



CABINET

Tuesday, 07 December 2021

Subject	Transfer of land at Martello Park, Felixstowe
Report by	Councillor Craig Rivett Deputy Leader and Cabinet Member with responsibility for Economic Development
Supporting Officer	Chris Phillips MRICS Senior Estates Surveyor Chris.phillips@east Suffolk.gov.uk 07456076204

Is the report Open or Exempt?	OPEN
-------------------------------	------

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable.
Wards Affected:	Eastern Felixstowe

Purpose and high-level overview

Purpose of Report:

To agree to transfer the freehold of two areas of developed land to correct historical land transfer errors.

Options:

East Suffolk Council (ESC) can either transfer the land or refuse to do so. To not agree would be unfair to both the developer and leasehold property owners.

Recommendation/s:

That Cabinet agrees to transfer the freehold at Nil consideration, the two areas of land as outlined in the appendices in red, to Bloor Homes and the Freeholder of 14 Marine Parade Walk, respectively.

Corporate Impact Assessment

Governance:

Cabinet decision only

ESC policies and strategies that directly apply to the proposal:

Proposal contributes towards ongoing good asset management of the portfolio

Environmental:

N/A

Equalities and Diversity:

N/A

Financial:

Each party will meet their own costs of transfer. No income will be lost, and limited future liabilities may be saved.

Human Resources:

Not applicable.

ICT:

Not applicable.

Legal:

Not to transfer the areas of land could result in future litigation from those affected.

Risk:

Transferring the land will reduce any future risks associated with holding the freehold interest.

External Consultees:	Not applicable.
-----------------------------	-----------------

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
Supporting Housing development through use of the portfolio			

Background and Justification for Recommendation

1 Background facts	
1.1	The former Suffolk Coastal District Council entered into a development agreement with Bloor Homes Limited for the redevelopment of land at Martello Park (to be developed by J S Bloor (Sudbury) Ltd) on 18 th June 2014 for the construction of plots 22-27 and 66-71. ESC retained freehold ownership of these plots under SK226186. They were leased individually by way of 125-year leases to various parties. See appendices A and B
1.2	As part of the 2014 transaction a large area of the land was also laid out as open space, this is maintained by the Management Company but owned by ESC. On 5 th November 2018 ESC transferred some common parts of the Martello development to the Martello Park (Felixstowe) Residents Management Company Ltd to remove ESC from the liability of maintaining these areas that benefit properties in the development which are not owned or managed by ESC (these common parts were made up of forecourts, access roads and paths but not the large area of open space)

2 Current position	
2.1	Over the last 24 months ESC has undertaken a review of all its assets. As part of this and following discussions with Bloor homes it is apparent that an error arose when the flats on the development (plots 22-27 and 66-71) were leased. ESC retained the freehold ownership and is the Landlord for each of these flats, requiring ESC to be a party to any transactions affecting the flats. This should not have been the case and it is the freehold of these flats which is recommended for transferring to Bloor Homes for their ongoing responsibility.
2.2	Within this development there are also three parking spaces, see appendix C, serving leased properties on Marine Parade Walk, which similarly lie within the freehold ownership of ESC. This left each of the leaseholders of the flats with a split reversion of their freehold, meaning their leasehold had two freeholders rather than one. To remedy this the three parking spaces are to be transferred to the freeholder of no 14 Marine Parade Walk, who will be both the freehold owner and the landlord for the parking spaces.

3 How to address current situation	
3.1	The situation is resolved by a transfer at nil consideration the freehold of the flats to Bloor Homes and transfer of the freehold of the 3 parking spaces to the owner of number 14 Marine Parade Walk, respectively. Please note the plot numbers do not match the subsequent post office provided flat numbers, which is why they do not appear to correspond.
3.2	Each party will bear their own legal costs.

4 Reason/s for recommendation	
4.1	To rectify historic errors in title to assist any future transactions of those properties and to pass freehold responsibilities to the appropriate parties

Appendices

Appendices:	
Appendix A	Plan of Freehold of flats to be transferred to Bloor Homes (Plots 22-27)
Appendix B	Plan of Freehold of flats to be transferred to Bloor Homes (Plots 66-71)
Appendix C	Plan of Freehold of parking spaces to be transferred to freeholder of 14 Marine Parade walk, Felixstowe.

Background reference papers:	
None.	