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**FORMER DEPOT PREMISES, REAR TANDRIDGE COURT, OFF WOODLAND  
ROAD, DARLINGTON**

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**Responsible Cabinet Member - Councillor Stephen Harker  
Efficiency and Resources Portfolio**

**Responsible Directors - Richard Alty, Director of Place  
Paul Wildsmith, Director of Resources**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To have the above named Council-owned property declared surplus and to seek authority to dispose of it by informal tender or such other method as is appropriate.

**Summary**

2. As a result of changes in the way Street Scene operate, the subject property ceased to be used as a satellite depot in the later part of 2010. Since that time, it has been used by the contractor carrying out the Heritage Lottery funded improvement works to the Denes and for storage purposes. The Heritage works to the Denes have now ended.
3. All Council Departments have been made aware of the availability of this vacant property, to ascertain if they may have a need to occupy it but no such operational need has been identified.

**Recommendation**

4. It is recommended that :-
  - (a) The property is declared surplus to the Council's requirements.
  - (b) The Director of Resources be authorised to dispose of the property in line with the conclusion at paragraph 19 of the report.
  - (c) The Borough Solicitor be authorised to complete the appropriate documentation.
  - (d) Members delegate to the Director of Resources the authority to advertise the

proposed disposal in line with para 16 of the report and consider objections thereto prior to completion of the disposals / contract documentation.

## Reasons

5. The recommendations are supported by the following reasons :-
- (a) To remove from the Council potential maintenance and security liabilities.
  - (b) To achieve a capital receipt.

**Paul Wildsmith**  
**Director of Resources**

## Background Papers

No Background papers were used in the preparation of this report

Robert Young : Extension 2738  
PB

S17 Crime and Disorder	This report has no implications for crime and disorder
Health and Well Being	There are no Health and Well Being Issues
Carbon Impact	There are no carbon impact implications in this report
Diversity	There are no diversity issues
Wards Affected	Pierremont
Groups Affected	Not Applicable
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	There are no issues adversely affecting the Community Strategy
Efficiency	A capital receipt from the disposal of the property will help the Council's finances. There will also, following disposal, be a reduced call on the amount of officer time needed to manage the asset and on maintenance and repair budgets.

## MAIN REPORT

### Information and Analysis

6. The land shown highlighted on the **attached plan** is owned by the Council. It was used by Street Scene to store grounds maintenance equipment until the later part of 2010, when it was vacated. It was then used as a compound and secure storage facility by the contractor carrying out the Heritage Lottery Fund improvements to the Dene Park. As part of the Heritage Lottery Fund work, a new entrance and footpath has been created from Woodland Road, next to Cocker Beck, which connects with the existing Dene Park footpath system to the rear of the nearby tennis courts and adjacent to the subject property. The use of the premises by the contractor ceased earlier in 2012.
7. There is an air monitoring unit currently on the site and a contribution is to be sought from the purchaser of the land, to fund the cost of relocating the unit to a suitable alternative Council owned piece of land. In the event that the cost of relocating the unit is prohibitive, the purchaser of the land will be expected to re-position the air monitoring unit to a less visually intrusive part of the land sold at their own cost. In this case, a contribution towards off-site relocation would not be sought.
8. The land was purchased by the Council under two conveyances dated July 1927 and September 1928 and there is a note attached to each conveyance stating that the majority of the land was appropriated for use as parkland. This has been done, with the exception of the area used as a store, workshop and garage.
9. Since the Lottery Fund work to the Dene Park has been completed, a restriction has been placed on the title to the land by The Big Lottery Fund and this will prevent a disposal of the land unless their consent is forthcoming. An approach to the Big Lottery Fund has commenced regarding the lifting of this restriction. The semi-industrial nature of the land intended to be disposed of is to be explained to the Lottery Fund and it is anticipated a release of the restriction in respect of that part to be sold will be forthcoming.

### Financial Implications

10. The proposed sale will generate a capital receipt which can only be used for capital spending or repaying debt. The use of the proceeds will then need to be considered within the MTFP. The costs of the land sale, such as the Council's surveyors and legal fees, are anticipated to be charged in addition to the capital receipt.

### Equalities Implications

11. In declaring this land surplus to operational requirements and / or seeking to dispose of the site for development, the potential impact on those people with protected characteristics under the Equality Act 2010, is considered to be no greater than the impact on any other group or individual.  
Any site specific factors needing to be addressed should be considered through the

planning application/design process.

## **Legal Implications**

12. The relevant statutory powers for disposal of land referred to in this report are Section 123 of the Local Government Act 1972 which enables the Council to dispose of land using whatever method it chooses as long as it meets its overriding duty to obtain the best consideration that can be reasonably obtained for the land.
13. As from 18th May 2012 the Secretary of State gave to all local authorities in England "A. The General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985 - 2012" ("the General Consent").
14. Clause 3.2 of the General Consent provides that a local authority may dispose of vacant land at any price it shall determine to be reasonable. It does not require the sale to be at market value. The land this report relates to is vacant land for the purposes of the General Consent. It is envisaged however that the land will be disposed of in such a way to obtain best consideration for the land in accordance with section 123 of the Local Government Act 1972.
15. The land subject to disposal contains an element of open space and it is therefore prudent to undertake further community engagement and consultation for the purposes of the Section 123 (2A) of the Local Government Act 1972.
16. The new open space provision has not been defined in detail and this Cabinet report therefore seeks that members delegate to the Director of Resources the authority to advertise the proposed disposal and consider objections thereto prior to completion of the disposals / contract documentation.

## **Planning Comment**

17. Initial indications from Services for Place is that the land may be suitable for a small scale residential development, though highways and flood risk issues will need to be addressed. A Planning and Development Brief for the land is being prepared and this will influence the scale of development, as will the Design Supplementary Planning Document.

## **Outcome of Consultation**

18. No external consultation has been carried out in preparing this report. Due to the small size of the site, it is anticipated that no public consultation will be done by the Council. The Planning and Development Brief will indicate the level of pre-planning consultation which may need to be done by the purchaser of the land. The internal Council consultation process has raised no objections in principle to the proposal to dispose of the land other than those comments detailed in this report.

## **Asset Management**

21. The land is no longer required for operational purposes and there are no Strategic Asset Management issues preventing disposal of the land.
22. It is considered that the recommendations in this paper provide the best way forward for the Council in terms of asset management.

### **Conclusion**

23. As no operational use for the property has been identified, it is proposed that the asset be considered surplus to the Council's requirements and duly offered to the market for potential residential development.