

# Public Document Pack

**Date of meeting**      **Wednesday, 2nd December, 2015**  
**Time**                    **5.30 pm**  
**Venue**                    **Committee Room 1, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG**  
**Contact**                 **Justine Tait Ext 2250**

## **Economic Development and Enterprise Scrutiny Committee**

### **SUPPLEMENTARY AGENDA**

#### **PART 1 – OPEN AGENDA**

- 3      a      Call In - Land Adjacent to Former Maxims Night Club, Lower Street, Newcastle      (Pages 3 - 10)
- 3      b      Call In - Asset Disposals - Land at Sheldon grove, Chesterton      (Pages 11 - 22)

**Members:**      Councillors Burgess, Hambleton, Holland, Huckfield, Johnson, Loades, Matthews, Northcott, Stringer (Chair), Stubbs and Williams (Vice-Chair)

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.**

**FIELD\_TITLE**

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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of the Local Government Act 1972.

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Received 24.11.15 (AM) J. Kelly

Classification: NULBC UNCLASSIFIED

**NEWCASTLE · UNDER · LYME**  
**BOROUGH COUNCIL**



**CALL-IN REQUEST FORM**

|   |            |
|---|------------|
| <b>Decision reference/minute no.</b>    | 20         |
| <b>Date of publication of decision:</b> | 19/11/2015 |
| <b>Decision taken by:</b>               | Cabinet    |

**This form must be returned to the Chief Executive within 7 working days of the decision being published with at least 5 signatures**

**Decision called-in: LAND ADJ THE FORMER MAXIMS NIGHT CLUB, LOWER STREET, NEWCASTLE**

Consideration was given to a report on the former Maxims nightclub site and adjacent land.

**Resolved:** That the recommendation, as set out in the confidential report on the agenda, be agreed.

**A call-in should satisfy one or more of the following criteria.**

**Which of the following criteria supports the call-in of this decision? (please tick)**

- The decision may be contrary to the budget or policy framework set by the Council and the Monitoring Officer has advised accordingly
- The decision is inconsistent with another Council policy
- The decision is inconsistent with a previous Overview and Scrutiny recommendation, which has been accepted by the Council or the Cabinet
- The decision maker has not taken into account relevant considerations and this can be demonstrated by reference to the documents supporting the decision
- The decision maker has failed to consult relevant people or bodies in contravention of defined Council policies or procedures
- The decision has or will demonstrate a significant adverse public reaction
- The decision gives rise to significant legal, financial or propriety issues



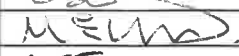
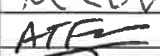

Please explain how the relevant criteria above are met by this call-in:

That this Council does not agree that the decision is in the interest of the public purse

Suggested proposal you would like to be voted on at the call-in meeting  
(this should be an evidence-based proposal and you should provide evidence to support the proposal)

That this Council requires this decision be supported with evidence other than supplied in the report to justify the difference in value being proposed against the current market value of this valuable asset.

Members requesting call-in of the decision:

|    | Name          | Signature   | Date       |
|----|---------------|---|------------|
| 1. | DHOADRE       |   |            |
| 2. | Steph Sweeney |   | 23.11.15   |
| 3. | MARK HOLLAND  |   | 22.11.2015 |
| 4. | ANDREW FEAR   |   | " " "      |
| 5. | Simon TAGG    |  | " " "      |
| 6. |               |   |            |

THIS PART OF THE FORM IS TO BE COMPLETED BY THE CHIEF EXECUTIVE OR HIS/HER REPRESENTATIVE

|   |  |
|---|--|
| Date and time form received:  |  |
| Form processed by (name):   |  |
| Date of publication of decision:  |  |
| Was the call-in request received within 7 working days of publication?      | YES/NO<br>If no reject and inform relevant parties |
| Are there at least 5 appropriate Members' signatures on the call-in notice? | YES/NO<br>If no reject and inform relevant parties |
| Which Overview and Scrutiny Committee will this call-in be referred to?     |  |

|   |  |       |
|---|--|-------|
| Signature of Chair / Vice-Chair of relevant Overview and Scrutiny Committee |  | Date: |
|---|--|-------|

The appropriate decision making body, Members requesting call-in, the Monitoring Officer, the Licensing and Democratic Services Manager and the Scrutiny Officer need to be informed of receipt of call-in form.



**CALL IN FOLLOWING DECISION OF CABINET ON 11<sup>TH</sup> NOVEMBER 2015 – ASSET DISPOSALS - LAND AT SHELDON GROVE, CHESTERTON**

**Submitted by:** Democratic Services Manager

**Portfolio:** Town Centre, Business and Assets

**Ward(s) affected:** Holditch

**Purpose of the Report**

To Consider the decision of Cabinet made at its meeting on 11th November 2015 in relation to Land at Sheldon Grove.

**Recommendation**

**That the Committee review the decision of the Cabinet made on 11th November 2015 in accordance with the call-in procedure as set out in section 1 of this report.**

**Background**

At the meeting of the Cabinet on 11th November 2015 consideration was given to a report requesting that:

- (a) That Members approve the principle of disposal of part of the land at Sheldon Grove, subject to the outcome of the necessary further technical site assessments.
- (b) That Members approve the procurement of specialist consultants to prepare and submit a planning application in respect of this site, taking account of the known technical constraints and key site features highlighted through the consultation process.
- (c) That officers report back on the viability of any development scheme prior to submitting any outline planning application for the comprehensive treatment of the overall site

**The final resolution of the Cabinet was:**

- (i) That the principle of a partial disposal of the subject land be approved subject to the following conditions:
  - (1) That, given the location of the land and the lack of suitable green space for community use in the area, any proposal for development will include the retention of a significant amount of accessible public open space suitable for children's play space – a kick about area etc.
  - (2) That, as part of any sale, a covenant be placed on the public open space area – securing it for the community in perpetuity.
  - (3) That officers facilitate the preparation of an outline design and bring it to a future Cabinet meeting for approval, prior to any disposal.
  - (4) That, any planning application will be presented at a meeting of the Strategic Planning Advisory Committee where local Members will have the opportunity to comment on the plans.

A copy of this report is attached at **Appendix A**. Following the decision of the Cabinet, a request for a call-in was made to the Chief Executive to review the decision; a copy of the call-in request is attached at **Appendix B**.

1. **Procedure to Be Followed**

| <b>Action</b>   | <b>By Whom</b>  | <b>Time Allocated</b> |
|---|---|-----------------------|
| Apologies   | Chair   |                       |
| Declarations of Interest and Party Whip   | Chair   |                       |
| Welcome – including explanation of procedure to be followed   | Chair   |                       |
| Explanation of reasons for the call-in and justification for proposal set out on the call-in form   | Lead call-in member and any other persons that they wish to involve | 15 minutes            |
| Explanation of decision taken and views on alternative proposal   | Relevant Cabinet member and officer                                 | 15 minutes            |
| Questioning of call-in representatives and decision taken and consideration of any documents that may illustrate the issue under discussion | Overview and Scrutiny Committee Members                             | Unlimited             |
| Summing up  | Lead call-in Member   | 5 minutes             |
| Summing up  | Decision taker  | 5 minutes             |
| Voting on the proposal on the call-in form  | Overview and Scrutiny Committee Members                             | Unlimited             |

2. **Options Considered**

2.1 Having reviewed the decision the Committee may either

- a) Choose to reject the call-in and note the original decision
- b) Accept the proposal set out in the call in form and refer back to Cabinet with its additional comments to be considered by Cabinet at its next scheduled meeting when Cabinet may amend the decision or not before adopting the final decision.
- c) Accept the proposal set out on the call-in form and refer the matter to Full Council if the decision is deemed to be outside the budget and policy framework.

If the call-in is rejected then the original decision takes effect from the date of this meeting.

3. **Proposal**

That the protocol for Member Call-in be followed as detailed in the Council's constitution.

4. **Earlier Cabinet/Committee Resolutions**

Cabinet Report – Land at Sheldon Grove

5. **List of Appendices**

**Appendix A:** Cabinet Report – Land at Sheldon Grove

**Appendix B:** Call-in Request

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**  
**EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE**  
**CABINET**

**11<sup>th</sup> November 2015**

**1. ASSET DISPOSAL – Land at Sheldon Grove, Chesterton**

**Submitted by:** Property Manager

**Portfolio:** Town Centres, Business and Assets

**Ward(s) affected:** Holditch Ward

**Purpose of the Report**

- i) For Cabinet to consider the comments received from the public following the consultation in respect of the land at Sheldon Grove, Chesterton, along with desktop technical information for the site.
- ii) To seek approval to secure specialist planning consultants to prepare and submit a planning application in respect of the site.

**Recommendations**

- (a) That Members approve the principle of disposal of part of the land at Sheldon Grove, subject to the outcome of the necessary further technical site assessments.**
- (b) That Members approve the procurement of specialist consultants to prepare and submit a planning application in respect of this site, taking account of the known technical constraints and key site features highlighted through the consultation process.**
- (c) That officers report back on the viability of any development scheme prior to submitting any outline planning application for the comprehensive treatment of the overall site.**

**Reasons**

This land has been identified in the Asset Management Strategy 2015/16 – 2017/18 as a site in respect of which alternative uses should be explored as it no longer serves any strategic or operational purpose to the Council. In addition, by disposing of this asset the Council removes any potential ongoing maintenance liabilities.

Equally (importantly), the capital receipts derived from this disposal, of Council-owned land, is required to support the funding of the Council's currently approved Capital Programme. It is important that members are in a position to receive timely reports in such matters to ensure capital funding availability to allow purchasing decisions to be taken on items such as refuse/recycling fleet vehicles, play area maintenance and disabled facilities grants.

1. **Background**

- 1.1 The revised Asset Management Strategy was approved by Cabinet on 14<sup>th</sup> January 2015. This document contained a list of sites in appendix 3 (which includes Sheldon Grove) where subject to the outcome of the Playing Pitch Strategy 2015-2020 alternative uses were to be considered. The Playing Pitch Strategy was formally approved by Cabinet on 10<sup>th</sup> June 2015. It identified this site as one that had not been used for playing pitches for a considerable length of time and is therefore no longer required as playing pitches. The site has also been assessed as part of the Green Space Strategy and is not required to meet the agreed local standard for future green space provision. As this area of land is not required for operational purposes to meet local standards for green space the site is to be considered for alternative uses.
- 1.2 In October 2014, Cabinet resolved that as a first resort, the Council will seek to fund its future known capital programme needs through the annual Asset Management planning process by the identification of land and/or property in its ownership that is capable of, and appropriate for, disposal. The estimated funding requirement for the Council's Capital Programme as set out in the Asset Management Strategy for the next three financial years from 2015/16 is approximately £14.5m.
- 1.3 A desk top assessment (including a mining report) has been produced in respect of this site, which has brought to light that there is a geological fault line running through this site. Whilst this would not prevent development of the site any scheme would have to be configured in such a way as to minimise risks of structural instability.

2. **Community Consultation**

- 2.1 The public have been consulted in respect of this site over a six week period which ended on 17<sup>th</sup> August 2015. This took the form of letters being sent to the relevant ward councillors, all owners/occupiers whose properties were adjacent to the sites (when footpaths and roads were excluded), Aspire Housing and Chesterton Development Company. Notices were also placed on the site.

Set out below is a summary of the comments:

| <b>Summary of consultation comments</b>   | <b>Outcome of desktop assessment and response to consultation comments</b>   |
|---|--|
| Safe open space used daily by members of the community i.e. children, adults, families, dog walkers. Use for socialising and informal community recreation use. | This site has been assessed as part of the Playing Pitch Strategy and the Green Space Strategy and is not required for sports or strategic green space purposes. |
| Contributes to 'Building a Co-operative Council'.   | Comment noted but no specific harm to key policy objectives identified.  |
| Area one of the most developed in the Borough e.g. Lymedale Industrial Estate/proposed Hampton's Recycling Centre.  | Comment noted; Planning process would consider the balance of land uses in the area and the appropriateness of any re-use or development.                        |
| Holditch/Chesterton wards among the most deprived in the Borough.   | Comment noted.   |
| Adverse effect on house prices/residents'   | Comments noted although the private  |

|  |   |
|--|---|
| <p>views affected. Residents would be seeking compensation.</p> <p>No green land in Holditch other than this land. Loomer Road and Chesterton Park sites are not accessible for young children without parental supervision.</p> <p>Land acts as a buffer between the A34, 24 hour petrol station, Industrial use of London Road and the residential area (necessary buffer zone).</p> <p>Traffic management issues around Leech Avenue, London Road and Wolstanton Road (Leech Avenue used as a short cut to the industrial estate).</p> <p>Wildlife on the site e.g. foxes, badgers, bats, birds and squirrels. Many mature trees which improve pollution levels.</p> <p>Concerns regarding access routes to the site. Increased demand on schools/doctors/dentists/hospitals, if developed.</p> <p>Stream/brook running to the side of the land consequently land is always wet. Soil is contaminated by the Esso Garage. Abandoned footings on the edge of the site.</p> <p>Land left to the Children of Chesterton; covenant on the land preventing development.</p> <p>Other more suitable areas that could be developed/plenty of suitable brownfield sites.</p> <p>Site does not cost much to maintain (no more than £6,500 per year). Site has strategic value to residents. Disposal of site will not assist the council's revenue services.</p> | <p>interests of householders would not be a legitimate consideration for the local planning authority.</p> <p>The site has been assessed as part of the Green Space Strategy and it is not required to meet the agreed local standard for future strategic green space provision.</p> <p>These issues will be considered at the planning stage.</p> <p>The Highway Authority would consider such matters as part of any planning application process.</p> <p>Ecological issues would be addressed as part of any development proposals along with any trees / landscape considerations.</p> <p>Highway and other infrastructure issues would be considered as part of the Planning process.</p> <p>Land drainage issues would be addressed by any planning application. Any alleged ground contamination would be addressed as part of the Planning process and any necessary remediation would be a requirement of any scheme.</p> <p>The land is owned and registered to Newcastle Borough Council. There is no restriction on the use of the land other than it shall not be used for manufacture/sale of intoxicating liquors.</p> <p>The Council does not own any suitable brownfield sites that have not been considered for development.</p> <p>The site is not required for operational purposes to meet local standards for green space. Although the grounds maintenance costs may not be significant the Council would relinquish liabilities which subsist with the ownership of the land (including maintenance and insurance costs).</p> <p><u>Potential Technical Constraints:</u></p> |
|--|---|

It is understood that there is a fault line running across the land and a stream running along the edge of the site – any development proposals would need to address these constraints. In addition there is a significant amount of trees and associated vegetation around the site's boundaries which need to be assessed with a view to identifying the particularly important specimen trees which contribute positively to the visual amenities of the area. Also there may be other issues such as noise nuisance that would need to be addressed both from vehicular movements on the adjacent main roads and from the adjoining petrol filling station.

2.2 In addition the Council, at its meeting on 9<sup>th</sup> September 2015, received a petition containing 972 signatures opposing any alternative uses for this land. It also stated that the land has been acknowledged by Staffordshire Wildlife as a wildlife haven and is treasured by the Chesterton community and they request that this green land remain untouched so that future generations can continue to enjoy it. It was resolved that the petition be received and comments be noted.

2.3 Since the Council meeting a further letter has been received from a local Church Minister and the "Save The Grumbles group" raising the following points:

- As residents of the local area we would like to remind you of the value of the land to the area for residents of all ages.
- This is the only local area where our children can play outside safely (essential for children's well-being and health), without having to travel over a mile and cross over major roads.
- It is an area of recreational use for young and old alike, as many retired people use this area to walk their dogs and to socialise with neighbours, essential for well-being.
- It is an area where there is a great deal of wildlife, including bats.
- This is a piece of land that has many issues within it due to previous industry, mining, geological faults, underground streams.
- If this land use is changed to residential land there is a requirement to provide green open spaces for residents, where would this be? what is the point of taking green open space for present residents and then having an issue to provide new open space?
- We would urge you to consider the needs of the local people of Chesterton and the surrounding areas when you make your decision. This whole area has recently started to improve with new housing, updating of social housing etc, but we are now facing more disruption with the recycling centre that has been enforced upon us, traffic issues are getting worse, and any extra pressure on the roads in this area will cause major issues.

2.4 The primary aim of the consultation, along with the desktop technical assessment, was to identify any issues that are likely to impact upon the developability of this site. In this case it is noted that there are a number of technical constraints affecting this site. Also there are concerns from residents about the loss of this space for informal recreation. Notwithstanding the fact that there is no formal policy requirement to retain any open space (when considered against the Council's Green Spaces Strategy (which identifies strategic open spaces) and the recently-approved Playing Pitch Strategy), it is evident that parts of the

site would not be suitable for development (because of the afore-mentioned technical constraints) thereby providing the opportunity to retain key features and amenity space for the enjoyment of both existing and future residents. It is your officers' view that the balance of these issues can and should most appropriately be considered more fully as part of the Planning process.

2.5 In November 2014, Cabinet Members approved that specialist consultants be procured to prepare and submit planning applications in respect of Sandy Lane, May Bank, Market Drayton Road, Loggerheads and Eccleshall Road, Loggerheads. It is proposed that specialist consultants be procured on the same basis in respect of this site and if planning permission is granted for this site, the area of land be disposed of. Members are advised that this site lies in a location that is broadly compliant with current planning policies relating to housing development.

### 3. **Options Considered**

#### 3.1 Option 1 – Retain this site within the Council's portfolio.

If the Council retains the whole of this asset then there would be an ongoing maintenance cost. In addition, neither a capital receipt nor best consideration will be achieved thereby undermining the Council's ability to fund its Capital Investment Programme and potentially jeopardising essential services. Also the Council would fail to help in providing for much-needed housing development in a sustainable urban location.

#### 3.2 Option 2 – Dispose of this site and procure specialist consultants to prepare and submit a planning application in respect of this site.

If those parts of the site that are developable are disposed of, with the benefit of planning permission, then the highest possible capital receipts will be realised which can contribute towards the works/schemes identified in the Newcastle Capital Investment Programme to assist the Council in achieving its corporate and service objectives. In addition this would meet the legal duty placed upon the Council to achieve 'best consideration' in any land disposal.

In addition, the release of this site for housing development would contribute to the supply of housing land and meet broader housing provision objectives.

Also it should be noted that in view of the technical constraints affecting this site, it is likely that parts of the site would not be suitable for development thereby providing the opportunity to retain key features and amenity space for the enjoyment of both existing and future residents.

Agreeing this option would enable the necessary technical reports and assessments to be undertaken to inform the feasibility of development.

#### 3.3 Option 3 – Dispose of the site without the benefit of planning permission.

It is considered likely that the value of the capital receipts would be substantially reduced, therefore not achieving best consideration.

### 4. **Proposal**

#### 4.1. Option 2 is proposed as outlined above.

5. **Reasons for Preferred Solution**

5.1 There is sufficient evidence that part of this land can be considered to have better alternative use and that it would not serve any ongoing or future strategic, operational or other purpose to the Council. The on-site technical constraints are likely to result in a significant part of the site being undevelopable thereby meeting some of the concerns of local residents. In addition, the Council needs to proactively generate its own capital to fund the Newcastle Capital Investment Programme.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 The disposal of this surplus asset enables the achievement of priority outcomes in all four of the Council's Corporate Priorities.

7. **Legal and Statutory Implications**

7.1 The Council has a duty, both fiduciary and operationally, to utilise its Assets for the benefit of the community.

7.2 The Local Government Act 1972 (as amended) – Section 123 - the Council has a duty to achieve best consideration when disposing of its assets.

7.3 The Local Government Act 2000 - powers to promote the economic, social and environmental wellbeing of the Borough.

8. **Equality Impact Assessment**

8.1 There are no issues directly arising from this report.

9. **Financial and Resource Implications**

9.1 It is estimated that the disposal of the land listed in Appendices 1, 2 and 3 of the Asset Management Strategy 2015/16 – 2017/18 will generate in the region of £16m (subject to planning permission being granted, there being no significant abnormal costs and the sites selling at open market value). The sale of this land will form part of this overall capital receipt.

9.2 As stated in paragraph 2.4 of this report, it is proposed that specialist consultants be procured to prepare and submit a planning application in respect of Sheldon Grove, Chesterton. At your November 2014 meeting, a sum of £432,000 was approved to fund the costs associated with submitting the planning applications in respect of the tranche 2 sites. It is considered likely that there is sufficient headroom in this budget allocation to meet the planning costs associated with the disposal of this site.

10. **Major Risks**

- Loss of income to the council (Capital Receipts)
- Increased revenue expenditure for the council
- Reputational damage to the council
- Inability to implement the Council's Asset Management Strategy 2015/16 – 2017/18
- Inability to implement the Council's Playing Pitch Strategy 2015 - 2020
- Community and/or political resistance to the land sale
- Inability to fund essential Council services
- The estimated capital value is based on the assumption that there are no significant abnormal costs associated with making the land/site developable



11. **Sustainability and Climate Change Implications**

11.1 Any issues will be considered through the planning process.

12. **Key Decision Information**

12.1 The report is referred to in the Forward Plan

13. **Earlier Cabinet/Committee Resolutions**

Cabinet 18<sup>th</sup> June 2014 – Asset Disposals  
Cabinet 15<sup>th</sup> October 2014 – Newcastle Capital Programme funding  
Cabinet 12<sup>th</sup> November 2014 – Asset Disposals  
Cabinet 14<sup>th</sup> January 2015 – Asset Management Strategy  
Cabinet 16<sup>th</sup> September 2015 – Asset Disposals  
Council 9<sup>th</sup> September 2015 – Receipt of Petition

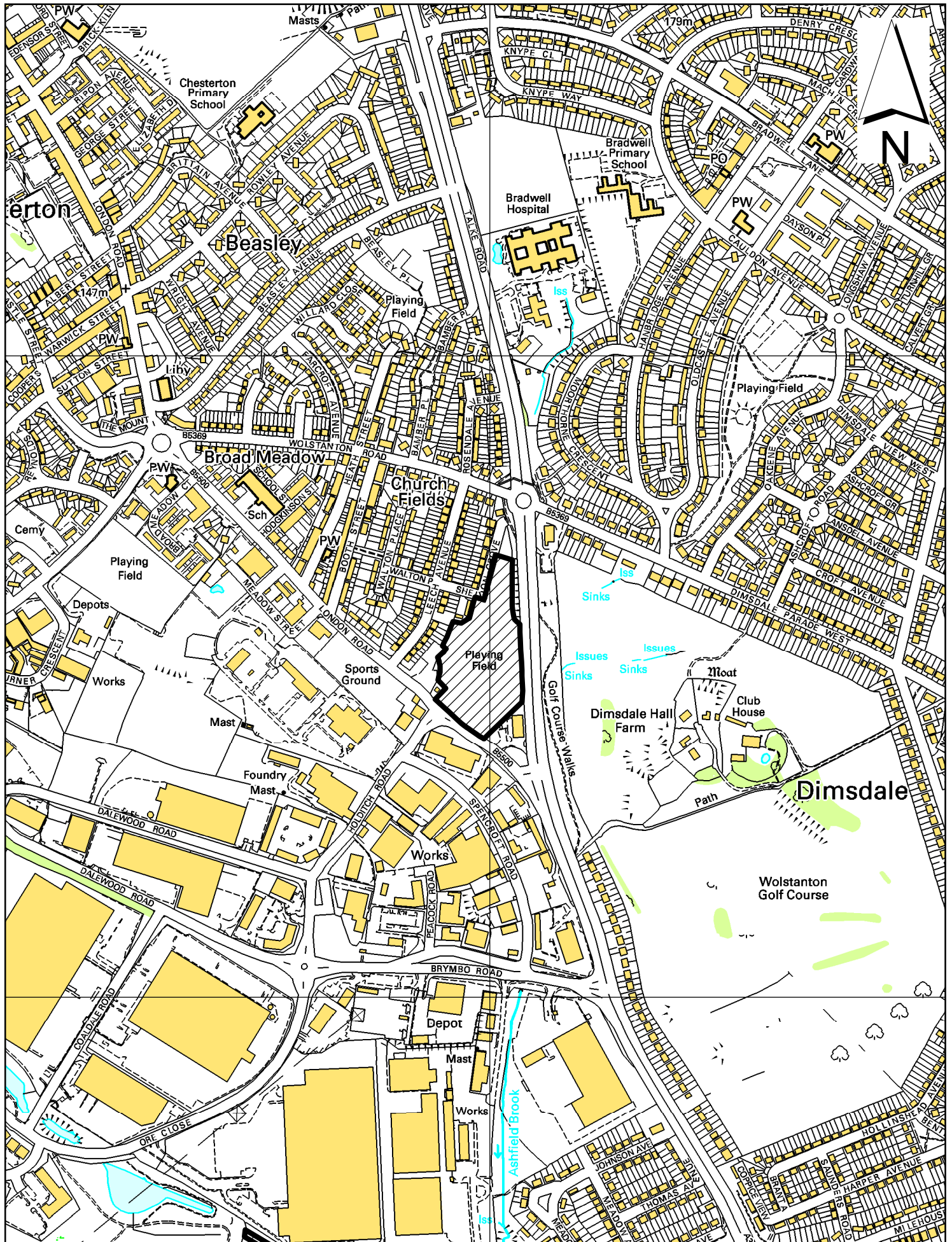
14. **List of Appendices**

14.1 Plan of site in the context of the wider area.

15. **Background Papers**

Asset Management Strategy 2015/16 – 2017/18 available from the Council's website  
Plan of the sites – available on request from the property section  
Consultation letters and background information – available on request from property section  
Previous Cabinet/Committee reports (see 13 above)  
Petition – 9<sup>th</sup> September 2015  
Email from Rev Sidebottom and the "Save the Grumbles Action Group" dated 23 October 2015

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|                  |  |             |                   |              |                |
|------------------|--|-------------|-------------------|--------------|----------------|
| <b>Location:</b> | <b>Site at Sheldon Grove, Chesterton</b> | <b>Date</b> | <b>26/10/2015</b> | <b>Scale</b> | <b>1:7,500</b> |
|------------------|--|-------------|-------------------|--------------|----------------|

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