

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

11th November 2015

1. ASSET DISPOSAL – Land at Knype Way, Bradwell

Submitted by: Property Manager

Portfolio: Town Centres, Business and Assets

Ward(s) affected: Bradwell

Purpose of the Report

- i) For Cabinet to consider the comments received from the public following the consultation in respect of the land at Knype Way, Bradwell, 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 this site

Recommendations

- (a) That Members approve the disposal of the land at Knype Way, subject to having first secured outline planning permission for this area of land.**
- (b) That Members approve the procurement of specialist consultants to prepare and submit a planning application in respect of this site.**

Reasons

The land at Knype Way, Bradwell 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 receipt 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 14th January 2015. This document contained a list of sites in appendix 3 (which includes Knype Way) 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 10th 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 not brought to light any significant technical constraints (which may inhibit alternative future use or developments).

2. **Community Consultation**

2.1 The public have been consulted in respect of this site, over a six week period which ended on 17th 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 Bradwell Villages Residents Association. Notices were also placed on the site.

Set out below is a summary of the comments:

Summary of consultation comments	Outcome of desktop assessment and response to consultation comments
<p>Concerns regarding access to the site e.g. disruption.</p> <p>Lane at the back of Talke Road will become a dead end, possibility of fly-tipping/anti-social behaviour.</p> <p>There was a small brook on the site, concerns as to where water will drain to and the provision of new drains.</p> <p>Site has the potential for use for outdoor sports provision/sporting hub use.</p> <p>Providing parks and green space is essential for sustainable communities. Green spaces enhance the quality of life for residents.</p>	<p>These issues will be considered at the planning stage.</p> <p>It is envisaged that any site layout would seek to minimise such risks arising.</p> <p>Drainage matters would be addressed by the relevant technical consultees on any planning application and through comprehensive drainage proposals in any redevelopment scheme.</p> <p>No strategic requirement of this nature has been identified.</p> <p>This site has been assessed as part of the Playing Pitch Strategy and the Green Space Strategy and is not required for sports or green space purposes. Technical constraints – nothing major identified.</p>

2.2 The primary aim of the consultation was to identify any issues that are likely to impact upon the developability of this site. As the table above shows, the issues raised are, in

the main, ones which can and should most appropriately be considered more fully as part of the Planning process.

- 2.3 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, this 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 this asset then there may be an ongoing maintenance cost associated with this site. 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.

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 this site is 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.

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**

This land is considered to have better alternative uses and does not serve any strategic, operational or other purpose to the Council. Therefore, if this asset is retained there may 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 this surplus asset 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.

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

The 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**

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.

As stated in paragraph 2.3 of this report, it is proposed that specialist consultants be procured to prepare and submit a planning application in respect of Knype Way, Bradwell. 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**

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 18th June 2014 – Asset Disposals
Cabinet 15th October 2014 – Newcastle Capital Programme funding
Cabinet 12th November 2014 – Asset Disposals
Cabinet 14th January 2015 – Asset Management Strategy
Cabinet 16th September 2015 – Asset Disposals

14. **List of Appendices**

Plan of site.

15. **Background Papers**

Asset Management Strategy 2015/16 – 2017/18 available from the Council's website
Plan of the site – 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)