

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

12 November 2014

1. ASSET DISPOSALS

Submitted by: Property Manager

Portfolio: Planning and Assets

Ward(s) affected: Numerous wards within the Borough

Purpose of the Report

- i) For Cabinet to consider the comments received from the public following the consultation in respect of the tranche 2 sites (excluding land at Church Lane Knutton and Gallowstree Lane, Westlands), along with desktop technical information.
- ii) To seek approval, subject to planning permissions, to dispose of the identified tranche 2 sites.
- iii) To seek approval to secure specialist consultants to prepare and submit planning applications in respect of the sites at Sandy Lane/Brampton Road, May Bank, Market Drayton Road, Loggerheads and Eccleshall Road, Loggerheads.

Recommendations)

- (a) That Members approve (with the exception of the sites at Church Lane, Knutton and Gallowstree Lane, Westlands) the disposal of the tranche 2 sites, subject to having first secured an appropriate outline planning permission for each parcel of land.**
- (b) That Members approve the procurement of specialist consultants to prepare and submit planning applications in respect of the sites at Sandy Lane/Brampton Road, May Bank, Market Drayton Road, Loggerheads and Eccleshall Road, Loggerheads and the associated costs.**
- (c) That members agree to add the cost of procuring the specialist consultants referred to in recommendation (b) to the current capital programme in accordance with the Council's Financial Regulations.**

Reasons

The assets within this report have been identified in the Asset Management Strategy 2014/15 as sites in respect of which alternative uses should be explored as they no longer serve any strategic or operational purpose to the Council and in addition by potentially disposing of these assets the Council removes ongoing maintenance liabilities.

Equally importantly, the receipts derived from the disposal of Council-owned land or property are required to support the funding of the Council's future capital programme.

1. Background

The Asset Management Strategy was approved by Cabinet on 15th January 2014. This document contained a list of sites listed as Tranche 1 and 2 where options for alternative uses were to be considered. The Tranche 1 sites were considered at your Cabinet meeting in June 2014 and Tranche 2 sites are to be considered within this report. Also members have acknowledged the importance and necessity of the Council disposing of land and property assets in order to fund future capital programme requirements in approving reports at both the last Cabinet meeting and in February of this year.

1.1 Tranche 2 sites

The sites are listed below and the anticipated disposal date is during the period 2015-17.

St. Edmunds Ave, Porthill
Wedgwood Ave, Westlands
Stafford Ave, Clayton
Sandy Lane/Brampton Road, May Bank
Market Drayton Road, Loggerheads
Eccleshall Road, Loggerheads
* Church Lane, Knutton
* Gallowstree Lane, Westlands

The public have been consulted in respect of the first six sites, over a six week period which ended on 10th October 2014. This took the form of letters being sent to the relevant local councillors, all owners/occupiers whose properties were adjacent to the site (when footpaths and roads were excluded), Residents Groups (if applicable), Town/Parish Councils (if applicable) and the LAPs. A notice was also placed on the site.

The two asterisked sites did not proceed to public consultation for reasons explained below.

Desk top assessments (including a mining report) have been produced in respect of all sites which have brought to light any significant technical constraints (which may inhibit alternative use or development).

1.2 Future sites

Preparation of the Asset Management Strategy 2015/16 has commenced and will be reported to Cabinet in January 2015. This strategy will seek to identify future site disposal opportunities to meet the known and anticipated capital programme demands over the coming year. In addition members' attention is drawn to a report elsewhere on your agenda relating to the Council's response as land owner to the local planning authority's "Call for Sites".

2. Issues

2.1. Set out below is a summary of the comments

Site	Summary of comments	Outcome of desktop assessment and response to consultation comments
St Edmunds Ave, Porthill	Children play on the land.	Noted although there are other play areas nearby. There was a proposal to put a children's play area on this site but the local residents opposed

	<p>More cars in road as result of development</p> <p>Loss of privacy for residents.</p> <p>Large housing estate already built nearby</p> <p>Area only small not expensive to maintain.</p> <p>Local Councillor has carried out “door knocking” exercise and approximately 45% of residents surveyed are happy with some form of development on this site</p>	<p>this and the S.106 monies were used to improve the facilities on Wolstanton Marsh</p> <p>These three issues will be considered at the planning stage. It is considered unlikely that there would be any significant highway safety issues arising from the development of this small plot.</p> <p>Comment noted but land ownership responsibilities / risks remain.</p> <p>Comment noted</p> <p>Potential technical constraints: The site is on a significant incline</p> <p>There may be some migration of coal mine and ground gas from adjacent sites</p> <p>There are no known coal entries on or within 20m of the site.</p> <p>The geological mapping has identified a fault in the north eastern corner of the site.</p> <p>Response: Any of the above site constraints will be investigated more fully at the planning application stage</p>
<p>Stafford Ave, Clayton</p>	<p>Loss of green open space which is used by the local community for children’s play, rambling and dog walking</p> <p>Residents views will be affected Reduce value of adjacent properties – expects compensation the land for recreation</p> <p>Trees on land would potentially require removal. If very few trees are removed, that’s fine.</p> <p>Stafford Ave already a busy road more properties will increase traffic Stafford Ave mainly bungalows, houses would spoil Avenue. Development needs to be sympathetic</p> <p>species of wildlife on land Stream would have to be culverted. Land sweeps away downwards.</p>	<p>The site forms a very small part of a much larger piece of open space which can serve such needs.</p> <p>The Planning process would address amenity considerations. And wider public interest consideration.</p> <p>Tree survey would be commissioned for submission with planning application</p> <p>These issues will be considered at the planning stage</p>

	<p>Already lost land in Clayton for housing e.g. Westbury Park</p> <p>If land is built on will generate employment</p>	<p>There may be a minor fault running through the site – this will be investigated more fully at the planning stage</p>
<p>Wedgwood Ave, Westlands</p>	<p>Site used daily for car parking Limited spaces in front of the Community Centre. Loss of parking will result in parking in nearby narrow roads and congestion around the road junction (plus safety of children issues). Cause friction between centre users and nearby residents. Access by emergency vehicles could be delayed. Potential vehicle access problems to the sports ground. Already parking problems in nearby streets e.g. driveways blocked by parked vehicles. Street parking as a result of the care home. Limited access to/from the development site. Members of various groups are elderly and disabled and would have problem walking if had to park on nearby roads Also an overflow car park for the bowling green and tennis courts Busy community centre used by various groups 25 users or more Centre not as attractive to hire with less car parking spaces (affecting sustainability of the Community Centre).</p> <p>Small size of land, not suitable for housing (which would be unattractive.) Wedgwood Ave has flooding problem/ street lighting not good in the area.</p> <p>Used for cycle safety training (almost every week)</p> <p>Used for recreational use, children's parties and siting of bouncy castles</p> <p>Housing on a site put over to community recreation.</p> <p>Community centre used by an Arts Group, building on land would affect light to community centre. May need to look for an alternative venue. New houses would have an impact on</p>	<p>There would appear to be scope to address such perceived problems if the original community centre grounds were reconfigured - see 2.5 below.</p> <p>These issues will be considered at the planning application stage</p> <p>There are other car parks in the area which could be used for this activity</p> <p>Comment noted and availability of other publicly accessible land in the vicinity should be taken into account.</p> <p>Land not currently used for community recreation purposes</p> <p>Noted; issues highlighted will be considered at the planning application stage</p>

	<p>already stretched drainage system, Wedgwood Ave has flooding problem/ street lighting not good in the area.</p> <p>Community Centre has active Management Committee which Council should encourage.</p> <p>Many brownfield sites could be allocated for housing</p> <p>7 petitions (number of signatures ranging from 20 to 131) from the various user groups objecting to the proposed disposal</p>	<p>Comment noted; this proposal is not intended to undermine the operation of the centre.</p> <p>This would be a consideration for the lpa but limited available brownfield land.</p> <p>Potential technical constraints: Potential noise nuisance issues arising from adjacent Community Centre and Tennis Courts as well as traffic on the public highway will need to be addressed as part of the supporting documents in any planning application. In view of the suburban residential location of the site such issues are not considered to be insurmountable.</p>
<p>Sandy Lane, May Bank</p>	<p>The area is part of Brampton Conservation Area. Land well used by the community for 200+ years – children, dog walkers, people keeping fit Development will spoil the lovely neighbourhood Pleasant amenity in leafy suburb of Newcastle Last greenfield outside Brampton Park</p> <p>Ruining a lovely area with over development. Detrimentially affect the street scene</p> <p>Resident purchased property for its quiet location.</p> <p>Loss of woodland, abundant wildlife habitat.</p> <p>Area is not previously developed. Use areas already built on and not used.</p> <p>Development not in keeping with the</p>	<p>The Conservation Area designation does not prevent development per se. The lpa would have to consider whether development of all or part of the site would be acceptable.</p> <p>area is adjacent to the much larger Brampton Park</p> <p>Comments noted. This will be considered at the planning stage</p> <p>Wider public interest would be the primary consideration.</p> <p>This will be considered at the planning stage</p>

	<p>area.(affect aesthetics)</p> <p>Access to any new development will be difficult because of roundabout and bend - safety compromised Already parking problem in area, causing inconvenience to residents, which would be made worse Adjacent roads and roundabout already very busy more properties will increase the traffic Difficulties for emergency vehicles going to properties.</p> <p>Infrastructure will not take development.</p> <p>flooding issues in area which will be made worse – land used as a soakaway. Pollution levels high in this area.</p> <p>Brownfield/vacant sites should be developed first The area has many trees and shrubs and is an ancient boundary (with medieval structure)</p> <p>Area increasingly built up. The Homestead May Place is to be redeveloped-more traffic (plus increased traffic from the new Marks and Spencer). Funds from proposed sale would be small in comparison to the borough's budget. High end development, which most borough residents will not be able to afford (glut of properties on the market). Development of this site would break Policy H7, of the Local Plan.</p> <p>Possible devaluation of adjacent properties.</p> <p>1 petition received (60 signatures) objecting to the proposal</p> <p>Development proposal great news not enough good housing on nice land. Land suitable for development, not much of an amenity space.</p>	<p>Comment noted; again a matter for the lpa to consider.</p> <p>These issues will be considered at the planning stage</p> <p>These issues will be considered at the planning stage</p> <p>Comments noted; again an lpa consideration.</p> <p>Tree survey would be commissioned for submission with planning application</p> <p>Comments noted</p> <p>Wider public interest is the primary consideration.</p>
<p>Market Drayton Road, Loggerheads</p>	<p>A53 is already busy and dangerous made worse by new Community Fire Station – several fatal accidents Speeds of between 60/80 mph are recorded in</p>	<p>These issues will be considered at the planning stage and there should be scope to address these issues in that process.</p>

	<p>the 30mph area fronting the site. Adverse effect of school/local facilities such as doctors surgery currently inadequate Inadequate infrastructure particularly drainage and electricity</p> <p>Loss of green space</p> <p>Public footpath running through the site.</p> <p>Large Oak trees on site</p> <p>Want to preserve rural nature of Loggerheads (development will make Loggerheads a urban sprawl) Site located outside village envelope Should look at brownfield sites first. More suitable sites for development should be used for leisure uses</p> <p>1,800 empty homes in the borough already served by inadequate infrastructure</p> <p>Loggerheads is designated as a "Key Rural Service Centre"</p>	<p>This area is used for quasi-agricultural purposes and lies adjacent to open countryside</p> <p>Footpath would be accommodated within the development</p> <p>Tree survey would be commissioned for submission with planning application</p> <p>Comments noted. The matters of principle are lpa considerations. In the absence of a 5-year housing land supply the village envelope argument would carry less weight. It is considered that this site lies in a sustainable location and that other material considerations can be satisfactorily addressed through the Planning process. The issue of empty homes is not directly relevant to the lpa's need to provide a 5-year housing land supply.</p> <p>Other technical issues: Site is located on an aquifer as is most of Loggerheads. This will present a technical constraint that would need to be addressed through the Planning process.</p>
<p>Eccleshall Road, Loggerheads</p>	<p>Site entrance close to school and on brow of hill – access would be dangerous Cause traffic congestion.</p> <p>Concern of removal of trees Area surrounded by woodland</p> <p>Disruption to all types of wildlife</p> <p>Area within site of active landscape conservation and, special scientific interest. Current amenities already stretched e.g. medical centre, education and public transport</p> <p>Outside village envelope (not suitable for development)</p>	<p>These issues will be considered at the planning stage</p> <p>Tree survey would be commissioned for submission with planning application</p> <p>These issues will be considered at the planning stage</p> <p>Comments noted. The matters of principle are lpa considerations. In</p>

	<p>Availability of other suitable sites. Residents want to preserve rural nature of Loggerheads Development will destroy the historical aesthetics of the area Development not in keeping with the surroundings</p> <p>).</p> <p>Paths used by dog walkers and ramblers Drainage problems on site (aquifer)</p>	<p>the absence of a 5-year housing land supply the village envelope argument would carry less weight. It is considered that this site lies in a sustainable location and that other material considerations can be satisfactorily addressed through the Planning process.</p> <p>This area is adjacent to open countryside</p> <p>Other technical issues: Site is located on an aquifer as is most of Loggerheads. This will present a technical constraint that would need to be addressed through the Planning process.</p> <p>There may be a minor fault running through the site – this will be investigated more fully at the planning stage</p>
<p>Church Lane, Knutton</p>		<p>There is a significant mining fault known as the Apedale fault running across the site and there are two coal shafts with 20 metres of the western boundary. Taken together with the shape of the site, these constraints would seriously undermine the developability of the land in whole or in part.</p>
<p>Gallowstree Lane, Westlands</p>		<p>There is a significant mining fault known as the Apedale fault the conjectured line of which runs in close proximity to the site. In addition in view of the linear shape of the plot and the existence of public footpaths the site would be difficult to develop in isolation.</p>

2.2 The primary aim of the consultation was to identify any issues that are likely to impact upon the developability of the sites. As the table above shows the issues raised are ones which can and should most appropriately be considered more fully as part of the planning process.

2.3 The results of the desktop assessment in respect of Church Lane Knutton and Gallowstree Lane, Westlands indicate that these sites should not be taken forward for disposal at the present time. There may be scope in the very long term for either or both of the plots to be assimilated into wider redevelopment plans.

2.4 In respect of the sites at St Edmunds Ave, Stafford Ave and Wedgwood Ave it is proposed that your Officers submit planning applications for residential development and if approval is granted the sites be disposed of. These sites lie in locations that are broadly compliant, in principle, with current planning policies relating to housing development.

2.5 As Members may be aware the site at Wedgwood Ave, Westlands was former tennis courts but has been used for car parking purposes in conjunction with the adjacent community centre. A car parking survey has been carried out, over a period of 3 weeks when the centre has been in use and the average number of cars at any one time parked within the grounds has been 17. The original car park currently accommodates 12 cars (including 3 disabled spaces). There is however the option of reconfiguring this space and treating the grassed area so it can be used for car parking (subject to planning permission) which would accommodate up to 33 cars. The cost of this would be in the region of £5,000 and would significantly enhance off-street parking provision to support the centre.

2.7 As indicated in the Cabinet report in June 2014 the sites at Sandy Lane/Brampton Road, May Bank, Market Drayton Road, Loggerheads and Eccleshall Road, Loggerheads are likely to raise more complex issues so if approval is granted to dispose of these sites it is proposed that specialist consultants are procured to prepare and submit planning applications will be required. The two sites at Loggerheads both lie adjacent to the Village Envelope – i.e. locations where relevant, current, local planning policies would presume against development as a matter of principle. However as the local planning authority does not have a current 5-year housing land supply there is the potential for these sites to be promoted now subject to other material considerations being satisfactorily addressed. Whilst the Sandy Lane site, in view of the Conservation Area designation, would require a sensitive and more detailed assessment to be made as part of a comprehensive planning application.

3. **Options Considered**

3.1 Option 1 – retain the sites within the Council's portfolio.

If the Council retain these assets then there will be an ongoing maintenance cost associated with these sites. In addition neither capital receipts nor best consideration will be achieved thereby undermining the Council's ability to fund its Capital Investment Programme and jeopardising essential services.

3.2 Option 2 – Dispose of the sites (with the exception of the land at Church Lane and Gallowstree Lane) and procure specialist consultants to prepare and submit planning applications in respect of the larger sites. Planning permission would be sought for the smaller sites by the in-house Assets team.

If the sites are disposed of with the benefit of planning permission then the highest possible capital receipt will be realised which can contribute towards the work/schemes identified in the Newcastle Capital Investment Programme to assist the Council in achieving its corporate and service objectives.

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

3.3 Option 3 – dispose of the sites without the benefit of planning permission.

It is considered likely that the value of the capital receipts would be substantially reduced, particularly in respect of the larger sites therefore not achieving best consideration

4. **Proposal**

4.1. Option 2 is proposed as outlined above.

5. **Reasons for Preferred Solution**

The assets identified are considered to have better alternative uses and no longer serve any purpose to the Council therefore if any of these assets are retained then there will be an ongoing maintenance liability to the Council. 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**

The disposal of these surplus assets enables the achievement of priority outcomes in all four of the Council's corporate priorities.

7. **Legal and Statutory Implications**

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

Local Government Act 1972 – Section 123 - the Council has a duty to achieve best consideration for its assets

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

8. **Equality Impact Assessment**

There are no issues arising from this report.

9. **Financial and Resource Implications**

9.1 Tranche 2 Sites

It is anticipated that that the disposal of these sites (including the former Jubilee Baths) would generate estimated capital receipts in the region of £7.7m, subject to detailed site assessments and any unknown technical or other site constraints. It is anticipated that the fees in respect of the two sites at Loggerheads and the Sandy Lane land would be in the region of £400,000.

It is estimated that the fees for architects, the relevant reports required to be submitted with the planning applications, the planning fees and the auction fees (where applicable) will be in the region of £32,000.

9.2 Funding of fees

It is intended that the cost of the various fees associated with the seeking of planning permissions will be derived from the capital receipts reserve which would be replenished by the receipt arising from these land/property sales. There are provisions within the Financial

Regulations that would enable such costs to be added to the Council's current Capital Programme.

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
- Community and/or political resistance to the programme
- Inability to fund essential Council services
- The estimated capital values are based on the assumption that there are no significant abnormal costs associated with the making the land (sites) developable.

11. **Sustainability and Climate Change Implications**

Any issues will be considered through the planning process.

12. **Key Decision Information**

The report is referred to in the Forward Plan.

13. **Earlier Cabinet/Committee Resolutions**

Cabinet 15th January 2014 – Asset Management Strategy
Cabinet 5th February 2014 – Newcastle Capital Investment Programme
Cabinet 18th June 2014 – Asset Disposals
Cabinet 15th October 2014 – Newcastle Capital Programme funding

14. **List of Appendices**

1. Plans of sites.

15. **Background Papers**

Asset Management Strategy 2014/17 – available on the Council's website
Consultation letters and background information – available on request from property section
Previous Cabinet reports (see 13)