

WIRRAL COUNCIL

DELEGATED DECISION

SUBJECT:	SALE OF LAND ADJOINING GIBSON HOUSE, OFF SEABANK ROAD, WALLASEY
WARD AFFECTED:	LISCARD
REPORT OF:	ASSISTANT CHIEF EXECUTIVE
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR GEORGE DAVIES
KEY DECISION	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek approval to the disposal of the Council's freehold interest in land located off Egremont Promenade and Maddock Road, Wallasey, which will generate both capital and revenue, and facilitate the retention and refurbishment of a landmark building known as Gibson House.
- 1.2 In addition, approval is required for the land in Council ownership to be appropriated for planning purposes under section 122 of the Local Government Act 1972. Appropriation occurs where the Council holds land for one particular purpose and makes a declaration that it is going to hold land for a different purpose. The land is currently designated as green space but is to be made available for development. It is the intention therefore to formally appropriate the land for planning purposes.
- 1.3 Section 122 of the Local Government Act 1972 requires the Council to advertise the intention to appropriate green space for two successive weeks in a newspaper circulating in the area. Section 123 of the same Act requires the Council to similarly advertise any proposed disposal of open space land. Any objections need to be notified to the Council for consideration prior to such appropriation or disposal.
- 1.4 Under Section 233 of the Town and Country Planning Act 1990 indicates that "where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for those purposes the authority may dispose of the land to such person, in such manner and subject to such conditions as appear to them to be expedient in order to secure the best use of that land"
- 1.5 Approval is sought, subject to there being no objections referred to above, for the appropriation and disposal of the land together with approval that any objections be considered by the Director of Universal and Infrastructure Services in consultation with the Portfolio Holder to determine the appropriation and disposal.
- 1.6 As part of the Council's five year plan the proposals in the report support the following pledges:
 - Council making better use of its assets
 - Good quality housing that meets the needs of residents
 - Older people live well

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Council owns the freehold interest in land located off Egremont Promenade and Maddock Road, Wallasey which comprises sloped grass banking and footpath between the promenade and the derelict Gibson House. The site is shown edged red on the attached plan with Gibson House shown shaded blue, both of which occupy prominent locations with views over the Mersey to Liverpool.
- 2.2 Gibson House is owned by Nautilus, a Charity which also owns and operates the neighbouring Mariners Park Estate which provides sheltered, extra care and residential home accommodation for former Mariners.
- 2.3 Gibson House is in a very poor state of repair having been vacant for many years. Nautilus has secured consent to demolish the building, together with planning consent to redevelop the cleared site with two storey new build housing. The House, though not listed, is an imposing example of Victorian architecture, originally built as a Mariners' Residential Home, and there is considerable support in the local community for the retention of this landmark building. A proposal has now been put forward by a Developer which would see the preservation and refurbishment of the building provided adjoining Council owned land could be acquired for an associated 'enabling' development.
- 2.4 The proposed scheme envisages the refurbishment and conversion of Gibson House into 33 apartments for sale, with 6 new build town houses to be built in the grounds and the existing lodge converted and improved. The remainder of the grounds together with part of the Council's site adjoining would accommodate 14 new build apartments for sale. A further 31 apartments to be rented by Nautilus would be constructed on the remaining Council land to complement the Mariners Park Estate subject to the grant of planning permission.
- 2.5 The inclusion of the Council's land is intended to facilitate the larger scheme by offering the opportunity for 'enabling' development to be built, the profits of which will subsidise the refurbishment of Gibson House which could not be converted into apartments economically in isolation.
- 2.6 A Valuation Report has been commissioned from Savills (Chartered Surveyors) which puts the value of the combined sites at £670,000. The intended split is £500,000 to Nautilus and £170,000 to the Council. The reasoning behind the split is that Nautilus could achieve this figure if it chose not to join in the larger scheme by simply selling Gibson House in isolation and allowing the building to be demolished.
- 2.7 In respect of the Council's site, development would not be considered if it were taken in isolation. It only has value as part of the larger scheme so any receipt should be viewed as a windfall. The Council will in addition benefit from Council Tax revenue on 85 new residential units which will amount to at least £84,000 per annum. These figures assume the lowest Council Tax banding but will be dependent on the actual banding determined and on any discounts and exemptions awarded.
- 2.8 There are covenants on the Council's title to the land restricting the use to an ornamental pleasure ground or garden and prohibiting any building on the land other than a bandstand. In addition no tree or shrub to be planted should exceed eight feet in height. These covenants date from the 1890's when the locality was obviously very different and it is unlikely that any beneficiary of such covenants would come forward

today to enforce such covenants. It is the intention in any case to use section 237 of the Town and Country Planning Act 1990 to override these covenants by appropriating the land for planning purposes. Any beneficiary would then have the right to compensation but, due to the age of the covenants, the likelihood of any claim being made is extremely remote and, should this occur, it is difficult to understand how any 'damages' might be assessed.

2.9 The proposal delivers against three key pledges in the Wirral 2020 plan.

3.0 RELEVANT RISKS

3.1 There is a risk with any development proposal but the developer has a proven track record of undertaking such developments and has employed a professional team who have prepared a detailed case for the proposal which has been seen by Council Officers and approved by Nautilus. The developer has the resources to undertake the development and the property market evidences that there is a demand for the residential accommodation in this area. This proposal will be subject to planning (with the developer taking the risk of £150,000 of fees to design the scheme and apply for planning permission) and the Council will use a building licence to ensure that the development is built out, only transferring its freehold interest in its land upon completion of the residential development on the land it owns.

3.2 If nothing is done, Andrew Gibson House will continue to deteriorate and the character building which is an important part of the area's history will be lost for future generations.

3.3 The act of appropriating the land gives rise to the extremely remote risk of a compensation claim being made because private rights have been overridden.

4.0 OTHER OPTIONS CONSIDERED

4.1 This proposal from the developer is the only option that has been considered for these sites as it is the only option which will enable the retention of the building and the provision of the residential units as required by Nautilus.

5.0 CONSULTATION

5.1 A local facebook campaign expressed overwhelming support for the retention of Gibson House.

5.2 The detailed proposal will be subject to statutory public consultation through the planning application process.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 There are no implications for voluntary, community and faith groups.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 There are no IT or staffing implications arising from this report

7.2 The sale of the Council's interest will result in a capital receipt of £170,000 plus fees. The Council will in addition benefit from the Council Tax revenue on 85 new residential units which will amount to at least £84,000 per annum. These figures assume the lowest

Council Tax banding but will be subject to the actual banding and any discounts and exemptions awarded.

8.0 LEGAL IMPLICATIONS

- 8.1 The transactions will require the preparation of appropriate legal documentation to reflect the situation set out in 3.1 above.
- 8.2 The land needs to be formally appropriated for planning purposes and the required notices under sections 122 and 123 of the LGA 1972 and section 233 of the Town and Country Planning Act 1990 need to be published for two consecutive weeks in a local newspaper.

9.0 EQUALITIES IMPLICATIONS

- 9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

Yes, an impact review can be viewed by following the link –

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2014-15/chief>

10.0 CARBON REDUCTION IMPLICATIONS

- 10.1 There are no carbon reduction implications for the Council arising directly from this report.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 11.1 The Council owned site is designated as Urban Greenspace in the Council's Unitary Development Plan (UDP). The objective of UDP Policy GRE1 is to ensure the loss of Greenspace is not permitted unless the supply of recreational and amenity open space remains adequate. A proposal for residential units would be a departure from the development plan, unless alternative provision of equivalent community benefit is made under the terms of UDP Policy GR1 'The Protection of Urban Greenspace'.
- 11.2 Section 38 (6) of the Planning & Compulsory Purchase Act 2004 will require any future planning application to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 11.3 Material considerations will include the extent to which conformity with the National Planning Framework (NPPF) can be achieved. NPPF paragraph 74 indicates that open space should not be built on, unless assessed as surplus to requirements, or the loss would be replaced by equivalent or better provision in a suitable location.
- 11.4 The Wirral Open Space Assessment Update 2012 found there was no shortage of Amenity Greenspace for the Wallasey settlement area as whole. However, the Council seeks to ensure that no household is further than 400 metres walking distance from larger accessible open space of at least 1.5ha through UDP Policy GRE1 and Policy CS31 in the emerging Core Strategy. The nearest open space of this size is at Vale Park 1,020 metres along the promenade and Central Park 1,080 metres via Greenwood Lane from site.

11.5 The alternative recreational value of the promenade and Mersey River frontage along with any benefits from securing the retention and refurbishment of Gibson House as a land mark building could be put forward as material considerations in support, but the quality and benefits of any proposed development will need be considered against the impact on the landscape, the character of the area and the loss of the designated Greenspace as part of a future planning application.

12.0 RECOMMENDATIONS

12.1 That the transfer of the Council's interest in the site be approved on the terms reported.

12.2 That the land in Council ownership to be appropriated for planning purposes pursuant to Section 122 of the Local Government Act 1972 and disposed of, provided no objections are made. If the Council decides to appropriate the land for planning purposes it will dispose of the land in accordance with the provisions of section 233 of the Town and Country Planning Act 1990.

12.3 That the proposed disposal of the land in Council ownership be advertised for two consecutive weeks in a local newspaper pursuant to section 123 of the Local Government Act 1972 as amended by section 118 schedule 23 Part V Paragraph 14 of the Local Government Planning and Land Act 1980.

12.4 That any objections to the appropriation and/or disposal shall be considered by the Head of Universal and Infrastructure Services in consultation with the Portfolio Holder who shall then have authority to determine the appropriation and disposal.

12.5 That it be noted that, as part of the Council's five year plan, the proposal in this report supports the pledges to ensure the Council makes better use of its assets, provides good quality housing that meets the needs of residents, and enables older people to live well.

13.0 REASONS FOR RECOMMENDATIONS

13.1 To enable the sale of the Council's interest to proceed, and to realise a regeneration project retaining a character building in Wallasey along with providing good quality housing that meets the needs of residents.

13.2 To facilitate the appropriation and disposal of the land.

13.3 To comply with Statutory requirements.

13.4 To enable the Portfolio Holder to determine the appropriation and disposal.

13.5 To identify the three key pledges that this disposal will meet as part of the Wirral 2020 Plan.

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APPENDICES

Location plan

REFERENCE MATERIAL

No reference material has been used in the preparation of this report.

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