

<b>Report of:</b>	Executive Member for Environment and Finance & Governance - Councillor Barrie Cooper Director of Finance - Ian Wright
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<b>Submitted to:</b>	Executive - 13 July 2021
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<b>Subject:</b>	Land at St David's Way - Disposal [Part A]
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**Summary**

<b>Proposed decision(s)</b>
The following is asked of the Executive: a) that the information contained in Part A of the report be noted; and b) that the decision be taken once all the financial or exempt information contained in Part B of the report has been considered.

<b>Report for:</b>	<b>Key decision:</b>	<b>Confidential:</b>	<b>Is the report urgent?<sup>1</sup></b>
Decision to dispose of land	Yes - exceeds the £150,000 threshold.	No	No.

<b>Contribution to delivery of the 2020-23 Strategic Plan</b>		
<b>People</b>	<b>Place</b>	<b>Business</b>
The development of housing as proposed will contribute towards Middlesbrough's Housing Growth Programme and increase the quality and quantity of homes available to residents within the Borough	The development of the subject parcel of land will generate significant inward investment and bring a vacant and underused Council asset into far more positive future use.	The proposal to dispose of the subject parcel of land will generate a significant capital receipt for the Council and help underpin its Medium Term Financial Plan.

<b>Ward(s) affected</b>
Kader & Acklam

### **What is the purpose of this report?**

1. The purpose of the report is to consider the proposal to dispose of the Council's freehold interest in land at St David's Way.

### **Why does this report require a Member decision?**

2. The proposal relates to the disposal of an asset deemed to be surplus at a value in excess of the £150,000 threshold.

### **Report Background**

3. The subject parcel of land currently forms part of a much larger, and now defunct, secondary school site, held in two equal halves by the Council and the Roman Catholic Diocese of Middlesbrough.
4. Shown edged on the plan attached as Appendix A of this report, the subject parcel of land held by the Council measures @ 7.51 Acres [3.04 Hectares] – the adjoining parcel held by the RC Diocese measures @ 7.32 Acres [2.96 Hectares] and is attached at Appendix B of this report.
5. The land held in Council ownership comprises former playing fields that previously served the now cleared school, and which as well as being overgrown through lack of use, currently sit vacant, not being held by the Council for any identified operational purpose. Irregular in shape, the site comprises an open and vacant area of land, generally flat, and with established boundary tree and hedgerow cover.
6. It is proposed that access to the subject parcel of land will be taken via the existing highways arrangement at St David's Way, with this roadway being brought up to adoptable standard through the planning process.
7. An Asset Disposal Business Case confirming the status of the subject land as surplus to operational Council requirements is attached as Appendix D to Part B of this report.

### **What decision(s) are being asked for?**

8. That following is asked of the Executive:
  - a) that the information contained in Part A of the report be noted; and
  - b) that the decision be taken once all the financial or exempt information contained in Part B of the report has been considered.

### **Why is this being recommended?**

9. In order to meet the Council's requirements to generate capital receipts, increase annually recurring revenue streams and to bring the subject parcel of land into a far more beneficial use in the future.
10. In order to support the delivery of housing numbers on sites identified by the Council for residential development purposes within the Local Plan Framework.

11. The disposal of the subject parcel of land as proposed supports delivery of the Council's Medium Term Financial Plan.

### **Other potential decisions and why these have not been recommended**

#### ***Re-use for operational purposes***

12. No Council operational service requirement has been identified.

#### ***Other uses***

13. Although the site is capable of being used for other purposes, the future use of the site for residential development, as being proposed by the Buyer, is preferred.

#### ***Do nothing***

14. The property would remain in its present state.
15. Whilst the subject land would be retained for potential Council use in the future, the liability and responsibility for maintaining and holding the property would remain with the Council in the interim.

### **Impact(s) of recommended decision(s)**

#### ***Legal***

16. No specific legal issues have been created as a result of the proposal.
17. The property would be disposed of freehold with vacant possession in accordance with standing disposal protocol and the formal Memorandum of Understanding signed by the respective parties as landowners on 12<sup>th</sup> December 2011.

#### ***Financial***

18. The Council would receive a capital receipt plus fees without the need to incur any further marketing costs.
19. The disposal of the site would remove the Council's liability for any future maintenance costs while it remains unused.

#### ***The Mayor's Vision For Middlesbrough***

20. The decision aligns to the Mayor's priorities around people, place & business by working in conjunction with third party organisations and individuals, such as the Buyer, to deliver both physical and social regeneration.

#### ***Policy Framework***

21. The proposals do not require any change to the Council's existing policy framework.

## **Ward**

22. The property is situated in the Kader & Acklam Wards and the respective Ward Members have been consulted.
23. Members will be further consulted on any subsequent proposal made as part of the normal planning process.

## **Equality and Diversity**

24. A Level 1 (Initial Screening) Impact Assessment (IA) accompanies this report attached at Appendix C.
25. The impact assessment identified that the proposal would have a positive impact on the local community and would not represent a concern to equal rights, disability discrimination or the impingement of human rights.
26. The Council's development control planning process would also serve to ensure that any future use proposed would be appropriate for the local area.

## **Risk**

27. The Council must satisfy the requirements of the Secretary of State in disposing of the subject parcel of land.

## **Actions to be taken to implement the decision(s)**

28. Subject to Executive Committee approval, the Council moves to proceed with the disposal of the subject property as detailed in Part B of this report.

## **Appendices**

Appendix A – Site Plan – Land at St David's Way [Middlesbrough Council]  
Appendix B – Site Plan – Land at St David's Way [RC Diocese of Middlesbrough]  
Appendix C – Impact Assessment Level 1 – Initial Screening Assessment

## **Background papers**

No further reports were used in the preparation of this report:

<b>Body</b>	<b>Report title</b>	<b>Date</b>
N/A	N/A	N/A

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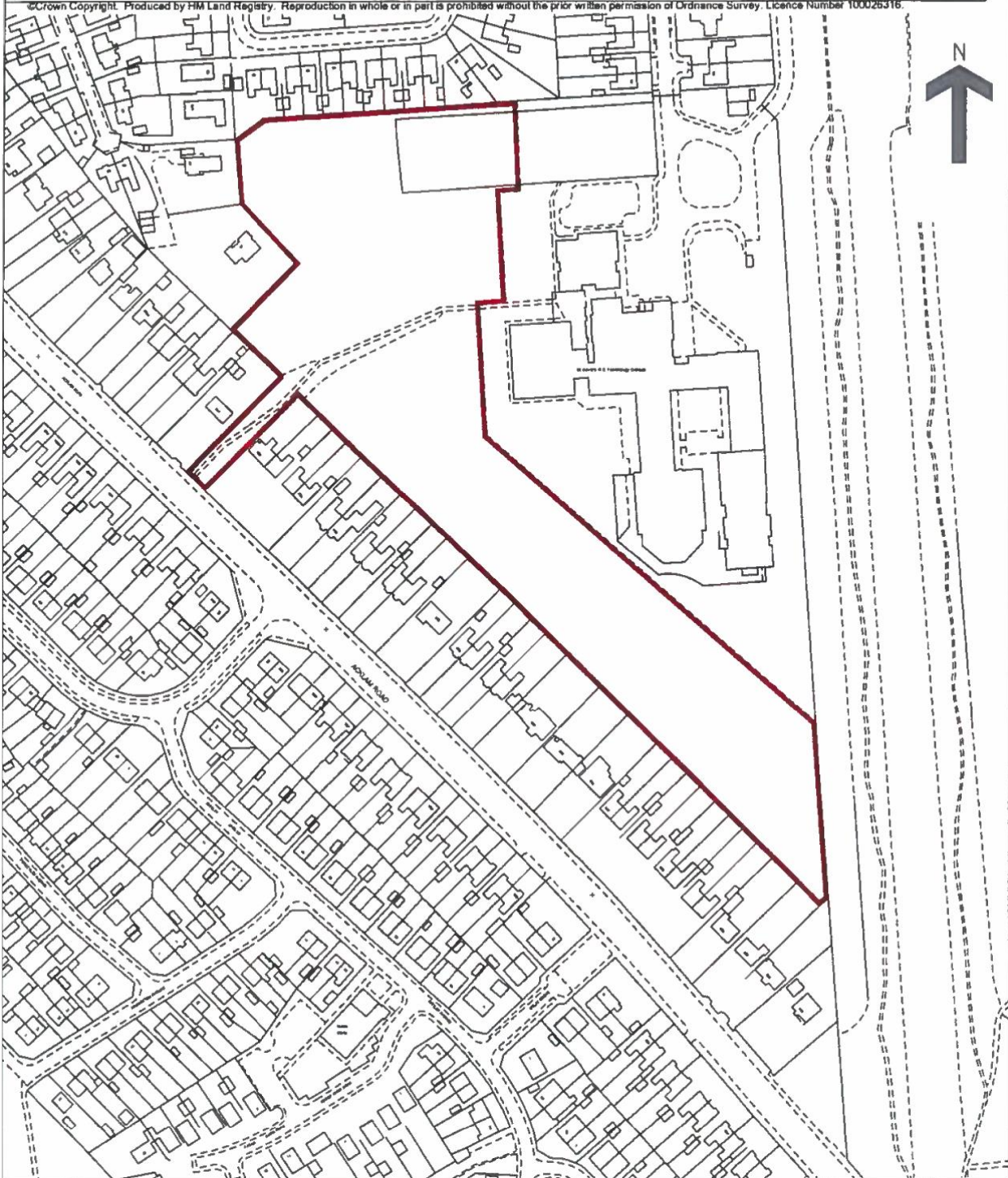
Site Plan - Land at St David's Way [Middlesbrough Council Land Ownership]

HM Land Registry  
Official copy of  
title plan

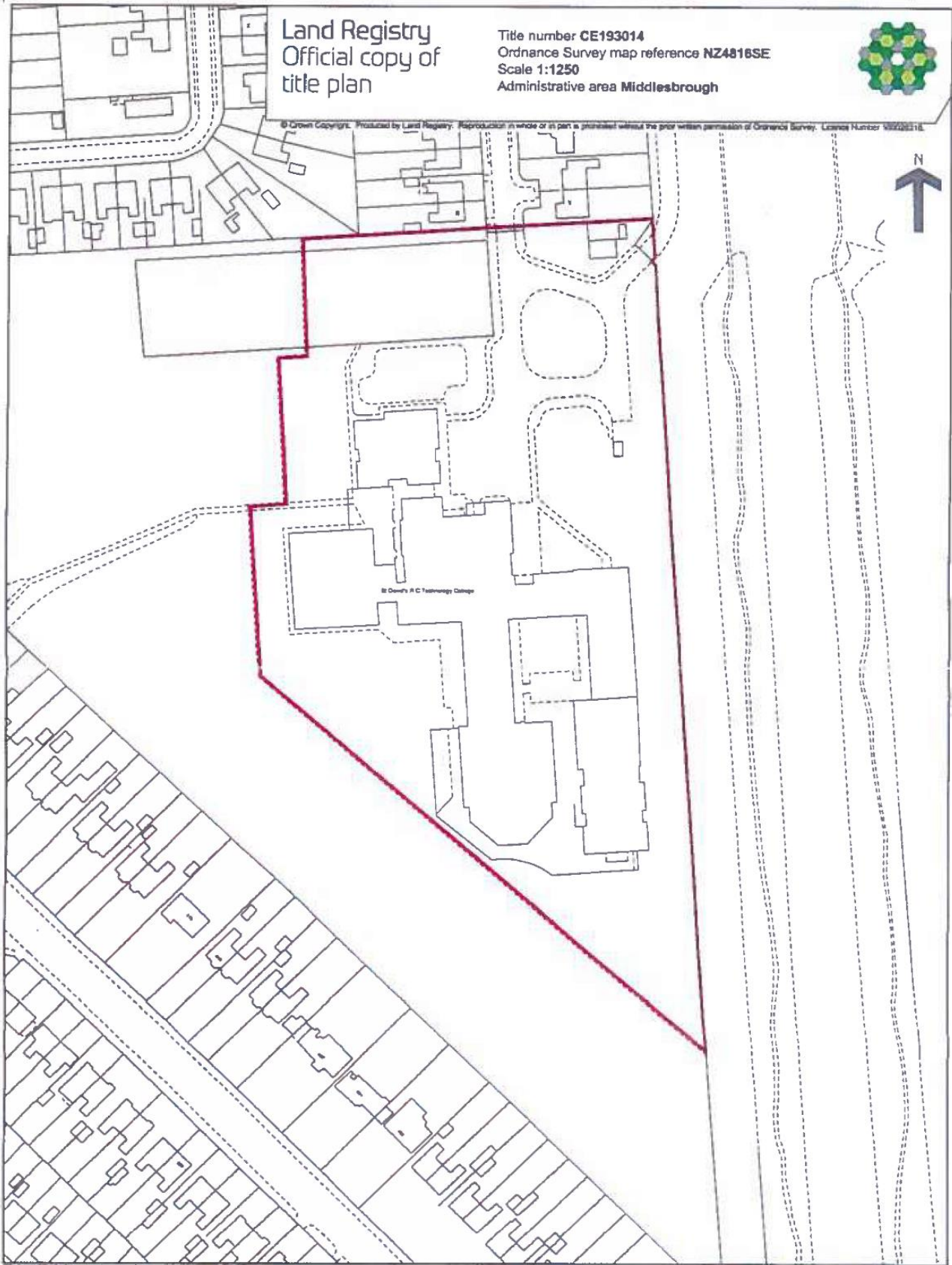
Title number CE188872  
Ordnance Survey map reference NZ4816SE  
Scale 1:2500 reduced from 1:1250  
Administrative area Middlesbrough



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Site Plan - Land at St David's Way [RC Diocese Land Ownership]



This official copy issued on 11 January 2007 shows the state of this title plan on 11 January 2007 at 15:30:45. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).  
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 7 - Title Plans.  
This title is dealt with by Land Registry, Durham (Southfield) Office.

**Impact Assessment Level 1 – Initial Screening Assessment**

<b>Subject of assessment:</b>	Disposal of the Council’s freehold interest in land at the former St David’s RC School, St David’s Way, Acklam Middlesbrough TS5 7EY			
<b>Coverage:</b>	Service specific			
<b>This is a decision relating to:</b>	<input type="checkbox"/> <b>Strategy</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Service</b>	<input type="checkbox"/> <b>Function</b>
	<input type="checkbox"/> <b>Process/procedure</b>	<input type="checkbox"/> <b>Programme</b>	<input type="checkbox"/> <b>Project</b>	<input type="checkbox"/> <b>Review</b>
	<input type="checkbox"/> <b>Organisational change</b>	<input checked="" type="checkbox"/> <b>Other (please state)</b> Asset management		
<b>It is a:</b>	<b>New approach:</b>	<input checked="" type="checkbox"/>	<b>Revision of an existing approach:</b>	<input type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>
<b>Description:</b>	<p><b>Key aims, objectives and activities</b> To assess the impact of the proposal to dispose of Council property deemed to be surplus to operational requirements.</p> <p><b>Statutory drivers (set out exact reference)</b> The Local Government Act 1972 Section 123, as amended by the Local Government Planning and Land Act 1980 Section 118 Schedule 23 Part V.</p> <p><b>Differences from any previous approach</b> There are no Council staff, or services that will be affected by the disposal proposed. Future use will be for the purposes of redevelopment as a place of worship.</p> <p><b>Key stakeholders and intended beneficiaries (internal and external as appropriate)</b> The Council, buyer and the local community.</p> <p><b>Intended outcomes</b> The proposed disposal of the subject site would:</p> <ul style="list-style-type: none"> <li>• generate a significant capital receipt for the Council;</li> <li>• create new jobs within the borough;</li> <li>• remove the Council’s liability for future holding costs, responsibility for, and maintenance of the land, and</li> <li>• help stimulate further development in the local area, and bring the subject site back into a more positive future use.</li> </ul>			
<b>Live date:</b>	Tuesday 13 <sup>th</sup> July 2021			
<b>Lifespan:</b>	Not applicable.			
<b>Date of next review:</b>	Not applicable.			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<p><b>Human Rights</b></p> <p>Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>It is considered that the disposal of the subject property will not impact negatively on individual human rights. The proposal represents a significant and positive enhancement for both the locality and the wider area, far outweighing the transfer of the land from the Council's Estate holding. This assessment has been made taking into account:</p> <ul style="list-style-type: none"> <li>the fact that the property is vacant, and that no Council staff or services will be affected by the disposal as proposed;</li> <li>the new jobs that future re-use of the property will create, and</li> <li>the potential for this proposal to stimulate further economic development within the borough.</li> </ul>
<p><b>Equality</b></p> <p>Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Council has a duty to consider the impact of the proposed decision on relevant protected characteristics, to ensure it has due regard to the public sector equality duty. Therefore, in the process of taking decisions, the duty requires the Council to have due regard to the need to:</p> <ol style="list-style-type: none"> <li>eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and</li> <li>foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ol> <p>Consideration of this duty has shaped the proposals.</p> <p>The site is vacant and fulfils no specific function, purpose or service. In accordance with this position, access to and delivery of Council services will not be affected by the proposed disposal.</p> <p>It is considered that the proposal will not have a disproportionate adverse impact on a group, or individuals, because they hold a protected characteristic.</p> <p>Evidence used to inform this assessment includes engagement to date with relevant Council departmental teams and the proposed purchaser, together with analysis of the terms and conditions that will be incorporated within the proposed sale.</p>

\*Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.



<p><b>Community cohesion</b>          Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*</p>	☒	☐	☐	<p>There are no concerns that the proposal could have an adverse impact on community cohesion.</p> <p>Evidence used to inform this impact assessment includes the potential for bringing this property back into a far more beneficial future use than that being provided under the current ownership and management arrangement.</p>
<p><b>The Mayor's Vision For Middlesbrough</b>          Could the decision impact negatively on the achievement of the vision for Middlesbrough?*</p>	☒	☐	☐	<p>The proposed disposal aligns with the Mayor's priorities around people, place &amp; business by working in conjunction with third party organisations and individuals, such as the Buyer, to deliver both physical and social regeneration.</p>
<p><b>Organisational management / Change Programme</b>          Could the decision impact negatively on organisational management or the transformation of the Council's services as set out in its Change Programme?*</p>	☒	☐	☐	<p>No tangible relationship between the disposal of the property and the organisational management of the Council, or the transformation of its services (as set out in its Change programme), have been identified.</p>
<p><b>Next steps:</b></p> <ul style="list-style-type: none"> <li>➡ If the answer to all of the above screening questions is No then the process is completed.</li> <li>➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.</li> </ul>				

<b>Assessment completed by:</b>	David Velemir	<b>Head of Service:</b>	Louise Grabham
<b>Date:</b>	14/05/2021	<b>Date:</b>	14/05/2021