

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3052

Author:

Emma Wilcock

Department:

Development and Growth

Contact:

Emma Wilcock

(Job Title: Senior Estates Surveyor, Email: emma.wilcock@nottinghamcity.gov.uk, Phone: 01158763077)

Subject:

Disposal of the site of the former Henry Mellish School, Highbury Vale

Total Value:

Exempt (Type: Capital and Revenue)

Decision Being Taken:

To approve the sale of the Council's freehold interest in the site of the former Henry Mellish School site.

To delegate authority to the Director of Strategic Assets and Property to approve the final sale terms, including sale price, to be negotiated on the outcome of ground and site investigations. The sale may be via an Option Agreement to Nottingham City Homes or directly via the market depending on the delivery timescales that can be achieved.

In the unlikely circumstances that a sale cannot be finalised in accordance with the current proposal, to delegate authority to the Director of Strategic Assets and Property to approve the method of sales and final sale price, plus any additional expenditure required, to maximise the value of the site (e.g ground surveys, planning consultants and application fees).

To approve the use of the capital receipt in accordance with the requirements of the Secretary of State for Education.

Reasons for the Decision(s)

In July 2007, Executive Board confirmed the decision to discontinue Henry Mellish Secondary School, ahead of its merger with River Leen School, to facilitate the opening of an academy for the Bulwell area - Bulwell Academy.

In December 2008, Executive Board confirmed the decision to sell the 'Henry Mellish School site and the Kersall Drive detached playing field'. This decision included provisions relating to the use of the capital receipt, in that it should be used to cover costs incurred in the wider Academies programme.

This decision supersedes the December 2008 decision. There is no longer a recommendation to dispose of the Kersall Drive detached playing field, which is allocated as Open Space in the Local Plan. Further, the Council is not in a position to choose how any capital receipt to be achieved on disposal of this former education land, is to be allocated.

On 20 July 2017, the Secretary of State granted consent in respect of the Council's freedom to dispose of the former education land on the proviso that the capital receipt is used to replenish the deficit to the Council's reserves that was incurred in connection with improvement and expansion works at Forest Fields Primary. The works were completed in 2013 under Nottingham City Council's Central Area School Reorganisation.

Since the closure of Henry Mellish in 2009, the site has been cleared of all buildings. The site comprises a relatively flat, rectangular area of land with good road frontage, measuring approximately 2.37 acres (0.96ha).

The site is identified by Property as suitable for residential development and is proposed for residential allocation within the emerging Local Plan Part 2: Land and Planning Policies Document. Initial thoughts are that the site would be suitable for the development of up to 40 homes (subject to ground investigations and a full planning application).

Briefing notes documents:

Plan Approval Henry Mellish Sch.pdf

Other Options Considered:

Retain the site and put to an alternative use - this option is not recommended as no alternative operational use has been identified. Retention of the site is a financial burden on the Council due to the need to ensure security and maintenance, with no opportunity for a suitable return. Further, a capital receipt was relied upon, in the approval to the Central Area School Reorganisation.

Background Papers:

None.

Published Works:

Executive Board - 17 July 2007 - 'Proposal to Discontinue the River Leen School and Henry Mellish School and Sports College to facilitate the opening of an academy for the Bulwell area.'

Executive Board - 16 December 2008 - 'Disposal of Henry Mellish School and Sports College.'

Portfolio Holder Decision - Jan 2012 - ref 0104. This Decision concerned the demolition of the former school buildings due to systematic and increasing severities of vandalism.

Portfolio Holder Decision - March 2012 - ref 0573. The Decision was a follow on from the previous approval to demolition, confirming additional budget to cover the cost of the main School building and caretakers house.

Affected Wards:

Bulwell Forest

Colleague / Councillor Interests:

None.

Any Information Exempt from publication:

Yes

Exempt Information:

Description of what is exempt:

Financial information.

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it would jeopardise the Council's negotiating position.

Documents exempt from publication:

2017-11-16 Exempt Appendix PHD Henry Mellish School.docx

Consultations:

Date: 04/11/2015

Ward Councillors: Eunice Campbell, Nick McDonald, Cheryl Barnard

Further consultation and updates have been communicated since the initial consultation meeting on 04/11/2015, including a public consultation event. No direct issues were raised by the Ward Councillors regarding the principle of this decision. Comments concerning potential for parking issues due to the number of schools in the vicinity, and hospital on Highbury Road, are noted. Such matters would be considered as part of any planning application. Cllr McDonald requested to be kept informed and have opportunity to view and comment on plans concerning the future use of the site. Councillors will be updated at key milestones in the disposal process.

Date: 04/11/2015

Other: Neighbourhood Officer, Celia Knight

Celia Knight raised concern regarding the precise area of land to be disposed of, wishing for there to be no 'pockets' of land likely to remain undeveloped and therefore vulnerable to anti social behaviours.
The full boundary is to be disposed of and the planning process will follow to ensure that any approved scheme does not include such risk.
The Neighbourhood Development Officer will be updated at key milestones in the disposal process.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

None. Property aim to prevent potential acts of vandalism and anti-social behaviour at the site, through ensuring the boundary is as secure as possible and monitored appropriately.
On sale of the site, the developer will be responsible for site security, and on completion of the development, individual occupiers will be responsible for security in the vicinity of their own property.

Equality:

EIA not required. Reasons: This decision does not relate to new or changing policies, services or functions; is not a financial decision which will have an effect on services; and is not a decision on implementation of policies developed outside of the Council.

Relates to Council Property Assets:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

31/01/2018

Advice Sought:

Legal, Finance, Property

Legal Advice:

I understand that the Council is in occupation of the whole site and is able to sell with vacant possession on completion. The appropriate documentation will be prepared to incorporate the agreed terms for the transfer to the proposed buyer.

Advice provided by Stephen Fryer (Team Leader Conveyancing) on 15/11/2017.

Finance Advice:

As detailed in previous approvals (i.e. Executive Board December 2008 and Executive Board January 2012), the capital receipt from the sale of the Henry Mellish School site is to be used to fund the Education/School Capital Programme.

Following the approval of this decision paper the Capital Programme funding projections will be amended as detailed in the exempt appendix.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 14/11/2017.

Property Advice:

Sale terms to include the requirement for residential development comprising 38 new homes (+/- 10%), subject to planning, with development to commence no later than 1 April 2019. Further detail of sale terms as included within the exempt page of this report.

Advice provided by Emma Wilcock (Senior Estates Surveyor) on 14/11/2017.

Signatures

Jon Collins (Leader & PH Strategic Infrastructure & Comms)
SIGNED and Dated: 24/01/2018
David Bishop (Deputy CE, CD for Development and Growth)
SIGNED and Dated: 12/01/2018