



Executive Director Non-Key Executive Decision Report

Lead Officer of Report: Janet Sharpe

Tel: 0114 2735493

Report to: Executive Director, Place
Date of Decision: July 2021
Subject: Surplus declarations and appropriation of land at:
Shrewsbury Road (Granville), Deerlands Avenue
(Parson Cross) and Harborough Road (Manor)

Which Executive Member Portfolio does this relate to? *Executive Member for Housing, Roads and Waste Management and Executive Member for Sustainable Neighbourhoods, Wellbeing, Parks and Leisure*

Which Scrutiny and Policy Development Committee does this relate to? Safer and Stronger Communities

Has an Equality Impact Assessment (EIA) been undertaken? Yes No

If YES, what EIA reference number has it been given? *(Insert reference number)*

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

'The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).'

Purpose of Report:

The report seeks agreement for three areas of land to be declared surplus for the purposes of Part II of the Housing Act 1985 as they are not required the delivery of new housing. The report also seeks to declare surplus an area of land for use as open space/ public recreation. Subject to there being no objections to an open space notice the report also recommends that each site is appropriated to its new purpose, as described in the report.

Recommendations:

It is recommended that:

- The areas of land off Shrewsbury Road, Deerlands Avenue and Harborough Road (Site A) be declared surplus to requirements for the purposes of Part II of the Housing Act 1985 and no longer accounted for within the Housing Revenue Account
- The area of land off Harborough Road (Site B) be declared surplus to requirements for use as open space
- Subject to there being no objections to an open space notice it is also recommended that each site is appropriated to a new purpose, as described in this report.

Background Papers:

None

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: Damian Watkinson
	Legal: Stephen Tonge
	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	Lead Officer Name: Janet Sharpe
	Job Title: Director of Housing Services
Date: 21/07/2021	

1.	PROPOSAL
1.1	The report seeks agreement for three areas of land, shown outlined in red in Appendix 1 of this report, to be declared surplus by the Housing and Neighbourhoods Service for the purposes of Part II of the Housing Act 1985 and to no longer be accounted for in the Housing Revenue Account. None of the sites are required for the delivery of new housing.
1.2	<p>There are three areas of land to be declared surplus for the purposes of Part II of the Housing Act 1985. They are:</p> <ul style="list-style-type: none"> • Shrewsbury Road monument path site (Granville)- 0.485 hectares • Tongue Gutter/ Deerlands Avenue site (Parson Cross)- 0.006 hectares • Harborough Road, Area A (Manor)- 0.016 hectares <p>The combined total area to be declared surplus is 0.507 hectares, approximately</p> <p>Each of the three sites is described below (1.4 onwards) and are shown in Appendix 1.</p>
1.3	<p>Additionally an area of land is to be declared surplus by the Parks and Countryside Service as open space (Open Spaces Act 1906).</p> <ul style="list-style-type: none"> • Harborough Road, Area B (Manor) – 0.036 hectares <p>This site is also shown in Appendix 1</p>
1.4	The Shrewsbury Road monument path area of land is located in the Granville neighbourhood and is currently held for purposes of Part II of the Housing Act 1985. It previously formed part of the previous Clay Wood Tower Blocks site which was demolished in the mid 2000's. In February 2011 the Council's Cabinet approved inclusion of the site (as part of the wider site) within the Sheffield Housing Company Land Package for the development of new housing. However, due to its steep topography it was no longer considered necessary to retain as part of proposals to deliver new housing. After the demolition of the tower blocks the site became a managed vacant housing site until 2014 when the site was landscaped and seeded to create a new high quality green pedestrian link through to the grade II listed Cholera Monument off Shrewsbury Road. These proposals were developed as part of the Sheaf Valley Masterplan, with the official opening of the new space taking place in September 2014. The site has been maintained by the Parks Service and used formally by the public as open space ever since. It is therefore recommended that this land be declared surplus for the purposes of Part II of the Housing Act 1985 and appropriated for use as open space.
1.5	The Tongue Gutter area of land is currently held for purposes of Part II of

	<p>the Housing Act 1985. It previously formed part of the now demolished housing that ran between 264 and 194 Deerlands Avenue, Parson Cross. The area of land also forms part of the land package for Sheffield Housing Company. The area of land is no longer required for the delivery of new housing as, in practice, it extends beyond the boundary of the rest of the housing site and is not required to enable any development (it would likely only to form surplus garden space). Indeed this area of land forms part of Tongue Gutter- an area of open space running behind Deerlands Avenue and is part of the wider woodland buffer that separates the housing site from the open space. It is therefore recommended that this land be declared surplus for the purposes of Part II of the Housing Act 1985 and appropriated for use as open space.</p>
1.6	<p>Harborough Road Site A is also held for purposes of Part II of the Housing Act 1985. It too forms part of the approved land package for Sheffield Housing Company as part of the 'Corker Bottoms' site, which was demolished of housing in the early 2000's. However, Site A itself is separated from the rest of the site by an established hedge which runs along the edge of the boundary. The result is that, in practice, Site A sits within the wider open space behind the housing site and would therefore be more appropriate to become part of this wider space formally.</p> <p>Planning consent has been granted for the development of new houses on the Corker Bottoms housing site without the inclusion of Site A. Combined with the proposed benefit of offsetting this loss with the surplus declaration of Site B (See 1.6) this area of land is considered no longer required for the delivery of new housing and is therefore recommended that this land be declared surplus for the purposes of Part II of the Housing Act 1985 and appropriated for use as open space.</p> <p>The Council has already served an open space notice on the whole Corker Bottoms site (including site A) without receiving any objections. This was done in Spring 2020.</p>
1.7	<p>Harborough Road Site B is currently held as open space (Open Spaces Act 1906).</p> <p>It forms part of the approved land package for Sheffield Housing Company as part of the 'Corker Bottoms' site, which was demolished of housing in the early 2000's and is required for the purposes of Part II of the Housing Act 1985 to enable the development of new housing by Sheffield Housing Company.</p> <p>Whilst Site B is currently held for the purposes of open space and currently forms part of the wider open space that sits behind the housing site, in practice Site B is not connected to the rest of the open space because it is cut off from it by the established hedge which runs across the site. Therefore, the site is no longer required for use as open space and is it is recommended that it be declared surplus for this purpose and instead be appropriated for the purposes of Part II of the Housing Act 1985.</p>

2.	HOW DOES THIS DECISION CONTRIBUTE?
2.1	<p>The decision to declare the three identified sites- Shrewsbury Road, Deerlands Avenue and Harborough Road- Site A surplus to requirements for the purposes of Part II of the Housing Act 1985 will enable them to be appropriated to the Parks and Countryside Service (subject to an open space notice being served) to be formally maintained as open space to the benefit of existing open space users. In practice each of the sites sits adjacent to existing areas of open space which are currently maintained by Parks and Countryside, which will ensure continuity of maintenance arrangements.</p> <p>The decision to declare Harborough Road Site B surplus to requirements for use as open space would enable the site to be appropriated from the Parks and Countryside Service to the Housing and Neighbourhoods Service, enabling the delivery of the Corker Bottoms site by Sheffield Housing Company. Currently Site B forms part of the development proposal for the site, which would contribute to the delivery of 47 much needed new homes- currently scheduled to commence in mid to late 2022.</p>
3.	HAS THERE BEEN ANY CONSULTATION?
3.1	There is no requirement to consult on the decision to declare the site surplus to requirements. However, the decision to appropriate the sites has been taken in consultation with the Housing Management Service and Parks and Countryside.
3.2	In the case of Clay Wood, the Sheaf Valley Masterplan, which presented proposals for the Cholera Monument site path, was publicly consulted upon as part of the development of those proposals.
3.3	Proposals for developing Harborough Road Sites A and B were publicly consulted upon at an event held within the local community on 23 January 2020. These development proposals were approved by the Local Authority Planning Service on 30 September 2020 following submission on 23 December 2019.
3.4	The Council has already served an open space notice on the whole Corker Bottoms site (including site B) without receiving any objections to its development. These notices were advertised on 6 th and 13 th February 2020. Therefore the Corker Bottoms site does not need to be advertised again.
4.	RISK ANALYSIS AND IMPLICATIONS OF THE DECISION
4.1	<u>Equality of Opportunity Implications</u>

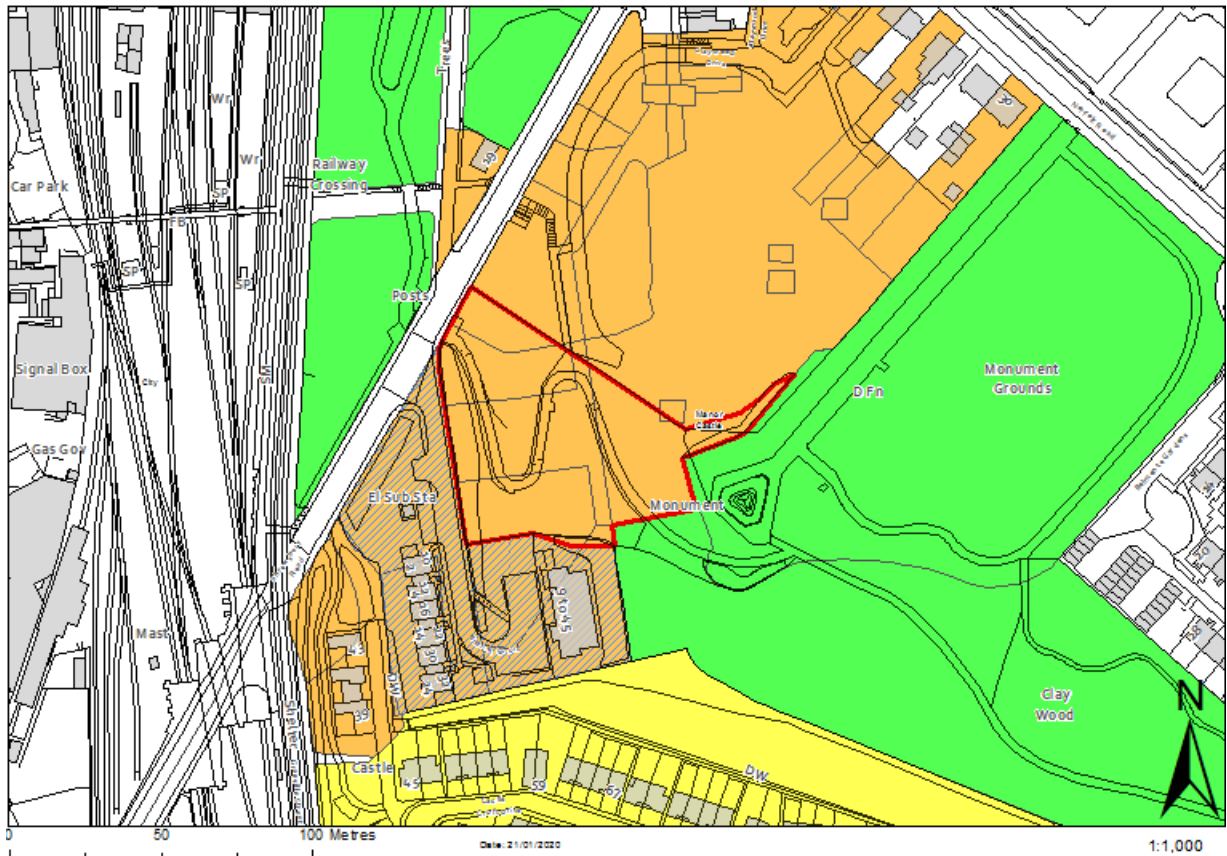
4.1.1	No implications identified
4.2	<u>Financial and Commercial Implications</u>
4.2.1	There are no financial or commercial implications from the portfolio decision to declare this site surplus. The decision will enable the site to be appropriated in accordance with the Council's Disposals Framework Policy and the Leader's Scheme of Delegation.
4.2.2	Subject to there being no objections to an open space notice the appropriation itself does have financial implications. Land transfer/ capital receipts: Property Services has confirmed that the net transfer value of the sites for all sites, with one exception, is nil. This is because the sites are relatively small and/or have poor topography and are also transferred with maintenance liabilities, therefore their value is considered de minimis with nil transfer. The one exception is part of the Harborough Rise, Site B. A small part of Site B is required for the development of new housing (see 3.3). This small part is 83.3 sq/m or 0.00833 hectares in size. Property Services has indicated that plot values are approximately £7,500 in comparable locations (for a plot of 110 sq/m), which provides a value of £5,680 to be transferred from the HRA to General Fund Capital receipts.
4.2.3	Site maintenance/ revenue implications on the General Fund The Parks and Housing & Neighbourhoods Services has also confirmed that there are no revenue implications in respect of maintenance contributions. Clay Wood has been actively managed by the Parks Service since 2014 with an acceptance that this land is their responsibility to maintain. However, none of the other areas of land cost either service anything to maintain at present therefore there are no revenue implications for the General Fund.
4.3	<u>Legal Implications</u>
4.3.1	Pursuant to the general power provided by s122 Local Government Act 1972, the Council may appropriate <u>land</u> from one purpose to another, when it is no longer required for the purpose for which it was previously held.
4.3.2	It is noted that no part of the land held under Part II Housing Act 1985 and subject to this Report consists of a house or part of a house. Consequently, the declaration that those parcels of land for housing purposes are surplus and appropriated for other use is not barred by s19(2) Housing Act 1985 (or restricted to obtaining consent of the Secretary of State be that specific or general consent). Therefore it is permissible for the Part II land subject to this Report be declared surplus and appropriated to a new purpose.

	<p>Furthermore, it is also permissible to declare surplus and appropriate to a new purpose any open space forming part of those parcels of Part II land which was held for the purpose of recreation grounds and other facilities for the benefit of people living in the housing accommodation built on the land.</p>
4.3.3	<p>The Executive Director of Place is authorised to declare land held in their portfolio as surplus pursuant to the Leader’s Scheme of Delegation and (unless there are wider considerations deemed necessary to escalate to Cabinet) the Executive Director is authorised to appropriate land from one purpose to another, when it is no longer required for the purpose for which it was previously held.</p> <p>Housing and Park land are each within the Executive Director of Place portfolio so both decisions may be made together in this Report.</p>
4.3.4	<p>Note that if the Executive Director should accept this Report recommendations to declare each site surplus to the purpose for which it is currently held and appropriated for another purposes then this should be qualified as being subject to there being no objections to an Open Space Notice that each site is appropriated to the new purpose.</p>
4.4	<u>Other Implications</u>
4.4.1	No other implications identified.
5.	ALTERNATIVE OPTIONS CONSIDERED
5.1	<p>Do nothing.</p> <p>Each of the surplus declarations seeks to ensure that each area of land (described in 1.2 and 1.3) is best utilised. By not declaring the sites surplus to requirements (in relation to their respective purposes) the sites cannot be appropriated to a more suitable use. In turn, the Housing and Neighbourhoods Service will have a responsibility to maintain small areas of land that already sit adjacent to open space (which is maintained by Parks), which, if ever practically implemented, is likely to be less cost effective for the Council. In the case of Corker Bottoms Area B, without the appropriation of this land for housing purposes, Sheffield Housing Company will be forced to redesign the scheme which could result in the loss of one unit within their 47 unit development proposal.</p>
6.	REASONS FOR RECOMMENDATIONS
6.1	<p>Each of the areas of land (see 1.2 and 1.3) described in the report is no longer required for the purpose for which it is held. As per the rationale within this report each site would benefit from being formally changed to reflect a new purpose. This is particularly important to formalise existing</p>

	maintenance arrangements (in the case of Clay Wood which has been treated as open space since 2014) and to also ensure that much needed new housing is maximised on the Corker Bottoms site.

Appendix A- Shrewsbury Road monument path site, Deerlands Avenue site and Harborough Road site

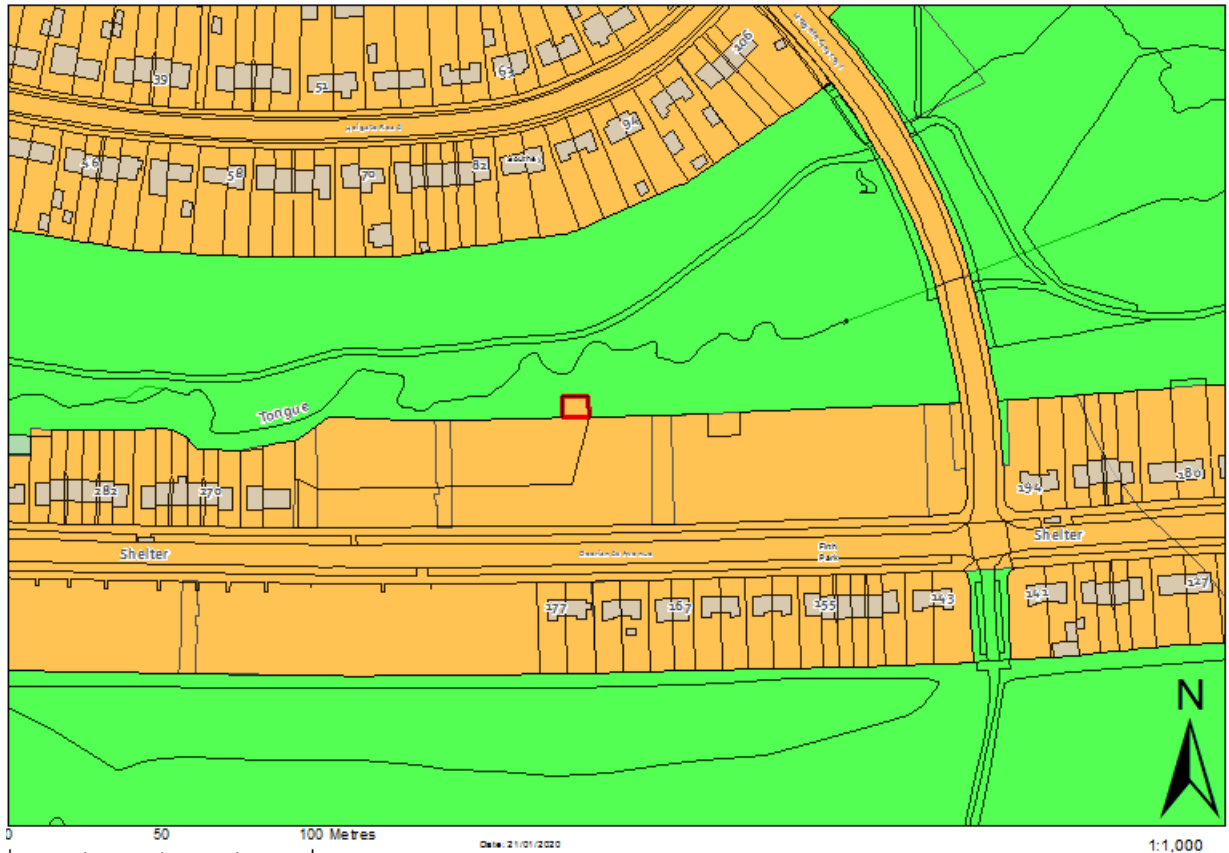
Shrewsbury Road monument path site, Granville, Sheffield, S2 Approximate size= 0.485 hectares



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Tongue Gutter, off Deerlands Avenue, Parson Cross, Sheffield, S5

Approximate size= 0.006 hectares



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Harborough Road (Area A and B), Manor Park, Sheffield, S2

Site A size= 0.016 hectares

Site B size= 0.036 hectares



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