

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

Date 11th November 2015

Petition submitted to Council to preserve the land at Sandy Lane, May Bank as open space

Submitted by: The Property Manager
Portfolio: Town Centre, Business and Assets
Ward(s) affected: May Bank

Purpose of the Report

To provide members with information that will enable Cabinet to make a decision in this matter.

Recommendations

- (a) That Members receive and note the petitioners' concerns and objections.
- (b) That members consider the issues raised by the petitioners in light of previous decisions.

Decision required

Do Members wish to reaffirm their decision of 12 November 2014 and authorise the disposal of this area of land, subject to securing a residential planning permission?

Reasons

Receipt of the petition that was reported to Council on 23rd September 2015 where it was resolved that the comments within the petition be referred to Cabinet for consideration.

1. Background

- 1.1 An area of land on the corner of Sandy Lane and Brampton Road, May Bank was identified in the Council's Asset Management Strategy 2014/15 as a site where alternative uses should be explored because it had been demonstrated that it did not serve any strategic or operational purpose to the Council. In accordance with the Strategy the public were consulted and the outcome was reported to Cabinet on 12 November 2014.
- 1.2 At that meeting it was resolved to dispose of this land subject to securing a planning permission for residential development of the site. Authorisation was given for officers to procure the services of a specialist planning consultant to prepare and submit a planning application in respect of this site.

1.3 Consultants were duly appointed and all the technical reports and background information have now been prepared. Appropriate plans have been produced and pre-Planning application procedures have been undertaken to enable formal submission of a planning application. This process has been suspended to enable Cabinet members to consider any relevant implications of the petition.

1.4 The petition contained 552 names and its purpose was;

- To request that the Council recognises the community use of the parkland by the junction of Sandy Lane and the Brampton Road.
- To call on the Council to preserve it in its entirety as public open space

2. **Issues / options**

2.1 Option 1 – To re-affirm the previous resolution of Cabinet to dispose of the site on the basis previously resolved. The content of the petition would be taken into account in the preparation of the planning application and it would be forwarded to the Local Planning Authority so that it could be taken into account as part of the Planning decision-making process.

This would result in the following:

- It would be consistent with a previous Cabinet decision in this matter and accord with the proposals in the current Asset Management Strategy in respect of this parcel of land.
- It would be consistent with the Council's Green Spaces Strategy.
- Subject to the granting of planning permission, it would enable the realisation of a capital receipt which will contribute to delivery of the schemes identified in the Council's Capital Investment programme which, in turn, will assist in the Council achieving its corporate and service objectives.
- Residential development on this site would contribute to the supply of housing land and meet broader housing provision objectives.
- Remove any ongoing maintenance and other liabilities arising from land ownership.

2.2 Option 2 – Retain the site as an area of open space as requested by the petition.

This would result in the following:

- The Council retaining land that it has no operational need for.
- Responsibility for the ongoing maintenance costs and other liabilities arising from land ownership.
- 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 delivery of essential Council services, contrary to a key aim of the current Asset Management Strategy.
- Failure to contribute to the borough's supply and choice of housing.
- Abortive costs in relation to the preparation of reports and background information in respect of the planning application.

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

3.1 A potential disposal of this asset would enable the achievement of priority outcomes in all four of the Council's corporate priorities.

4. **Legal and Statutory Implications**

4.1 There are no legal or statutory implications arising directly from this report. Although members should be reminded that the Council is under a duty to achieve 'best consideration' in any land disposal (S.123 of the Local Government Act 1972 (as amended)). In addition there is a broad public interest duty that falls upon the Council in the way that it manages its use of resources with a view to demonstrating value for money.

5. **Equality Impact Assessment**

5.1 There are no such issues arising directly from this report.

6. **Financial and Resource Implications**

6.1 Option 1 – The disposal of this site would generate a capital receipt that is required to contribute towards the funding of the Council's current capital programme. The failure of the Council to realise the necessary values to achieve the latter objective would mean that the Council has to either find alternative capital funding sources or borrow to fund its capital programme (at least in part).

6.2 Option 2 – If the site were to be retained as public open space there would be an annual ongoing maintenance cost and a one-off capital cost for the abortive planning consultancy fees (about £31k).

7. **Major Risks**

- Loss of income to the Council (capital receipt)
- Increased revenue expenditure for the Council
- Inability to fund essential Council services
- Inability to implement the Council's Asset Management Strategy 2015/16-2017/18.
- The under-utilisation of public assets
- Inability to fund essential Council services;

8. **Key Decision Information**

8.1 The full Council has delegated consideration of this matter to Cabinet.

9. **Earlier Cabinet Decisions**

Cabinet 12th November 2014 – Asset Disposals
Cabinet 14th January 2015 – Asset Management Strategy
Full Council 23rd September 2015 - Petition

10. **Appendices**

Location plan showing the site in the context of the wider area.

11. **Background Papers**

Asset Management Strategy 2014/17
Asset Management Strategy 2015/16-2017/18 – available of the Council's website
Petition dated 8th September 2015