

Delegated Decision

Land at Diggle Turning Head and part of Diggle Fields, Diggle.

Asset No: L01889

(Saddleworth North Ward)

Portfolio Holder: Cllr J Stretton - Cabinet Member (Economy and Enterprise)

Officer Contact: Tom Stannard - Director of Economy and Skills

**Report Author: Nikolaj Dockree, Senior Consultant Surveyor,
Unity Partnership
Ext. 4146**

7th February 2018

Reason for Decision

The purpose of this report is to seek authority to advertise the Council's intention to dispose of or lease out the land, identified in the report and which is deemed to be public open space.

Recommendations

- It is recommended that officer are authorised to undertake the statutory advertising procedure in accordance with provisions of the Local Government Act 1972.
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DELEGATED

Land at Diggle Turning Head and part of Diggle Fields, Diggle.

(Saddleworth North Ward)

1 Background

- 1.1 The Council is undertaking a strategic review of the Council's land and property portfolio as part of the transformation programme, Repositioning Oldham. This includes a review of vacant land, including identifying options for potential development/garden use/community use.
- 1.2 This report considers a property known as Diggle Turning Head (Asset Number L01889), that has been identified as potentially being surplus to the Council's operational requirements and could possibly be disposed of.

2 Current Position

2.1 Asset Management

- 2.1.1 Under its continuing commitment to good Asset Management Planning, the Council seeks to make best use of its land and property assets. As part of that commitment, it looks to identify land and property surplus to the Council's requirements and dispose of them.

2.2 Public Open Space

- 2.2.1 Many of the small sites identified as surplus may potentially be regarded as public open space, therefore in accordance with the provisions of Section 123 Local Government Act 1972 the Council must follow a statutory process. The Council must first advertise its intention to dispose of the land and thereafter consider any objections that may arise, prior to potentially declaring the land surplus to the Council's operational requirements and making it available for disposal. This report is the first Stage report, seeking authority to advertise the property referred to above and consider any objections submitted as part of the statutory advertising procedure.

3 Options/Alternatives

The Council has two options:

3.1 Option 1

Not to advertise the land. If this option is approved then the Council would retain responsibility for the continued maintenance of the site and also lose the opportunity to potentially dispose of a “non-income” producing asset.

3.2 Option 2

To advertise the Council’s intention to dispose of the public open space and thereafter consider any objections and progress to a Stage 2 report. The Stage 2 report will make recommendations for disposal or retention having regard to any objections received.

4 Preferred Option

The preferred option / recommendation is Option 2, i.e., to advertise the Council’s intention to dispose of the public open space shown edged on the plan attached, in accordance with the provisions of the Local Government Act 1972.

5 Consultation

5.1 The advertising of the Council’s intention to dispose of the subject land will offer full community consultation and any objections will be reported back prior to a decision being made as to whether or not to proceed with a sale or letting.

5.2 Ward Councillors have been consulted on these proposals and the following comments have been made:

Cllr Harkness - “Diggle Turning Circle: Option 1 - To retain the public open space”

6 Financial Implications

6.1 Capital Implications

The purpose of this report is to seek authority to advertise the intention to dispose of the asset identified as potentially being Public Open Space. The full financial implications of the disposal will be outlined in a future report subject to there being no objections as a result of the advertisement. Therefore, there are no capital implications at this stage. (Jit Kara – Senior Accountant)

6.2 Revenue Implications

There will be some revenue implications around the advertising costs which should be no more than £500 and will be funded from existing budgets within

the Economy, Skills & Neighbourhoods service area. Any further revenue costs will be outlined in a future report dependent on there being no objections as a result of the advertising procedure. (Jamie Kelly)

7 Legal Services Comments

- 7.1 Where the land relating to this report is public open space according to the statutory definition in Section 336(1) of the Town & Country Planning Act 1990 and therefore, in accordance with Section 123 (2A) of the Local Government Act 1972, the Council may not dispose of public open space unless before disposing of the land, it gives notice of its intention to do so specifying the land in question to be advertised on two consecutive weeks in a newspaper circulating in the area in which the land is situated and it considers any objections to the proposed disposal which may be made to it before making a decision either for disposal or retention of the land having regard to those objections.
- 7.2 The Council's Land and Property Protocols states that decisions to dispose of public open space must be made in two stages. The first stage report is to recommend the disposal of the land in principle subject to the advertising of the proposed disposal and allowing time for objections.
- 7.3 The second stage report will make recommendations for the disposal or retention of the land having regard to any objections which have been received to the proposed disposal.
- 7.4 This report is a first stage report.
- 7.5 The Council's Land and Property Protocols have been observed.
(Rebecca Boyle)

8 Co-operative Agenda

- 8.1 The reduction and/or efficiency improvement of the Councils property portfolio is fully aligned with the Councils co-operative agenda.

9 Human Resources Comments

- 9.1 N/A

10 Risk Assessments

- 10.1 N/A

11 IT Implications

- 11.1 N/A

12 Property Implications

12.1 These are fully covered within the report (Rosalyn Smith)

13 **Procurement Implications**

13.1 N/A

14 **Environmental and Health & Safety Implications**

14.1 A number of the properties considered for disposal are poorly maintained, subject to fly-tipping and places where anti-social behaviour occurs. Although disposal to a third party does not guarantee it, these issues will cease if the disposal results in redevelopment and subsequent improvement of the local environment.

14.2 Environmental Services wish to be consulted further as part of Stage 2 report. It is recommended that each site is considered in the context of other parcels of green space in the immediate vicinity to better understand the implications of any potential disposal and future development.

15 **Equality, community cohesion and crime implications**

15.1 None

16 **Equality Impact Assessment Completed?**

16.1 No

17 **Key Decision**

17.1 No

18 **Key Decision Reference**

18.1 N/A

19 **Background Papers**

19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972.

19.2 It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: L01889

Name of Files: Land at Diggle Turning Head and part of Diggle Fields, Diggle.

Records held in Unity Partnership (Property Services), Henshaw House, Cheapside, Oldham OL1 1NY

Officer Name: Nikolaj Dockree

Contact No: 0161-770-4146

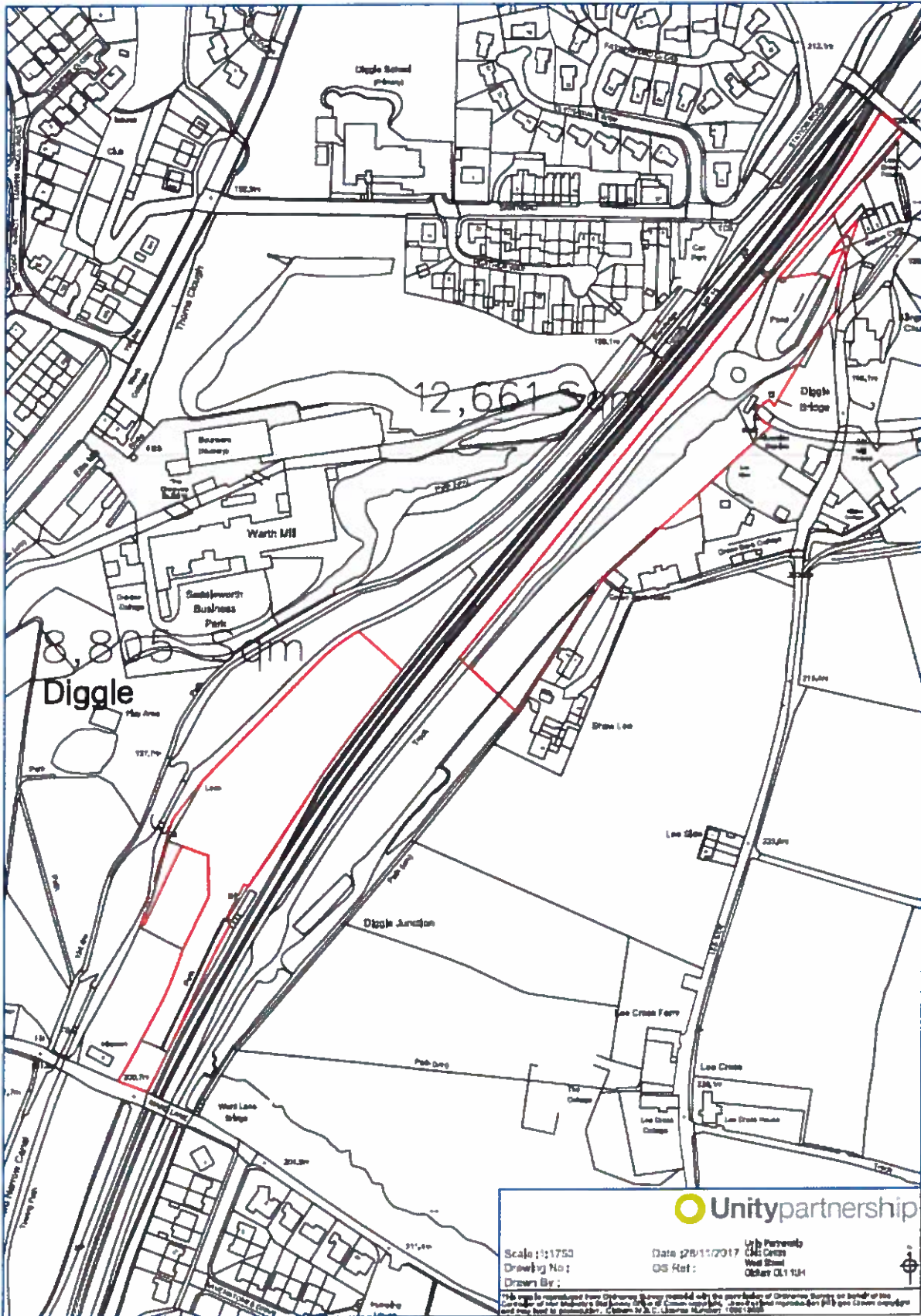
20 **Appendices**

20.1 Appendix 1 - Location Plan

20.2 Appendix 2 – Site Photos & Aerial Photo

Signed  Tom Stannard Director of Economy and Skills	Dated <u>9 February 2018.</u>
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Appendix 1



Appendix 2



