it/public should still have access	11
Increased Population/Housing - Over development	11
Wanting Affordable Housing only/or a large proportion	10
Area provides a safe walking route for school/children/others	9
Over stretched infrastructure/ support network. Hospitals/schools/roads	7
Not enough time to respond/ only object by post	7
Protection of bats in trees/ wildlife habitats	7
Local residents were not aware of advert	6
Green Spaces save NHS money/ reduces health risks	5
Climate Change/ Environmental Impact	5
Increased Traffic/ Congestion	5
School uses land	4
Better development of community areas or centre/ sports facilities	3
Loss of Trees	3
Concern re traffic/ dangerous for Primary school	2
Loss of Recreational Area	2
Loss of Community Area	2
Wellbeing/ mental health implications	1
Retaining Green Space	1

The objections have been carefully considered and a commentary on the objections provided below. The public notice invited objections to the disposal of Public Open Space. The objections received and responses are set out in Annex B.

Context

The total green space at County Hall is 5.00 ha, the area in question is an area of 0.60 ha of which 0.23 ha is currently Public Open Space. This represents 4.65% reduction in total to the current Public Open Space on site.

The curtilage identified allows for the retention of routes frequently used by walkers and dog walkers. Some of the curtilage is covered by trees and the majority of these are protected. A considerable green corridor between the site and Matford Lane will be retained to allow for recreation and walking.

Until October 2023 the majority of the site was covered by a building. The conditions attached to the Planning Permission for the demolition of that building require that the foundations of the building are removed within two years of demolition and that the area is then grassed over and this grass is then to be maintained for a period of five years. The two-year period was to allow alternative uses for the site to be explored.

This does not preclude alternative planning applications being submitted for this site, which could supersede the current planning permission.

4) Options / Alternatives

- a) Do not proceed with the sale of the land. Whilst this would address the concerns of some local residents regarding the sale of the site it would not support the Council's drive to ensure financial sustainability.
- b) Reduce the footprint of the site to be sold. DCC needs to ensure the most viable financial option is taken. Constraining the footprint of the area to be sold would reduce its development potential and therefore the financial return. DCC has an obligation to ensure best value when selling its assets and a balance needs to be struck between the desire to respect the Public Open Space and the need to ensure the financial sustainability for the Council.

5) Consultations / Representations / Technical Data

The report is to respond to the public consultation carried out and a review of representations made.

6) Strategic Plan

This proposal aligns with the vision and priorities in the Council's Strategic Plan 2021 – 2025 - <https://www.devon.gov.uk/strategic-plan>. This proposal is to secure funds from the disposal of land and therefore support sustainable economic recovery.

Some of the objections that have been received focus on the impact on the local environment, health and wellbeing and children that this disposal will have. However, it is felt that the area of public open space is so small that any impact in those areas will be negligible. t

7) Financial Considerations

Loss of the disposal of the former Matford offices site will have a considerable impact on the income being secured to support DCC's Capital Receipt programme.

8) Legal Considerations

The consultation was carried out in order to comply with the Section 123 (2A) Local Government Act 1972 - Disposal of Public Open Space, with the objections being subsequently considered by DCC Cabinet.

The site is not affected by any restrictive or other legal encumbrances preventing the sale of the site.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

If the site were to be developed these impacts would be dealt with as part of the planning process. The biodiversity net gain requirements will mitigate any loss of green space with an enhancement of an additional 10% biodiversity net gain.

10) Equality Considerations

There are not considered to be any equality issues associated with the proposal. The impact will therefore be neutral.

11) Risk Management Considerations

The major risk is that if objections are upheld that a Capital Receipt will either be lost or reduced, impacting on DCC's sustainability.

12) Summary / Conclusions / Reasons for Recommendations

The recommendation made in this report is to ensure Capital Receipts are secured to support the financial sustainability of the Council, aligned to the Council's Property Change Programme set out in the Cabinet meeting held on 11 October 2023 ([Public Pack](#))[Agenda Document for Cabinet, 11/10/2023 10:30 \(devon.gov.uk\)](#)

Matthew Jones

Director of Transformation and Business Services

Electoral Divisions: All

Cabinet Member for Policy, Corporate and Asset Management (Leader of the Council):
Councillor John Hart

Local Government Act 1972: List of background papers

Background Paper

Date

File Reference

Contact for enquiries:

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Annex A

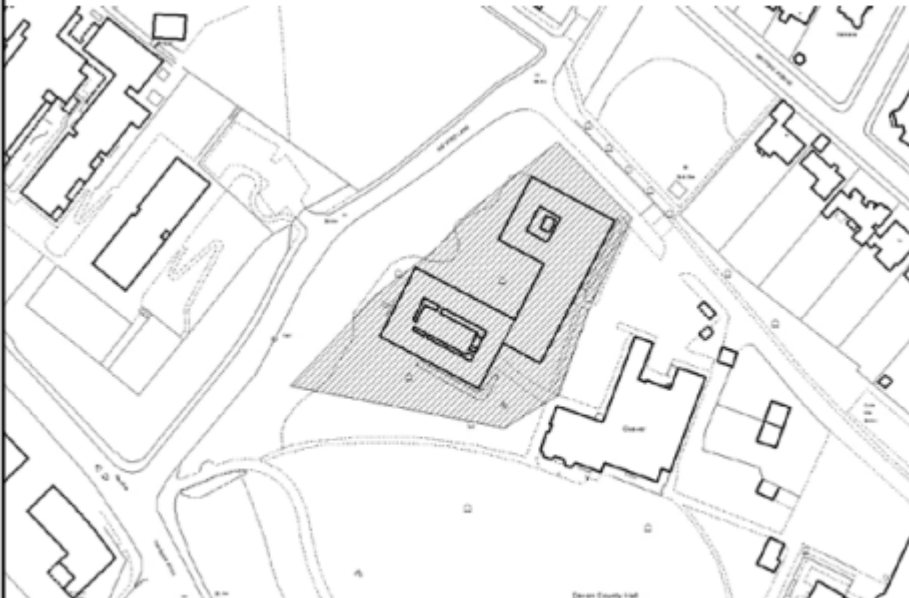
Public Notice

Devon County Council
Section 123(2A) of the Local Government Act 1972

Disposal of Open Space:
Land at the Former Matford Offices, County Hall, Exeter

Notice is hereby given that Devon County Council intends to dispose of an area of approximately 0.6 hectares of land known as land and buildings at the Matford Office Site, County Hall, Topsham Road, Exeter, Devon EX2 4QD, part of which is considered to be open space land. The land to be disposed of, which includes open space, is hatched black on the plan below.

Any objection to the disposal must be made in writing to Legal Services, Devon County Council, County Hall, Topsham Road, Exeter, Devon EX2 4QD (quoting ref: DEV006/097) to arrive no later than 12th January 2024.



Annex B

Objections Received

Retaining Green Space & Loss of Community Area & Loss of Recreational Area –

The total green space at County Hall is 5.00 hectares, the area in question is an area of 0.60 hectares of which 0.23 hectares is currently Public Open Space. This represents 4.65% reduction in total to the current Public Open Space on site.

The curtilage identified allows for the retention of routes frequently used by walkers & dog walkers. Some of the curtilage is covered by trees and the majority of these are protected. A considerable green corridor between the site and Matford Lane will be retained to allow for recreation and walking.

Increased Traffic/ Congestion – This matter would be considered as part of any future planning process.

Loss of Trees – it would not be anticipated that there would be any significant tree removal. It is possible a very small number of very small trees would be removed and if this were to be the case they could be replaced at other locations on the County Hall site. Biodiversity net gain will apply to any development on the site and protected trees will remain.

Planning Condition of demolition for site to be returned to grass –

The conditions attached to the Planning Permission for the demolition of that building require that the foundations of the building are removed within two years of demolition and that the area is then grassed over and this to be maintained over the period of five years. The two-year period was to allow alternative uses for the site to be explored.

This does not preclude alternative planning applications being submitted for this site, which could supersede the current planning permission.

Increased Population/Housing - Over development – This matter would be considered as part of the planning process.

Better development of community areas or centre/ sports facilities – The loss of space at County Hall does not significantly reduce the current Public Open Space area at County Hall.

Concern re traffic/ dangerous for Primary school – This would be considered as part of any future planning process.

Well being/ mental health implications - The loss of space at County Hall does not significantly reduce the current Public Open Space area at County Hall.

Climate Change/ Environmental Impact -. The loss of space at County Hall does not significantly reduce the current Public Open Space area at County Hall. This will be considered as part of any future planning and building control process.

Greater pollution – This would be considered as part of any future planning process.

Increase of flooding due to reduced green space – any development now needs to be supported by a Sustainable Urban Flood Design which requires roof and surface water in retained on site via the use of on site storage which is slowly released off site (as part of the planning process).

High Buildings Visually Intrusive – A building has been on this site for 40 years, the planning process will address the suitability of any development. This would be considered as part of any future planning process.

Disruption of building works/ development – It is recognised building works can cause some disruption but this will be addressed as part of any future planning process.

Greater footfall in the ecologically important Exe Valley Site – The view of the County Ecologist is that a development on this site is unlikely to have significant impact on the Exe Valley Park.

Increase over subscribed primary school – The current number of pupils on roll at St Leonards is 619 against a 630 capacity. Forecast cohort data (up to '27/28) also shows a surplus of primary capacity. In terms of pupil place planning considering all primary schools within the statutory walking distance of 1.5 miles from the site there is also adequate capacity in the wider area.

School uses land – this is informal and minimal and is not on the area in question.

Protection of bats in trees – any planning application would require a full ecological assessment and a mitigation scheme will be required to ensure bats are protected during construction and beyond.

Green Spaces save NHS money/ reduces health risks - The loss of space at County Hall will be equivalent to less than 4.65% of the current green space at County Hall.

Wanting Affordable Housing only – the scheme will need to fully comply with Exeter City Council's requirement for Affordable Housing.

The site is not in the local plan – The site has been submitted to Exeter City Council for consideration in the recent call for land.

It is short-sighted to sell for a one off Capital Receipt when it results in the loss of land that DCC could benefit from for years to come – The site has been declared surplus by DCC's Cabinet in October. The loss of space at County Hall would be equivalent to less than 4.65% of the current green space at County Hall and the sale is important for the Council's financial sustainability.