



**Author of Report:** Ben Colver, Senior Surveyor,  
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**Report of:** Executive Director Place  
**Report to:** Cabinet  
**Date of Decision:** 15<sup>th</sup> March 2017  
**Subject:** Land at Spider Park, Sevenfields Lane,  
Wisewood, Sheffield S6

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <b>Culture, Parks and Leisure</b>		
Which Scrutiny and Policy Development Committee does this relate to? <b>Economic and Environmental</b>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>		
Does the report contain confidential or exempt information?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-  <i>"The appendix is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended)."</i>		

**Purpose of Report:**

This report is supplemental to a report entitled "Future Use of Wisewood Secondary School and Spider Park" dated 8 May 2013 by the Executive Director (Place) and Executive Director (Children Young People & Families) (the 2013 Report) together with Cabinet's decision dated 8 May 2013 (the 2013 Decision) which approved the recommendations made in the 2013 Report. Cabinet resolved at paragraphs 12.2 (b) and 12.2 (g) of the 2013 Decision that an area of public open space at Spider Park shown edged red on the plan annexed at Appendix C to the 2013 Report (the Property) be declared surplus and gave authorisation to agree the terms of disposal of the Property for residential development.

Following a period of marketing the Chief Property Officer has identified a preferred developer which has advised that the proposed residential development is only viable if the development site is extended to include the Property together with an additional part of public open space at Spider Park shown hatched red on the attached plan marked "Area Comparison") (the Additional Land) and has subsequently requested that the City Council includes the Additional Land in the disposal to it.

This report recommends and seeks Cabinet approval to:

- (a) declare the Additional Land surplus to the requirements of the City Council; and
- (b) to dispose of the Property and the Additional Land to the preferred developer for the purposes of residential development subject to advertising the proposed disposal and no public objections being upheld.

**Recommendations:**

- R1 That the Additional Land be declared surplus to the requirements of the City Council.
- R2 Subject to advertising the proposed disposal of the Property and the Additional Land and upon no public objections being upheld that the Property be sold to the preferred developer for the purposes of residential development.
- R3 That the Chief Property Officer be authorised to agree final terms for the disposal of the Property and the Additional Land, including the variation of any boundaries as required, and to instruct the Director of Legal and Governance to complete the necessary legal documentation.
- R4 That Cabinet notes that the Director of Culture & Environment will bring forward, as part of the monthly budget monitoring report, a capital approval submission to deliver the enhanced play area at section 2.

**Background Papers:**

*Cabinet Paper dated 08<sup>th</sup> May 2013.*

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Paul Schofield</i>
		Legal: <i>Leonie Wallace</i>
		Equalities: <i>N/A</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	<b>EMT member who approved submission:</b>	Simon Green
3	<b>Cabinet Member consulted:</b>	Cllr Mary Lea
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> <i>Ben Colver</i>	<b>Job Title:</b> <i>Senior Surveyor – Property.</i>
	<b>Date:</b> <i>2016</i>	

## **1. PROPOSAL**

At its meeting on 8 May 2013 Cabinet resolved that, subject to the outcome of public consultation and the provision of replacement open space, the Property be declared surplus to the requirements of the City Council. By the 2013 Report Cabinet were advised that the Property was intended for disposal to a developer for the purposes of residential development on the basis that part of the capital receipt would be used to fund a replacement play area. Following a period of marketing a preferred developer was identified, who has undertaken considerable due diligence and has now confirmed that it would only be able to proceed on the basis that the Additional Land is also included in the sale.

The preferred developer has had significant pre-application discussions with the Local Planning Authority to arrive at a scheme that ensures the design and layout is sympathetic to its surroundings.

To incorporate all the design requirements it has been established that the original site would be restrictive and not deliver the density of development to make the scheme financially viable to secure sufficient funds for the installation of new play equipment and associated landscaping on the site of the former Wisewood Secondary School to the scale and quality indicated by the design annexed to the 2013 Report at Appendix E.

The revised proposal is to incorporate the Additional Land comprising 0.13Ha (0.34 Acres) which will predominantly accommodate an extension to the adopted highway of Sevenfields Lane and the provision of a pedestrian route through the site (see attached plan marked "Site Layout 8 Detached Dwellings – Garden House Type").

Additional works by the preferred developer will be required to improve the Council's retained adjoining greenspace to compensate for the loss of the Additional Land. The extent of works to be undertaken will be subject to the approval of the Park's Head of Policy and Project.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

It will improve the local open space provision for the Wisewood and Wadsley neighbourhoods, provide a residential scheme and achieve a capital receipt, relocate and enhance the play offering onto a more suitable site and support the City Council's Custom Build Programme. The proposal supports the Thriving Neighbourhood & Communities and Better Health & Wellbeing objectives of the City Council's Corporate Plan 2015-18.

## **3. HAS THERE BEEN ANY CONSULTATION?**

There was significant public consultation during the relocation of the former Wisewood Secondary School relating to the future use of the school site which included the proposed land swap at Spider Park. In the intervening period the Friends of Wisewood and District have been consulted on the proposed inclusion of the Additional Land.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### Financial and Commercial Implications

It is proposed that the land transfer agreement will contain an overage provision that will oblige the developer to make an additional payment for the land in the event that the total proceeds of sales from the plots exceed the baseline amount on which the initial premium has been based.

The sale of the land at Spider Park should realise a capital receipt for the Council. The result of the tender exercise undertaken by the Council's property officers and is outlined in a Closed Part 2 to this report.

The sum will be allocated to the Corporate Resource Pool and be available for reinvestment to enhance the play facilities in the area.

##### Legal Implications

The City Council has the power to dispose of land for the best consideration that can be reasonably obtained under section 123 of the Local Government Act 1972 (LGA1972).

The City Council has satisfied the obligation upon it to achieve best consideration by carrying out a competitive marketing exercise, in accordance with the City Council's Disposals Policy, and selecting a preferred developer from offers received as a result of this marketing exercise.

Section 123(2A) of LGA 1972 provides that no disposal of open space land can take place until notice of the intention to do so has been advertised for two consecutive weeks in a local newspaper and any objections to the proposed disposal have been considered.

#### **5. ALTERNATIVE OPTIONS CONSIDERED**

The Council could decline the request for additional space although this is likely to result in the preferred developer withdrawing its offer for the land. This would mean that the Council would have to re-market the site with no guarantee that an alternative developer would come forwards and with the resultant delays to the relocation of the external play area.

## **6. REASONS FOR RECOMMENDATIONS**

Release of the additional land is required to enable the Council to benefit from a capital receipt which is sufficient to secure sufficient funds for the installation of new play equipment and associated landscaping on the site of the former Wisewood Secondary School to the scale and quality indicated by the design annexed to the 2013 Report at Appendix E.

The development of housing on the subject site will provide natural surveillance over the remaining open space and make the thoroughfare between Dial House Road and Sevenfields Lane safer to users.