

Report to Cabinet

Subject: Proposed sale of part of the former bowling green at Haywood Road, Mapperley

Date: 12 October 2017

Author: Director of Health and Community Wellbeing

Wards Affected

Porchester.

Purpose

To seek approval to proceed with the sale of part of the former bowling green at Haywood Road, Mapperley (as shown edged red on the plan at Appendix 1) and agree that the remainder be included as part of the discussions relating to community asset transfer of the community centre.

Key Decision

This is not a Key Decision.

Background

- 1.1 Members will recall that Cabinet considered a report from the Director of Health and Community Wellbeing on the future management of Haywood Road Community Centre and sale of the adjacent bowling green on 2 February 2017, and agreed to:
- a) authorise officers to progress community transfer of the centre to a community group or organisation which meets the criteria outlined in the Council's Community Asset Transfer Policy
 - b) support the use of the asset management fund to undertake priority works to improve the condition of the community centre
 - c) approve an application for outline planning permission for residential development on the bowling green land at Haywood Road, Mapperley (as shown edged red on the plan at Appendix 1 to the report)

- d) agree, in principle, to the disposal of the bowling green and authorise Officers to advertise the Council's intention as required by S.123(2A) of the Local Government Act 1972
- e) authorise the Portfolio Holder to take the decision to dispose of the bowling green in accordance with the proposals set out in the report, subject to consideration of objections received pursuant to the Statutory Consultation and in compliance with the Council's Standing Orders and
- f) express appreciation for the passion and the plans of the new members of the Community Association and agree that any future propositions from the Association that satisfy the Council's financial requirements should be taken into account when the decision to dispose of the bowling green is considered.

1.2 Following Cabinet's consideration of this report, the community centre and bowling green was listed as an Asset of Community Value (ACV) on 15 May 2017. This means that the Council cannot dispose of any part of the land unless certain conditions in the Localism Act 2011 are met. Certain disposals are exempt; however these do not apply in this case.

1.3 Prior to disposal the Council ("owner") must have notified itself (in its capacity as the "local authority") in writing that it wishes to enter into a relevant disposal of the land. Once notification is given, the local authority must:

- amend the relevant entry on the ACV list, providing the date the notice was received and the end of the moratorium periods
- notify the nominator of the intention to dispose of the land
- publicise the information in the area where the land is situated.

1.4 An interim moratorium period will start on the date the written notification is given to the local authority and will run for six weeks. During this period:

- the owner can only dispose of the listed land to a community interest group
- a community interest group may give written notice to the local authority that it wants to be treated as a potential bidder in relation to the land.

1.5 If no request is made by a community interest group within the six week interim moratorium period, the owner is free to dispose of the land at the end of the period, and no further moratorium will apply for 18 months from the date of written notification to the local authority.

- 1.6 If a community interest group make a written request to be treated as a bidder for the listed land, the local authority must inform the owner that this request has been received and that the full six-month moratorium period will operate. If the community interest group can make an attractive enough bid for the land, the owner can accept the bid, but is not obliged to.
- 1.7 During the full moratorium period, an owner can continue to market their land and negotiate sales but cannot exchange contracts or enter into a binding contract to exchange contacts, except to a community interest group. After the full moratorium period, the owner can dispose of land to whoever they choose.
- 1.8 It is important to note that after having requested to be treated as a potential bidder there is:
- no obligation for the community interest group to make an offer or to buy or acquire any interest in the land
 - no right for the community interest group to buy or acquire any interest in the land
 - no obligation on the land owner to dispose of the land to the community interest group on any terms.
- 1.9 Preparation for asset transfer of the community centre to the Haywood Road Community Association (“the Association”) has been initiated. Officers met with members of the Association’s new committee in April 2017 to offer advice regarding the current operation of the building and the current division of responsibilities between the Association and the Council. The Association were given permission to use the now redundant bowls changing rooms and information regarding the Council’s community asset transfer submission process and tools to support this process has been shared with them.

The Association has made good progress to date in running the centre. The hours of the pre-school have been extended and new Pilates, Yoga and Weightwatchers groups have been established. There has also been a monthly junior disco and plans to hold a Christmas craft market. Monthly income from bookings has increased.

The Association has the ambition to become a Charitable Incorporated Organisation and has also started to develop a business plan for the Centre; these are criteria set out in the Council’s Community Asset Transfer Policy.

In addition, the Association has arranged some successful events on the bowling green and at the community centre for the benefit of the community: outdoor cinema evenings, a memorial event for Jo Cox MP

and an outdoor disco.

- 1.10 In respect of the emerging Local Planning Document, there is an outstanding objection that has been made by the Haywood Road Community Group, which proposes that the bowling green becomes a Local Green Space.

Proposal

- 2.1 As a result of discussions with the Association, the Council recognises there is a balance to be struck in making a proportion of previously inaccessible green space available for the community against the need to increase the supply of new homes and to meet the financial challenges set out in the previous report to Cabinet at Appendix 2.
- 2.2 It is therefore proposed that the Council continues to progress with the Community Asset Transfer of the community centre but also includes in those discussions the opportunity to transfer part of the bowling green alongside the community centre. As outlined in the previous Cabinet report at Appendix 2, in accordance with the Council's adopted Community Asset Transfer Policy there will be a need to assess the viability of both the asset and community capacity before asset transfer can proceed. A further report will be brought to Cabinet in relation to the asset transfer in due course.
- 2.3 In the meantime, it is proposed that disposal of the rest of the bowling green for residential development should be progressed by officers. Initial designs indicate that at least five homes can be accommodated on this smaller site (as indicated edged red on the plan at Appendix 1) which could generate a minimum receipt in the region of £300k. In accordance with the reasons set out in the previous report attached at Appendix 2, it is proposed that approval is given to apply for outline planning permission to enable residential development on this smaller site (edged red on the plan at Appendix 1) in view of the fact a site with planning permission is likely to attract higher bids than a site without it. If outline planning permission was applied for it is likely that reference would be made to the outstanding objection proposing that the bowling green becomes a Local Green Space. Members are therefore asked to agree in principle to the disposal of part of the bowling green and authorise officers to make the application for planning permission.
- 2.4 The plan at Appendix 1 shows the part of the bowling green proposed for residential development edged red and the part to be included in the discussions with the Association edged blue. Whilst it is not expected that there will be a material change, this plan is for indicative purposes at this stage in order to give flexibility in discussions with the Association and to maximise development on part of the site. It is proposed that the Deputy Chief Executive and Director of Finance in consultation with the Portfolio Holder is given delegated authority to agree the extent of the part to be sold for residential development.

- 2.5 Cabinet will recall that the previous report attached at Appendix 2 included reference to the fact that the Council is required to advertise its intention to dispose of the bowling green in s.123 (2A) of the Local Government Act 1972 and approval was given for this to be done. The requirement to advertise applies whether the Council disposes of the bowling green for development or as part of a community asset transfer. Therefore it is proposed that Officers proceed to place the necessary advertisement in respect of the whole bowling green. If the Council only places the notice in respect of the part of the bowling green to be sold at this stage, and then approval is given to transfer the remainder of the bowling green as part of an asset transfer, a further advertisement will have to be placed.
- 2.6 As set out in the background section, given the fact that the community centre and bowling green are now registered as an asset of community value, the Council must give the appropriate notification under s.95 of the Localism Act 2011 if it intends to dispose of all or part of the site. Again, the requirement to give the section 95 notification applies whether the Council intends the disposal to be to a developer or as part of a community asset transfer. It is therefore proposed that approval is given for the Deputy Chief Executive and Chief Financial Officer to notify the local authority that the Council wishes (as owner) to dispose of the whole site. This will avoid the need to give a second notification at a later date.
- 2.7 It is also proposed that Cabinet delegates authority to the Deputy Chief Executive and Director of Finance to consider any objections received following the section 123 advertisement and make the final decision to sell part of the bowling green for residential development. In accordance with the commitment given by Cabinet previously, the Deputy Chief Executive and Director of Finance, in consultation with the Portfolio Holder, will take into account any future propositions from the Association that satisfy the Council's financial requirements when the decision to sell part of the bowling green is considered. Should he agree to the disposal, Members will recall that section 123 of the Local Government Act 1972 specifies that the Council shall not dispose of land for consideration less than the best value that can reasonably be obtained without the consent of the Secretary of State.
- 2.8 Should planning permission be granted and, following the statutory notification process, a sale agreed, it is proposed the disposal will be effected by private treaty rather than in accordance with the tender procedure set out in Standing Orders for the reasons set out in the Cabinet report attached as Appendix 2.
- 2.9 In accordance with Standing Orders, the Chairman of the Overview and Scrutiny Committee and Ward members were previously consulted on the proposed disposal of the community centre and bowling green and their comments were taken into account at the Cabinet meeting in February. There is no specific requirement in Standing Orders to re-consult, however the proposal to make a part of the bowling

green available as part of an asset transfer and to proceed to sell the rest for development has been brought to their attention.

- 2.10 The Equality Impact Assessment attached to the previous Cabinet report has been reviewed and is attached at Appendix 3.

Alternative Options

- 3 The Council could choose to include the entire bowling green in the Community Asset Transfer accordance with the Association's initial preferences. However, given the Council's financial pressures and the requirement for more new homes in the Borough, the compromise position of aiming to transfer part to the community and to sell part for financial consideration is preferable.

The Council could choose to proceed with the sale of the whole of the bowling green for housing development.

Financial Implications

- 4.1 The sale of the bowling green site for residential development (edged red) is likely to generate a minimum capital receipt up to £300,000 which will be used to support the Council's future capital programme and reduce the borrowing requirement and avoid debt repayment and interest costs in the revenue budget. The Council would also benefit from council tax payments in due course if the site is developed for housing.
- 4.2 Should a community interest group give written notice to the Council that it wants to be treated as a potential bidder during the interim moratorium period, this will delay a sale by up to 6 months which means that a capital receipt is unlikely to be realised during the current financial year.
- 4.3 In the event that the Centre and part of the bowling green are not subject to a Community Asset Transfer to a community organisation, the Council will need to reassess their options for the future of the site in its entirety.

Appendices

- 5 Appendix 1 - Plan

Appendix 2 - Report to Cabinet dated 2 February 2017

Appendix 3 - Revised Equality Impact Assessment

Background Papers

6 None.

Recommendations

THAT Cabinet:

- a) authorises officers to include the part of the bowling green edged red on the plan at Appendix 1 in the discussions with the Association about the community asset transfer of the community centre
- b) agrees, in principle, to the disposal of the part of the bowling green as indicated edged red on the plan at Appendix 1
- c) authorises the Deputy Chief Executive and Director of Finance in consultation with the portfolio holder to agree the extent of the bowling green to be sold
- d) gives approval to apply for outline planning permission for residential development on the Bowling Green land at Haywood Road, Mapperley (as indicated edged red on the plan at Appendix 1 to the report)
- e) authorises the Deputy Chief Executive and Director of Finance to give the necessary notification under s. 95 of the Localism Act 2011 that the Council wishes to dispose of the community centre and bowling green
- f) authorises the Deputy Chief Executive and Director of Finance in consultation with the portfolio holder to take the decision to dispose of the surplus part of the bowling green, subject to consideration of objections received pursuant to the Statutory consultation and in compliance with the Council's Standing Orders and
- g) authorise sale by private treaty.

Reasons for Recommendations

- 7 The reasons for these recommendations are to achieve a balance between the Council's priority to increase the supply of new housing, generate a capital receipt to assist with addressing major financial challenges and respond to the views/concerns of local residents.