

AGENDA ITEM: 10 Pages 55 – 63

Meeting	Cabinet Resources Committee
Date	30 November 2010
Subject	Stanley Road Playing Fields and Former Herbert Wilmot Centre, East Finchley N2
Report of	Cabinet Member for Resources and Performance
Summary	To seek approval that the land be declared surplus to the Council's requirements and that it be advertised on the open market to enable submission of schemes and initial bids for the Council's freehold interest. The appraisal and result of the open market testing will be reported to a future Cabinet Resources Committee meeting for consideration.

Officer Contributors	Suzanna Ellis – Principal Valuer (Property Services)
Status (public or exempt)	Public (with separate exempt report)
Wards affected	East Finchley
Enclosures	Location Plan No. 24177 and Photos
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

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1. RECOMMENDATIONS

- 1.1 That the Council's freehold interest in the land edged red on the attached plan no. 24177 be declared surplus to its requirements.**
- 1.2 That the disposal of the freehold interest be advertised on the open market to seek details of proposed schemes and initial bids.**
- 1.3 That the appraisal and results of the open market testing be reported to a future meeting of the Cabinet Resources Committee for further consideration.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Land and Buildings Executive Committee, 12 September 1991 – approved that the part of the site hatched orange and blue on the plan be appropriated from education to recreational purposes. It also approved a short-term letting of the land hatched orange and blue on the plan to the Stanley Road Association.
- 2.2 Short form Delegated Powers Report No.125 dated 28 October 2009 authorised by the Executive Director of Resources approved a 6 month rolling licence be granted to Apollo Group Holdings Ltd (a contractor working for the Council) in relation to the land hatched green on the plan. The licence was granted for the storage of materials and plant equipment.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Corporate Plan 2010-2013 commits the Council to delivering 'Better services with less money'. A key principle of the medium term financial strategy is to continually review the use of Council assets so as to reduce the cost of accommodation year on year and to obtain best consideration for any surplus assets to maximise funds for capital investment and/or the repayment of capital debt. The sale of the former Stanley Road Playing Fields and Herbert Wilmot Centre would provide a capital receipt which would support the Council's priorities and bring this currently unused area of land back into use.

4. RISK MANAGEMENT ISSUES

- 4.1 It is considered likely that the sale of this land will raise significant levels of public concern and will give rise to policy considerations. We expect local residents to actively have a particular focus on the future of this site.
- 4.2 The legal title to the land has been investigated and a restrictive covenant is detailed in the Conveyance dated 24 June 1914 which prevents the construction of a factory or workshop on the land. This covenant does not extend to residential development or to temporary workshops to be used during building operations. The burden of this covenant now rests with the Council. As it would be very difficult to establish who now has the benefit of this covenant it is considered unlikely that it would be enforced. However, it may be prudent to obtain an indemnity insurance to cover this possibility.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The recommendation has been evaluated against the principles in the Equalities Policy and Equalities scheme and there are no adverse implications for specific groups.

5.2 The receipt from the disposal of this site will feed into the Council's Capital Programme which supports the overall aim of the Council's Equalities Policy and supports the equality priorities outlined in Council's Equality Scheme.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 There are no procurement, performance and value for money, staffing, IT or sustainability implications. The financial and property implications are set out in paragraph 9 below and in the accompanying exempt report.

6.2 The proceeds of the sale will produce a 100% useable capital receipt for the General Fund.

7. LEGAL ISSUES

7.1 None, other than as mentioned in the body of the report.

8. CONSTITUTIONAL POWERS

8.1 The Council's constitution in Part 3, Responsibility for Functions, paragraph 3.6 states the functions delegated to the Cabinet Resources Committee including all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.

9. BACKGROUND INFORMATION

9.1 The site under consideration is outlined in red on the attached plan and is made up of two parcels of land which total some 1.2 Ha/3.1 acres, separated by a public footpath.

9.2 The first parcel of land bordering the railway line and north of the footpath (hatched orange and blue on the attached plan), is some 1 Ha/ 2.7 acres. It is an irregular piece of land, which is bordered to the north and the east with residential uses, to the west by railway line and to the south is the Holy Trinity VA School. The second parcel of land, (hatched in green on the attached plan), south of the footpath accessed from Eagans Close is some 0.2 Ha/0.4 acres. It lies opposite the south east corner of the first parcel of land and is bordered by residential properties to the east, the Holy Trinity VA School to the west.

9.3 The Site is owned freehold by the Council under three titles (hatched blue, orange and green on the plan). The land shown hatched blue on the attached plan is subject to restrictive covenants that may be of significance in considering its future use as outlined in paragraph 4.3. The parcel of land bordering the railway is currently vacant being managed by the Commercial Directorate, pending a decision regarding its future. The land hatched green on the attached plan is currently occupied by Apollo Group Holdings Ltd as detailed in paragraph 2.2.

9.4 The Site was originally purchased by the Middlesex County Council for education use, and became vested in the London Borough of Barnet in 1965 following the abolition of Middlesex County Council. As the part of the Site hatched orange and blue on the plan was no longer required for school use, on 26 March 1991 the Education Committee declared it surplus to its requirements and the land was thereafter appropriated to recreational purposes as detailed at paragraph 2.1.

- 9.5 The Stanley Road Association ('the Association') held a lease of the land hatched orange and blue on the plan for 4 years from 1 April 1992. Following expiry of the lease in 1996, the Association held over until June 2010 when the Council reclaimed possession of the land. Whilst the land was the responsibility of the Association there were numerous complaints regarding the lack of management and upkeep of the land. The land is now in a very poor condition with little of the redgra surfacing of the playing field remaining, the land being overgrown with vegetation. It is not currently capable of being put to any form of sporting use.
- 9.6 Over the years 2003 to 2005 a number of groups expressed interest in the Site and put forward various proposals for its development for community/sporting and residential uses. These proposals did not progress as the Association remained in occupation of the land.
- 9.7 The land hatched green accessed from Eagans Close was originally acquired by Middlesex County Council. The land was used by a youth centre which was known as the Herbert Wilmot Centre. The youth centre provided the changing facilities for community groups who used the football pitch on the land bordering the railway. The use of the youth centre declined and the building fell into disrepair to a dangerous extent. The land was cleared and on 30 June 2008 a 6 month Licence was granted to Apollo Group Holdings Ltd as detailed at paragraph 2.2.
- 9.8 Following possession of the land by the council the future options for the site have been examined.

Planning Advice

- 9.9 Planning advice is that the site forms a sizeable parcel of land bounded by a railway line, established residential development and a school.
- 9.10 The land is unkempt and clearly unusable in its current condition as a formal recreational amenity. There are signs indicating its former use which includes two remaining goal posts and floodlighting.
- 9.11 Although the Borough is generally well served by playing space, a recent audit highlights a concern in relation to the quality of such facilities and indicates that this area of the Borough has been identified as having notable deficiencies in playing pitch provision.
- 9.12 Opportunities for the re-use and/or redevelopment of the land will depend on whether it can be demonstrated that there is no longer a need for the playing area in its current form or that any such demand is or can be adequately catered for elsewhere. Any assessment of provision must be subject to consultation with Sport England.
- 9.13 A range of development possibilities exist including residential and/or community and education uses. These may serve as stand alone or enabling developments to secure improvements to recreational space/facilities if identified on or off-site.
- 9.14 Any new development should demonstrate compliance with Unitary Development Plan policies and guidance and have regard to the emerging policy context in relation to the Local development Framework. Development should in particular respect adjoining residential boundaries and uses and ensure adequate access arrangements in addition to securing any necessary planning obligations.
- 9.15 Residential densities should reflect the character of the surrounding area and provide for a range of accommodation types.

Summary

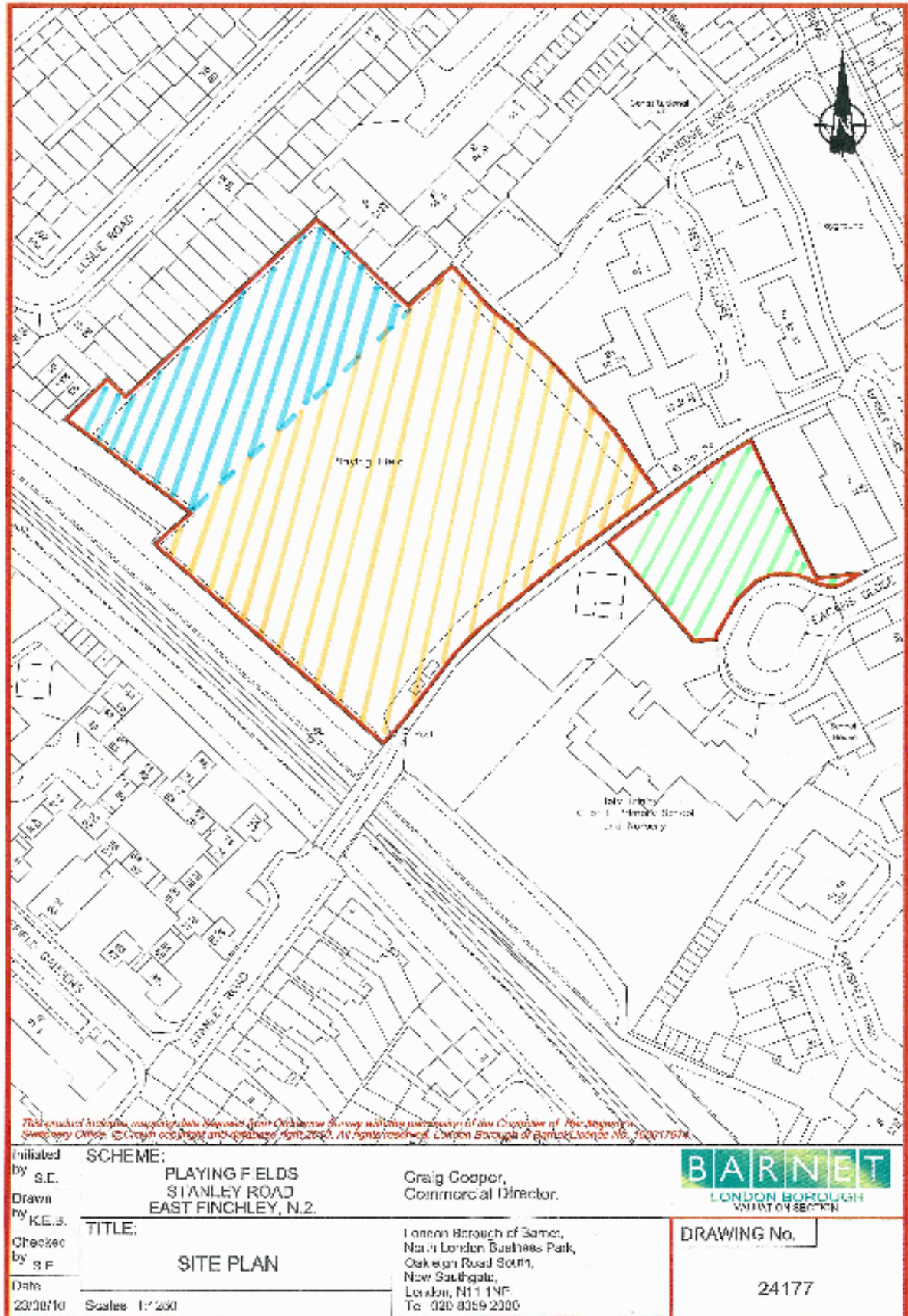
- 9.16 In view of the above legal and planning advice, there is significant potential for various forms of development of this land subject to planning permission and consent from Sport England. Over the years there has been market interest in the land for a variety of use ranging from residential development to development for sport and recreation, or educational uses, and despite the down turn in the market there is an indication that a market exists for this site.
- 9.17 In order to fully examine the potential development opportunities for the site together with the likely capital receipts that may be achieved, and market appetite for this site it is recommended that a two phase approach is adopted with an initial marketing campaign to identify the possible proposals and likely bids which can then be assessed and considered against the planning criteria and the Council's objectives.
- 9.18 The open market testing will be reported back to a future Cabinet Resources Committee meeting for a further decision on the proposal / proposals to be pursued.

10. LIST OF BACKGROUND PAPERS

- 10.1 None.

Legal – JKK
CFO – MC

Site Plan



Photos



Access to the land hatched orange and blue from the public footpath.



View of the land hatched blue and orange from the Northern boundary.



View over the land hatched orange West to East.



Stanley Road linked to the public footpath leading to the site from the South West.



Land hatched green from Eagans Close.



Land hatched green from Eagans Close.