



To: Executive Councillor for Finance and Resources:  
Councillor George Owers

Report by: Dave Prinsep, Head of Property Services

Relevant scrutiny committee: Strategy & Resources  
Scrutiny Committee

Wards affected: Abbey

23/3/2015

## **SALE OF A SECTION OF BARNWELL DRIVE Not a Key Decision**

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### **1. Executive summary**

- 1.1 Barnwell Drive is adopted public highway providing access to Barnwell Business Park (owned by the Council) and Marshalls airfield. The Council owns the subsoil beneath the adopted public highway.
- 1.2 Prior to Barnwell Drive being adopted, Marshalls had an historic legal right of way along Barnwell Drive and this remains.
- 1.3 Marshalls has asked to acquire the freehold of the eastern end section of Barnwell Drive, amounting to 687 sq.m (0.17ac). This is to enable it to have the section of road “stopped up” as public highway and to improve security to their existing entrance and new proposed industrial building to the north of Barnwell Business Park.
- 1.4 Terms have been negotiated, subject to approval, to sell the small section of Barnwell Drive. As well as a capital receipt, Marshalls will transfer some of its land to the rear of Barnwell Business Park to improve the boundary line of the Council’s land ownership.

### **2. Recommendations**

The Executive Councillor is recommended:

2.1 To approve the sale of the freehold of a section of Barnwell Drive and to acquire land to the rear of Barnwell Business Park on the terms set out in paragraph 3.5 of this report.

### **3. Background**

3.1 The City Council owns Barnwell Business Park as shown edged black on the plan in Appendix A and the freehold of Barnwell Drive. Barnwell Drive is adopted public highway so the Council has very limited control over the use of this land.

3.2 Irrespective of the adopted highway status, Marshalls has a legal right of way along Barnwell Drive, granted prior to adoption of the road. This provides an access to the western side of the airport. This legal right restricts how the Council could use this land in a similar way to the adopted status.

3.3 Marshalls obtained planning permission (under reference 13/1594/FUL) for a new B1 industrial building to the north of Barnwell Business Park with access from Barnwell Drive.

3.4 Marshalls approached the City Council to enquire if they could purchase the freehold of the eastern end section of Barnwell Drive, amounting to 687 sq.m (0.17ac), leading to the entrance to the airfield as shown hatched on the plan at Appendix A. The purpose is to enable Marshalls to apply to have the section of road “stopped up” as public highway and to reposition their security gate to serve access to the airfield and to their new proposed industrial building to the north of Barnwell Business Park.

3.5 Terms have been provisionally agreed, subject to contract and approval, for the sale as follows:

1. Land – Shown hatched on the attached plan, amounting to 687 sq.m (0.17ac).
2. Price - £93,500 (ninety three thousand five hundred pounds)
3. Purchaser – Marshall Group Properties.
4. Conditional contract – The sale is subject to the purchaser achieving a stopping up order for the section of roadway to be purchased.
5. Land transfer – Marshalls to transfer the land shown cross hatched to the City Council for nil consideration.
6. Fees – Marshalls is to pay £2,000 towards the Council’s legal and surveyors fees.

3.6 As a condition of the proposed sale, Marshalls will transfer the land

shown cross hatched on the plan in Appendix A to the City Council. The land extends to 171 sq. m. This will improve the boundary line of the City Council's ownership up to the new proposed roadway serving the new Marshall building.

3.7 The section of road proposed to be sold primarily serves as an access to this side of the airport. There is some on-street parking here at times but limited, the main on-street parking being closer to Barnwell Road and the Business Park.

3.8 Following this sale receipt, it is proposed that Property Services make a capital bid in 2015/16 to fund re-investment in Barnwell Business Park to improve areas such as car and cycle parking, landscaping, signage and the external appearance.

## **4. Implications**

### **(a) Financial Implications**

The Council will receive a capital receipt of £93,500 and legal and surveyors fees of £2,000.

As adopted highway, this land currently has limited value to the Council and even if not adopted, it would still be of limited market value due to the right of way in favour of Marshalls. It is of value to Marshalls to improve their security but limited value to them beyond that as they already have the necessary rights of access over the land. The price agreed is based on industrial land values for the area assuming unencumbered by a right of way.

### **(b) Staffing Implications (if not covered in Consultations Section)**

None

### **(c) Equality and Poverty Implications**

There are no direct equal opportunities implications as a result of this report and an EqIA has not been completed in respect of this proposal.

### **(d) Environmental Implications**

There are no direct environmental implications associated with this report.

### **(e) Procurement**

There are no procurement implications associated with this report.

(f) **Consultation and communication**

Consultation regarding the proposed stopping up of the section of Barnwell Drive will be undertaken by the County Council as part of the statutory process.

(g) **Community Safety**

There are no community safety aspects associated with this report.

## **5. Background papers**

These background papers were used in the preparation of this report:

Marshalls planning application ref 13/1594/FUL available at

<https://idox.cambridge.gov.uk/online-applications/simpleSearchResults.do;jsessionid=1F456E507DA0D5418F49E5B0D903C876?action=firstPage>

## **6. Appendices**

Appendix A – Plan

## **7. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact:

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