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Dear Members

Please note date and time of meeting
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### **Special Economic Development and Planning Scrutiny Committee**

A special meeting of the Economic Development and Planning Scrutiny Committee will be held in the **Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Thursday 16 August 2018 at 5.30pm** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

*A.R. Well*

Head of Law and Administration

**SPECIAL ECONOMIC DEVELOPMENT AND PLANNING SCRUTINY COMMITTEE  
- 16 AUGUST 2018**

**Chairman Councillor R P Cooke**

**A G E N D A**

- 1 Minutes of 19 June 2018 as published in Digest No 244 on Friday 6 July 2018.
- 2 Apologies
- 3 Called In Items

**Page Nos**

ITEM NO 3(a) **Land at Tilling Drive, Stone -  
PART CONFIDENTIAL** 3 - 10

HEAD OF DEVELOPMENT

**Membership**

**Chairman Councillor R P Cooke**

L B Bakker-Collier	M E Jennings
C A Baron	W J Kemp
J A Barron	J K Price
R P Cooke	R M Sutherland
B M Cross	C V Trowbridge

**Cabinet Members:-**

**Councillor F Beatty - Economic Development and Planning  
Councillor J M Pert - Community**

**ITEM NO 3(a)****ITEM NO 3(a)**

<b>Report of:</b>	<b>Head of Development</b>
<b>Contact Officer:</b>	<b>Michelle Smith</b>
<b>Telephone No:</b>	<b>01785 619 335</b>
<b>Ward Interest:</b>	<b>Walton</b>
<b>Report Track:</b>	<b>Cabinet 02/08/18 Sp Econ Dev and Planning 16/08/18</b>

**SPECIAL ECONOMIC DEVELOPMENT AND PLANNING SCRUTINY  
COMMITTEE**

**16 AUGUST 2018**

**Land at Tilling Drive, Stone**

The following matter was published in the Members' Digest No 245 of 3 August 2018 and has been **CALLED IN** to this Committee by Councillors W J Kemp, R J Draper and G O Rowlands for the following reason:-

"To discuss the implications of the sale of community land."

**1 Purpose of Report**

- 1.1 To seek Cabinet approval to proceed with the sale of a part of the Council owned land at Tilling Drive, Stone.

**2 Decision of the Cabinet**

- 2.1 That Cabinet agree to the sale of a part of the Council owned land at Tilling Drive, Stone (as identified on the enclosed plan **APPENDIX 1**) based on the most appropriate bid made. The capital receipt should be ring-fenced to Phase 2 of the Stone Leisure Strategy which will deliver new and improved play and football facilities at Tilling Drive and Westbridge Park, Stone.

**3 Key Issues and Reasons for Recommendation**

- 3.1 Whilst the new leisure centre at Westbridge Park is fully funded by the approved Capital Programme for 2017-18 to 2020-21, the Council has aspirations to further improve the leisure offer in Stone. It is not normal practice for capital receipts to be ring-fenced to a specific project however the commitment to delivering Phase 2 of the Stone Leisure Strategy means that in practice this is what the capital receipt from selling a part of the land at Tilling Drive will fund.

- 3.2 A number of representations have been received which have been fully considered. In line with the clarifications offered in response there is no reason put forward to not proceed with the sale of a part of the land at Tilling Drive.

#### **4 Relationship to Corporate Priorities**

- 4.1 Corporate Business Objective 2: To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities and promote health and wellbeing.
- 4.2 Corporate Business Objective 3: To be a well-run, financially sustainable and ambitious organisation, responsive to the needs of our customers and communities and focussed on delivering our objectives.

#### **5 Report Detail**

- 5.1 On 1 March 2018 Cabinet approval was given to test the market for a potential sale of a portion of land at Tilling Drive, Stone as indicated on the enclosed map. Millar Sandy were subsequently instructed to market the site which amounts to approximately 0.55 hectares (1.35 acres) in the northern part of the site, with a frontage on to The Fillybrooks (A34). It does not include or encroach upon the footpath which runs between the open space and allotments, and provides a footpath link from Tilling Drive to the footbridge which crosses The Fillybrooks. Should a sale be agreed provision would be made for a footpath link from the Tannery Walk path to the edge of the retained open space.
- 5.2 The Millar Sandy sales particulars advertise the site as suitable for residential or retail development subject to planning consent however any appropriate use for the site would be considered. Following 11 weeks of marketing three written offers to purchase the land have been received as set out in the **CONFIDENTIAL APPENDIX 2**.
- 5.3 Whilst the site was advertised for sale a public notice was displayed in the Staffordshire Newsletter for two consecutive weeks to notify the intention to dispose of open space in accordance with Section 123(2A) of the Local Government Act 1972.
- 5.4 In response to the press advert and media coverage of the intended sale a number of representations have been received which are summarised as follows:

<b>Type of Representation</b>	<b>Number Received</b>
Petition	481 signatories
Standard letter submitted by individual residents	206 (Plus 6 illegible addresses)
Standard letter submitted by individual residents. Upon receipt of a response from the Chief Executive residents advised no knowledge of the originating letter	5
Individually drafted emails/letters	60
Individually drafted letters sent to Sir William Cash MP	6
Stone Town Council comments	

### **Summary of Objections**

- Request that the offer for sale be withdrawn
- The actions of the Council are contrary to the Code of Governance
- There has been no consultation with residents of Stone, the land is already for sale with a buyer in mind yet the Council Constitution advocates a presumption in favour of openness
- Residents aren't being listened to
- Houses and bungalows will devalue in price
- The land is part of a protected recreation park and football pitch, is Green Infrastructure and forms part of Stone Neighbourhood Plan
- Another third of the land is for car parking
- The marked football pitch is not regularly used recently which is likely caused by the poor state of the changing facilities
- Development of the site would conflict with Sport England guidelines
- There is an urgent need to keep the whole field intact; legal action will follow; any subsequent planning application could be seen as predetermined
- It won't be long before the remainder of the land is sold; almost no green space left in Stone; the area will lose its identity
- The use of freely available land contributes to the health and wellbeing of residents, is a much valued community amenity with an abundance of wildlife which would be adversely affected
- Loss of the land would contribute to childhood obesity
- This is the last remaining open field between the Cherryfields Estates, Walton Estates and new developments on the former Bibby's site
- The gardens in the new housing developments are too small and without any dedicated park or play facilities
- The land is used by local groups for sport, recreation and dog walking throughout the week and the play area is used daily; demonstrably special to the local Walton community
- There is an increased pressure already on infrastructure and there are existing concerns about congestion, air quality and traffic accidents

- The M&S development was not wanted; there was a stipulation that Westbridge Park would see improvement as a result but this has not materialised
- Led to believe sale of Westbridge Park land was covering the cost of play facilities in Stone
- Concessions have already been made in respect of Westbridge Park
- Westbridge Park improvements consultation exercise did not mention sale of this land, residents should not be penalised for mishandling of the project
- The park in Tilling Drive is lacking and Westbridge Park needs improvement but that shouldn't be at the sacrifice of the land at Tilling Drive
- Westbridge Park play facilities have been neglected for years but this is not the answer
- No reason has given for the sale of land; there is no policy justifying the sale
- Selling the land creates a long term problem to cover a short term funding issue
- No additional money is needed
- Removal of one leisure facility to pay for another is unequal
- Older residents are being penalised to pay for facilities for children
- No more development is needed or wanted in Stone particularly another supermarket as rumoured; this encourages development creep and unnecessary impact on visual amenity
- Development should be focussed on town centre or the ring road
- An access to the site has not been identified
- Retail development would provide minimal jobs for local people
- Stone recreational facilities do not compare with Stafford and that should be addressed
- Those potentially deciding to sell the land were not voted for by the Stone electorate
- Funding should be found from other Section 106 agreements within the Borough or loans secured and paid back from future Section 106 payments
- Business Rates from Stone developments should be used to fund the Stone Leisure Strategy
- Concerns raised regarding the Council's decision making process
- When were housing or retail development agreed?

5.5 Of the representations listed above some clarification is offered as follows:

- Play area improvements at Westbridge Park and Tilling Drive were proposed as part of Phase 2 of the Stone Leisure Strategy following Phase 1 which covers the development of the new leisure centre
- The sale of land at Westbridge Park for the Marks and Spencer development was never intended to fund Phase 2 of the strategy
- The Stone Neighbourhood Plan is currently an emerging document and is currently out for consultation until 31 July 2018
- The Stone Leisure Strategy seeks to develop the leisure and recreation offer in Stone not diminish it

- The marketing of the site was publically advertised in a notice that was displayed in the Staffordshire Newsletter for two consecutive weeks. This notified the intention to dispose of open space in accordance with Section 123(2A) of the Local Government Act 1972
- The land was marketed with no buyer in mind
- A covenant affecting two thirds of the site restricts permanent development ensuring that playing pitch provision would be retained in this location
- Financial obligations that are paid to the Council in accordance with Section 106 agreements resulting from planning permissions must be spent in accordance with those agreements. Monies specified for an area in Stafford cannot be spent in any other area
- Monies from Section 106 obligations must be spent before a scheme is completed. For example, funds specifically to develop an area of open space cannot be used after the open space is developed. For this reason the Council cannot borrow in lieu of future, uncollected Section 106 obligations
- The site is within the Settlement Boundary of Stone in the adopted Plan for Stafford Borough, where residential or retail development can be acceptable
- Development of the site would be subject to planning permission
- The site can still accommodate all existing facilities on the remaining land
- The capital receipt will be used to enhance other facilities elsewhere in Stone

<b>6</b>	<b>Implications</b>
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<b>6.1 Financial</b>	Whilst the new leisure centre at Westbridge Park is fully funded by the approved Capital Programme for 2017-18 to 2020-21, the Council has aspirations to further improve the leisure offer in Stone. It is not normal practice for capital receipts to be ring-fenced to a specific project however the commitment to delivering Phase 2 of the Stone Leisure Strategy means that in practice this is what the capital receipt from selling a part of the land at Tilling Drive will fund.
<b>Legal</b>	The portion of land proposed for sale is not subject to a restrictive covenant
<b>Human Resources</b>	N/A
<b>Human Rights Act</b>	N/A
<b>Data Protection</b>	Representations received have been processed in accordance with the General Data Protection Regulation.
<b>Risk Management</b>	N/A

<b>6.2 Community Impact Assessment Recommendations</b>	The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-  Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
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**Previous Consideration** - Cabinet - 1 March 2018 - Minute No CAB61/18  
Cabinet - 2 August 2018 - Minute No CAB17/18

**Background Papers** - File with Michelle Smith, Development

**SPECIAL ECONOMIC DEVELOPMENT AND PLANNING SCRUTINY  
COMMITTEE**

**16 AUGUST 2018**

**Land at Tilling Drive, Stone**



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