

DISPOSAL OF LAND AT HOWARD GARDENS

REPORT OF THE DIRECTOR OF ECONOMIC DEVELOPMENT

AGENDA ITEM: 7

**PORTFOLIO: CORPORATE SERVICES & PERFORMANCE (COUNCILLOR
RGAHAM HINCHEY)**

Reason for this Report

1. To seek Cabinet approval for the disposal of land at Howard Gardens and as part of this to approve the advertisement of the disposal of Public Open Space (POS) under S123 Local Government Act 1972.

Background

2. The Council owns 1.2 acres of land at Howard Gardens illustrated on the attached site plan at Appendix 1.
3. The site is made up of three parts:
 - The former Bowling Green site (0.65 acres).
 - The Adamsdown Play Centre (0.2 acres) which is now the main delivery point for Flying Start childcare for the area.
 - Public open space (0.35 acres) – which currently accommodates the AdiZone facility installed in 2011 as part of the Council's contribution towards the 2012 Olympic and Paralympic legacy.
4. The Bowling Green site has been decommissioned since 2013 and is earmarked for disposal.

Issues

5. The Council's Economic Development Directorate is dealing with an enquiry from the Cardiff Sixth Form College (CSFC) who are seeking to expand in the city and to consolidate from a number of locations in to one new purpose built site.
6. The CSFC began as a small private tutorial centre in 2004 and has grown into one of the most successful independent schools in the UK with circa 300 students and 100 teaching and administration staff. The

College has received numerous accreditations and awards and is currently ranked as the top independent sixth form college in the UK by The Times and Telegraph newspapers. The College has held charitable status since its inception and has grown exponentially over the past 10 years. This rapid growth has led to the opening of a second centre in Oxford through a joint collaboration with Oxford International College.

7. Due to its success and growing demand for places the College is considering city centre sites in both Cardiff and Oxford for its expansion. Following a detailed site search the College has approached the Council regarding the availability of the whole of the Howard Gardens site.
8. The Council had originally intended to only dispose of the decommissioned Bowling Green site. However the opportunity to accommodate this prestige educational facility has led the Council to consider disposing of the whole of the Howard Gardens site. It is proposed that the disposal to Cardiff Sixth Form College would be based on an open market value.
9. To enable this disposal the College would be required to re-provision a brand new Play Centre of at least the same specification to the existing Adamsdown Play Centre with the same size of outdoor space and there may also be potential to consider broader community provision in the area as part of the development. The development scheme will also need to retain as much open space as possible and it is thought that this could be achieved through integrating the scheme with the proposed student accommodation development on the adjacent site.
10. The Adamsdown Play Centre is currently a Council run facility and consists of a building and an external play area. In 2014/15 the centre benefitted from a £223,000 capital refurbishment grant, funded by the Welsh Government to meet the local deficit in Flying Start childcare places. This new Flying Start facility currently provides 32 FTE places for eligible children resident in the Adamsdown 01, 02 and Splott 06 Lower Super Output Areas and forms part of a 2 year delivery contract with 'Little Angels Adamsdown'. The Play Centre site was identified in the 2015/16 Budget Report as a site that will continue to operate until the end of the 2015/16 with the expectation that it would be transferred by the year end to the community.
11. If relocation of the Flying Start provision on part of the site is required as part of the land disposal, this will need to be consistent with the facility and the outside area that is already provided. This will need to exceed care and social services inspectorate Wales (CSSIW) minimum standards. Any new, permanent or temporary facility will have to be registered with CSSIW before services can recommence and must be located within the vicinity of the lower super output areas served.
12. The Welsh Government Flying Start capital grant conditions stipulate that the Council is required to notify them in advance if it plans to sell, transfer, lease or otherwise dispose of all or any substantial part of the assets purchased as part of the purposes within five years from the

completion of the purposes; or if it plans to move all or any substantial part of the assets purchased as part of the purposes. Initial comments from Welsh Government indicate that there would be no objection in principle to the Council relocating the facility on an alternative part of the site on the condition that it is a like for like facility constructed at no additional cost to Flying Start and that the provision of the service provided is continuous and not interrupted due to the relocation.

13. If the sale or transfer of the land is completed within the next two years, the childcare contract with Little Angels Adamsdown will need to be re-negotiated on the basis of operating from a new facility.
14. Both the Play Centre and the AdiZone site provide or have provided a public facility and therefore are classified as designated Public Open Space sites. There is therefore the need to be publically advertise the proposed disposal under s123 Local Government Act 1972.
15. The proposed disposal of the whole 1.2 acres of the Howard Gardens site is only being considered to secure the future expansion of the Cardiff Sixth Form College in the city. In the event that the Council is unable to conclude a disposal with the Cardiff Sixth Form College it is intended that this report provides authority for the Council to undertake an open market sale of the 0.65 acres former Bowling Green site only with the Adamsdown Play Centre and the Adizone public open space area retained in their current form.

Local Member Consultation

16. Consultation has been undertaken with local members. Local members are broadly supportive of the principle of disposal on the whole of the site for this purpose on the basis that the play centre and a comparable area of public open space are re-provided.

Reasons for Recommendations

17. The reason for the recommendations are to allow the Council to progress the process for declaring the POS site surplus to its requirements in order to secure a capital receipt from a land sale and to secure the future of an important educational facility in Cardiff.

Legal Implications

18. Pursuant to section 123 of the Local Government Act 1972 the Council is required to obtain best consideration from its land disposals, which may be wholly monetary or partly in kind. Disposal of open space land requires prior advertisement and proper consideration of any objections received. Disposal of land to a sole bidder has to be in special circumstances so as to comply with the Council's procedure rules

Financial Implications

19. The report proposes opportunities for the sale of land. Independent advice will need to be considered to demonstrate best value for the Council whether the land is sold to a single interested party or on the open market. In determining that best value, consideration needs to be given to the costs of relocating the Adizone provision and costs of maintaining existing flying start or any broader community provision on this site. This should include capital costs of re-provision, impact on operating costs and how these are to be paid for. Regard should be had to flying start grant terms and conditions in determining alternative provision.
20. The full financial implications from any proposals for sale would need to be considered further in a future report as part of the final decision making process.

RECOMMENDATIONS

Cabinet is recommended to:

- (1) Agree in principle to the sale of the whole 1.2 acres of land at Howard Gardens (identified edged red on the attached plan at Appendix 1) to the Cardiff Sixth Form College at market value.
- (2) Agree in principle to the sale of the 0.65 acres former Bowling Green site (identified on the attached plan at Appendix 1) through an open market process in the event that the sale outlined in recommendation (1) above does not progress.
- (3) Delegate authority to the Director of Economic Development in consultation with the Director of Education, the Director of Legal & Governance, the Section 151 Officer and the Cabinet Member for Corporate Services and Performance to:
 - (a) Advertise the disposal of Public Open Space for the land at Howard Gardens as identified by the areas marked A and C on the attached plan at Appendix 1 and determine whether a disposal of the land should proceed in the event of objections being received;and
 - (b) Subject to recommendation 3(a), to dispose of the land (edged red at Appendix 1) in accordance with the terms set in this report. The land shall be sold at an open market value which shall be established through an independent valuation. The sale shall be subject to the agreement of satisfactory disposals terms.

NEIL HANRATTY

Director

11 September 2015

The following Appendix is attached:

Appendix 1 – Site Plan

