1. **Purpose of Report**

1.1 To consider rescinding the requirement to obtain planning consent prior to the marketing of surplus garage sites.

2. **Recommendations**

2.1 That Cabinet approve an amendment to the following resolutions:

   Minute no. 15 (B) of the Cabinet meeting held on 3rd July 2003 and;

   minute no. 61 (B) of the Cabinet meeting held on 15th November 2007

   thereby removing the requirement for the Council to first obtain planning consent before its surplus garage sites are offered for sale on the open market.

2.2 That the garage sites identified be marketed for residential development purposes by the method deemed most appropriate and be disposed of in accordance with terms and conditions agreed by the Deputy Chief Executive.

3. **Key Issues**

3.1 At meetings on 3rd July 2003 and 15th November 2007 Cabinet considered ongoing reviews of the Council’s garage sites and resolved that certain sites were surplus to requirements and should be sold for development purposes where appropriate. There are still a number of garage sites that were declared surplus but which have not yet been placed on the market due to the necessity to decant garage tenants beforehand.

3.2 The resolution to sell in each case included the requirement for the Council to first obtain planning consent for each site before it is placed on the open market. Submission of a planning application for each garage site extends the disposal process
considerably, even more so now that applicants are required to submit a design and access statement, tree survey, etc.

3.3 The Head of Housing Services has advised that, with the decline in Council house sales, a capital receipt is now required from the sale of garage sites as a matter of priority. Evidence from the disposal of surplus garage sites by neighbouring local authorities indicates that receipt of planning consent prior to the marketing of some forms of garage sites makes a negligible difference to the value of the capital receipt achieved when sold at auction. Garage sites considered unsuitable for this form of disposal will continue to be disposed of by open tender.
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Section 1

Background

At its meeting on 3rd July 2003 Cabinet considered a report of the Head of Housing relating to the review of Council owned garage sites. Resolution 15(B) of that report stated:

“That, subject to the receipt of planning consent, the following garage sites be marketed for residential development or another appropriate alternative use ……………and be disposed of in accordance with terms and conditions agreed by the Director of Policy and Review.”

At its meeting on 15th November 2007 Cabinet considered a report of the Director of Service Improvement relating to a further review of Council owned garage sites. Resolution 61(B) of that report stated:

“That, subject to the receipt of planning consent, the garage sites identified be marketed for residential development and be disposed of in accordance with terms and conditions agreed by the Deputy Chief Executive.”

There are still a number of garage sites, as identified in Annex 1, that were declared surplus at the above Cabinet meetings but which have not yet been placed on the market due to the necessity to decant tenants beforehand.

Section 2

Details of Matters to be Considered

The Head of Housing Services has advised that, due to a decline in Council house sales, capital receipts are now required from the sale of garage sites as a matter of priority in order to support the HRA Capital Programme. Submission of a planning application for each site extends the disposal process considerably, even more so now there is a need for applicants to submit a design and access statement, tree survey, etc. Evidence from the disposal of surplus garage sites by neighbouring local authorities indicates that receipt of planning consent prior to the marketing of garage sites makes a negligible difference to the value of the capital receipt achieved.

The requirement for early capital receipts may be satisfied by sale of garage sites at public auction. This method of disposal is relatively quick and provides certainty for the Council that a sale will complete since an exchange of contracts occurs on the day of the auction with completion of the sale taking place within 28 days thereafter. Providing potential purchasers with the relevant contact details within marketing particulars to enable them to discuss their development proposals with planning officers prior to auction and for some garage sites will negate the need for the Council to obtain planning consent before marketing the sites.

Section 3

Contributions to CHASE

The disposal of the surplus garage sites will generate a capital receipt that will help to support the Council’s HRA Capital Programme.
The proposed course of action will therefore contribute to the “Healthier Communities, Housing and Older People” objective of CHASE by helping to meet and then maintain the Decent Homes standard for the Council’s housing stock.

Section 4

Section 17 Implications

Under occupied garage sites attract vandalism and anti-social behaviour. The disposal of surplus garage sites and their subsequent development for residential purposes will therefore have positive implications for crime prevention.

Section 5

Human Rights Act Implications

There are no implications under the Human Rights Act 1998 arising from this report.

Section 6

Data Protection Act Implications

There are no identified implications in respect of the Data Protection Act arising from this report.

Section 7

Risk Management Implications

The Head of Housing Services has identified the inability to secure HRA capital as a risk to the Council’s decent homes objective. Approval of this proposal may mitigate part of this risk by providing the opportunity to secure capital receipts from the surplus garage sites at an earlier stage than if planning permission is a prerequisite to sale.

Section 8

Legal Implications

Under the Local Government Act, section 123, a principal council may dispose of land.

2. Section 123 provides:

   (2) Subject to the following provisions of this section, a principal council may dispose of land held by them in any manner they wish.

   (2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

3. Moreover, section 2 of the Local Government Act 2000 provides local authorities with the power to do anything which they consider likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area, having regard to their community strategy prepared pursuant to Section 4 of the Act.
4. The power of well-being is a power of “first resort”.

5. The power of well-being is wide ranging and establishes the legal framework to enable local authorities to improve the quality of life, opportunity and health of their local communities.

6. There is no definition of the action that would constitute the promotion of economic, social or environmental well-being. Ultimately, it is for the Council to decide whether any particular action will achieve the promotion or improvement of well being, taking account of the local circumstances and the needs/wishes of the local community.

Section 9

Financial Implications

It has not been possible at this stage to quantify a capital receipt for the disposal of garage sites. The land is currently held within the Housing Revenue Account. The potential net receipt would be 100% available to fund social housing projects.

Each party will be required to bear their own costs in the disposals. The Council’s costs of disposal will be charged against the capital receipt.

Section 10

Human Resource Implications

There are no identified implications in respect of Human Resources arising from this report.

Section 11

Conclusions

That the likelihood of achieving a capital receipt from the sale of garage sites before the end of this financial year will be increased by selling the sites at public auction without first obtaining planning consent. Garage sites not considered suitable for sale in this manner will be sold by open tender in the usual way.

Background Papers

Annexes

Annex 1 Schedule of garage sites
Schedule of Garage Sites

Garage court adj. 55 Ascot Drive, Cannock
Garage court adj. 20/22 Ellesmere Road, Cannock (site G)
Garage court rear of 32 Breeze Avenue, Norton Canes (site K)
Garage court adj. 31 Elm Road, Norton Canes
Garage court adj. 5 Woodside Place, West Chadsmoor
Garage court adj. 9 Glen Close, West Chadsmoor
Garage court adj. 5 Wardle Place, West Chadsmoor
Garage court adj. 5 Cornhill, West Chadsmoor
Garage court rear of 25 Petersfield, Chadsmoor
Garage court adj. 40 Red Lion Close, Norton Canes (top site)
Garage court opposite 1 Surrey Close, Cannock (site B – part)
Garage court adj. 1 St Michaels Drive, Brereton