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Meeting	Cabinet Resources Committee
Date	25 February 2013
<b>Subject</b>	<b>Stanley Road Playing Fields and Former Herbert Wilmot Centre, East Finchley, N2</b>
Report of	Cabinet Member for Resources and Performance
Summary	To report on the outcome of further investigations by Sport EF and the interested bidders into securing a comprehensive development solution for the above mentioned site to deliver part development and part the provision of a community facility. This report recommends a disposal of the whole of the freehold site to the Archer Academy for the purposes of the development of a free school and shared sport and community facility.

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Officer Contributors	Judith Ellis – Valuation Manager Suzanna Lewis – Principal Valuer
Status (public or exempt)	Public (with a separate exempt report)
Wards Affected	East Finchley
Key Decision	Yes
Reason for urgency / exemption from call-in	N/A
Function of	Executive
Enclosures	Appendix 1 – Location Plan No. 24177
Contact for Further Information:	Judith Ellis: 020 8359 7359 (judith.ellis(valuation team)@barnet.gov.uk  Suzanna Lewis: 020 8359 7356 ( <a href="mailto:Suzanna.lewis@barnet.gov.uk">Suzanna.lewis@barnet.gov.uk</a> )

## **1. RECOMMENDATIONS**

- 1.1 That the Committee approves the sale of the whole of the Council's freehold interest in the Stanley Road playing fields and former Herbert Wilmot Centre, shown outlined in red on the attached plan, and that the sale is made to The Archer Academy for the purposes of the development of a free school building and sports facility, on the terms detailed in this and the exempt report.**
- 1.2 That the Committee note that the disposal will be subject to (i) grant of a satisfactory planning permission (ii) securing an agreement, ensuring use of the community facilities outside of school hours.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Cabinet Resources Committee 14<sup>th</sup> December 2011 resolved to Invite the three bidders identified in the Exempt report to work with the Local Community Group (Sport.EF/ Sport East Finchley) to try to provide a comprehensive development scheme which will be acceptable to both parties, which is realistically achievable and will form the basis upon which planning permission will be sought within six months from committee approval being obtained. The revised bids for the freehold interest in the Stanley Road Playing field be submitted within nine months from committee approval, which will be reported back to a future meeting of the Cabinet Resources Committee for decision.
- 2.2 Cabinet Resources Committee: 30 November 2010: Approved (i) the Council's freehold interest in the land be declared surplus to its requirements, (ii) that the disposal be advertised on the open market to enable submission of schemes and initial bids, (iii) that the appraisal and result of the open market testing be reported to a future Cabinet Resources Committee meeting for further consideration and in addition (iv) that a community use bid be considered for a period of six months alongside the open market testing appraisal.
- 2.3 Business Management Overview and Scrutiny-Sub Committee meeting; 16 December 2010; Call-in of the decision of the Cabinet Resources Committee decision on 30 November 2012 in relation to the Stanley Road Playing Fields and Former Herbert Wilmore Centre – consideration of this report through the scrutiny process also resulted in a local community group (The Finchley Community Development Trust (submitting a proposal under Sport EF: Sport East Finchley (Stanley Road Playing Field Community Trust), being given the time and opportunity to work up a scheme proposal for submission to be reviewed alongside the proposals generated through the open market testing process.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The Corporate Plan 2012-2013 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.

- 3.2 The sale of the Stanley Road Playing Field and former Herbert Wilmot Centre site will provide a capital receipt to support the Council's priorities and bring this currently unused area of land back into use.
- 3.3 The facilitation of the Archer Academy will contribute to the delivery of the priority of ensuring 'a good school for every child'. The Archer Academy will provide additional secondary capacity to help meet demand for school places, ensuring that Barnet remains a Successful Suburb.
- 3.4 The Council's Estates Strategy 2011-2015 sets out our commitment to continually review the use of the 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 recommendation supports this, by reducing management costs and by generating a capital receipt for the Council in line with this objective.

#### **4. RISK MANAGEMENT ISSUES**

- 4.1 It is considered likely that the sale and redevelopment of this land will raise significant levels of public concern and involvement and will give rise to policy considerations. We expect local residents to actively have a particular focus on the future of this site. The local community has demonstrated its interest in this site and has attracted awareness through the local media channels as well as an organised local community group, the Trust, having submitted proposals demonstrating a focus in the area to provide sport and recreation facilities which have included independent approaches to Sport England. This proposal will mitigate and reduce the public concerns in this location.
- 4.2 Failure to achieve a satisfactory planning consent which limits the built development, and preserves the majority of the site for shared community use, is likely to cause opposition from the local community, and objections from Sport England.
- 4.3 The commitment to secure an agreement which preserves the community use of the sports facilities outside school hours should mitigate this risk.
- 4.4 Sport England Consent will be required for the loss of playing fields. If the scheme limits the development of the playing field area, and improves the sports facilities this should mitigate the risk of objection.
- 4.5 The provision of a community facility that is managed by the Archer Academy improves the long term sustainability of the sports facility for the community.

#### **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 The proposed recommendation has been negotiated in conjunction with Sport EF whose representatives consider that it would meet the sports and recreation aspirations of the local community.
- 5.2 Under the Equality Act 2010, the Council must have due regard to the need to:

a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are; age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination.

- 5.3 The proposal does not compromise any issues under the Council's Equalities Policy and do not compromise the Council in meeting its statutory equalities duties.

## **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. There will be a loss of income of £5,000 per annum from the Herbert Wilmot site which is currently licenced. However, on conclusion, it is anticipated that a capital receipt will be received by the Council. The property implications are set out in paragraph 9 below and in the accompanying exempt report.

- 6.2 Any costs incurred in the preparation of this process, will be covered by the existing commercial directorate budget.

- 6.3 The disposal will be subject to a satisfactory planning consent being granted.

## **7. LEGAL ISSUES**

- 7.1 Subject to the provisions under Section 123 of the Local Government Act 1972 the Council may dispose of land held by them in any manner they wish. Except with the consent of the Secretary of State, a Council shall not dispose of land under Section 123 otherwise than by way of a short tenancy for a consideration less than can be reasonably obtained.

## **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

- 8.1 Council Constitution, Part 3, Responsibility for Functions, states in paragraph 3.6 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 Following the Committee's decision on 14 December 2011, Property Services and Sport EF met with the three potential developers to discuss and examine their proposals. All submissions were considered overdevelopment by the planning department, and the bidders were requested to reduce the residential content of their proposals to a maximum of 50% of the site.

- 9.2 Sport EF subsequently entered into discussions with the bidders to examine their proposals in terms of delivering a capital receipt to the Council, and a local community and recreational facility.
- 9.3 Following these discussions Sport EF reported back that a range of concerns remained. These covered issues such as the scale of the proposed housing schemes, the community's expressed wish to preserve the whole of the playing field for sports and recreation use, with an acceptance of development on the Herbert Wilmot site. In addition Sport England pointed out the policy approach they would take in support of continuing sport and recreation use of the site. Sport EF also noted that the housing schemes being pursued undermined the long term viability and sustainability of their policy sp9.1.3. Throughout the discussions on developing the Sport EF proposals the local community were actively engaged through leaflets, events, media articles, petitions, Facebook page, website and public meetings and these added weight to the sport and recreation scheme that emerged. The swift process leading to the existing bid of £3.55 Million subject to planning from Department of Education (DfE) has meant that full consultation on the new proposals has not been undertaken. Representatives of Sport EF are supportive of the wider options to deliver the council's corporate objectives, and balance the development of the site while preserving the communities aspirations for the site.
- 9.4 An approach was made to the council, from the DfE in consultation with Sport EF, with a proposal to consider the site for the development of a school and sports facility. The Archer Academy is a free school being supported and funded by the DfE, and the former Institute building at Beaumont Close, N2 OGA, has already been acquired for the conversion to a 6 form entry school. This site does not provide sufficient accommodation or external space, and the Stanley Road Playing Field site was considered as an additional site to enable the development of the Former Herbert Willmot Centre site for a school building, with a sports centre, all weather pitch, and ancillary community facilities on the Stanley Road playing field. This proposal will deliver an urban school campus site with a substantial sports facility that will be available for community use outside school hours.
- 9.5 In order to ensure community use is preserved, it is proposed that an agreement is secured between the Archer Academy and the local community via Sport EF and/or other appropriate bodies. The form and nature of the agreement will need to be agreed between the relevant parties. An example of such an agreement could be a deed of dedication.
- 9.6 Negotiations were undertaken with the DfE on the basis of the loss of capital receipt from a disposal for residential use. The terms of the disposal are detailed in the exempt report and it is considered that the additional benefits include;

A substantial sports and recreation facility that can be used by the local community and local schools.

The Archer Academy will provide 150 additional secondary school places each year as it grows. These additional secondary school places will help ensure that there is sufficient provision in Barnet to accommodate the unprecedented demand for school places, currently being experienced at the primary level. This

primary demand will feed through into the secondary sector over the next few years.

The sympathetic development of the site which preserves and improves the recreational use of the site.

- 9.7 In addition to the corporate benefits of the proposal detailed in this report, it provides a long term sustainable sports facility for use by the wider community. The management and ownership of the facility will be held by the school, who are proposing to work closely with the local community.
- 9.8 It is the view of the Valuation Manager that the disposal in accordance with the recommendation will meet the Council's statutory duty to obtain best value referred to in 7.1 above
- 9.9 A jointly appointed independent valuation has been commissioned to confirm best value.
- 9.10 A public footpath (highlighted in blue on the attached plan) links Stanley Road and Market Place and this runs parallel to the sites considered for disposal. The footpath in question is outside the land edged in red. The footpath link need to be maintained but any changes to the alignment of the footpath will have to be agreed and approved by the Highways Authority and necessary statutory consultation process should be followed for any changes to the layout, diversion, or stopping up of the public footpath.
- 9.11 It is considered that the proposal detailed in this report will successfully deliver a capital receipt to the council to assist with delivering the council's objectives, and a long term community facility, which will be managed and sustained by a free school, and supported by Sport EF and the wider community.

## 10. LIST OF BACKGROUND PAPERS

10.1 None.

<b>Cleared by Finance (Officer's initials)</b>	<b>MC/JH</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>JOH</b>