

**Name of meeting:** Cabinet  
**Date:** 21<sup>st</sup> August 2018

**Title of report:** Bradley Business Park Huddersfield - Phase 3

**Purpose of report:** To consider the offer received from Aflex Hose Ltd for the purchase of the council owned land off Dyson Wood Way, Huddersfield known as Phase 3 Bradley Business Park.

<b>Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	Yes The sale of the land should generate a receipt in excess of £250k
<b>Is it in the <a href="#">Council's Forward Plan?</a></b>	Yes
<b>Is it eligible for call in by <a href="#">Scrutiny?</a></b>	Yes
<b>Date signed off by Strategic Director &amp; name</b>	Karl Battersby - 7.08.2018
<b>Is it signed off by the Acting Service Director for Finance IT and Transactional Services?</b>	Eamonn Croston - 9.08.2018
<b>Is it signed off by the Service Director for Legal, Governance &amp; Commissioning?</b>	Julie Muscroft - 3.08.2018
<b>Cabinet member <a href="#">portfolio</a></b>	Cllr Graham Turner - Corporate

**Electoral [wards](#) affected:** Ashbrow

**Ward councillors consulted:**

**Public or private:** Public (with Private Appendices)

## 1.0 Summary

1.1 This report will advise members of the offer submitted by Aflex Hose Ltd to purchase the council owned land at Phase 3 Bradley Business Park.

## 2.0 Information required to take a decision

2.1 Cabinet on 28th July 2015 approved the marketing and disposal of Bradley Business Park Phase 3 (shown edged on the attached site plan) for B1 (b) and (c) purposes only in accordance with the allocation in the adopted Unitary Development Plan. An extensive marketing campaign followed which produced no interest in the site for the specified uses. The site allocation in the emerging Local Plan extends this to “Employment” uses, which the Local Planning Authority defines as all the B class uses.

2.2 In June 2017, officers reported to Economy Senior Leadership Team (SLT) the interest of Aflex Hose Ltd. in the whole site for consolidation and re-location of their operations from the Calderdale area. SLT endorsed the grant of an exclusivity agreement to enable the company to “carry out an evaluation as to whether it could viably redevelop the site into a mixed scheme with Use Classes B1 and B2”. This agreement will expire on 30th September 2018.

Aflex Hose Ltd are a world leading hose engineering company in pharmaceuticals with 70% of jobs highly skilled work force with plans to grow over time. Investment in the new facility will be a multimillion pound development to be operational by 2020.

2.3 The company’s agents, GVA, submitted a formal offer on behalf of Aflex Hose Ltd. for the site in February 2018. The offer submitted included a (draft) heads of terms document and a formal cost plan for the proposed development.

2.4 On 30th April, the purchaser submitted a detailed planning application for the construction of a 188,000ft<sup>2</sup> production unit with ancillary office building of 18,000ft<sup>2</sup> and 343 car parking spaces with access and landscaping under reference 2018/91432. The application is currently under consideration by the Local Planning Authority (LPA). A planning statement was submitted to the council’s strategic planning committee on 5th July 2018.

2.5 The offer has been appraised by officers in conjunction with the council’s external valuer and the advice is contained within the private appendix to this report. The proposed heads of terms for the disposal have also been the subject of ongoing discussions between officers and the purchaser and has culminated in a draft heads of terms document which is also included in the private appendix.

2.6 A disposal of the land will be subject to the purchaser obtaining a satisfactory planning permission for their proposed development. The council will be under no obligation to complete the disposal in the event of a planning refusal by the LPA or an appeal against a planning decision of the LPA. Equally, the purchaser will be under no obligation to complete the purchase under the same circumstances. The disposal will contain a restriction on the future use of the land and buildings to B1, B2 and B8 purposes only.

- 2.7 The disposal will also be subject to completion of a deed of option for the council to repurchase the land at the purchase price in the event that no contracts have been put in place for the construction of the proposed development within 6 months of completion.

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

None.

#### **3.2 Economic Resilience (ER)**

The presence of a world leading company in Kirklees, will provide the opportunity for significant inward investment and jobs.

#### **3.3 Improving Outcomes for Children**

None.

#### **3.4 Reducing demand of services**

None.

### **4. Financial, Legal & Other Implications**

- 4.1 The sale of the land will generate a capital receipt for the council. There are no revenue savings associated with the disposal.
- 4.2 The council is under a statutory duty to obtain the best consideration that can be reasonably be obtained when disposing of land and property. Best consideration is generally the unrestricted Market Value and is the best price reasonably obtainable for the disposal where the principal aim was to maximise the value of the receipt. The unrestricted value should take account of whatever uses might be permitted by the local planning authority.

#### **5.0 Consultees and their opinions**

Cllr Graham Turner - Portfolio Holder Corporate.

#### **6.0. Next Steps**

The application is currently undergoing public consultation and the earliest strategic Planning Committee date is therefore 30<sup>th</sup> August 2018.

## **7.0 Officer recommendations and reasons**

Officers recommend that:

- 7.1 Cabinet approves the disposal by the Council of Bradley Business Park Phase III to Aflex Hose Ltd for the purchase price set out in the Heads of Terms attached at appendix 3 such disposal to be (i) conditional upon the grant of an unchallengeable planning permission for the proposed manufacturing unit and (ii) subject to the Council being granted an option to repurchase Bradley Business Park Phase III in the event that no contracts have been put in place for the construction of the proposed development within 6 months of completion.
- 7.2 Cabinet delegates to the Strategic Director Economy & Infrastructure the authority to negotiate and agree with Aflex Hose Ltd the terms of the disposal and the option to repurchase and any other ancillary deed or document that may be required;
- 7.3 Cabinet delegates to the Service Director – Legal Governance & Commissioning the authority for the Council to enter into and execute any agreement, transfer and option in relation to the disposal of Bradley Business Park Phase III to Aflex Hose Ltd together with any ancillary documents and agreements;
- 7.4 Officers make these recommendations because the disposal of Bradley Business Park for best consideration will secure both a capital receipt and valuable inward investment.

## **8.0 Cabinet portfolio holder's recommendations**

Councillor Graham Turner recommends the reports be approved by Cabinet and recognises the significant inward investment by a world leading company.

## **9.0 Contact officer**

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## **10.0 Background Papers and History of Decisions**

Report to Cabinet 28<sup>th</sup> July 2015

## **11.0 Service Director responsible**

Karl Battersby  
Strategic Director Economy and Infrastructure  
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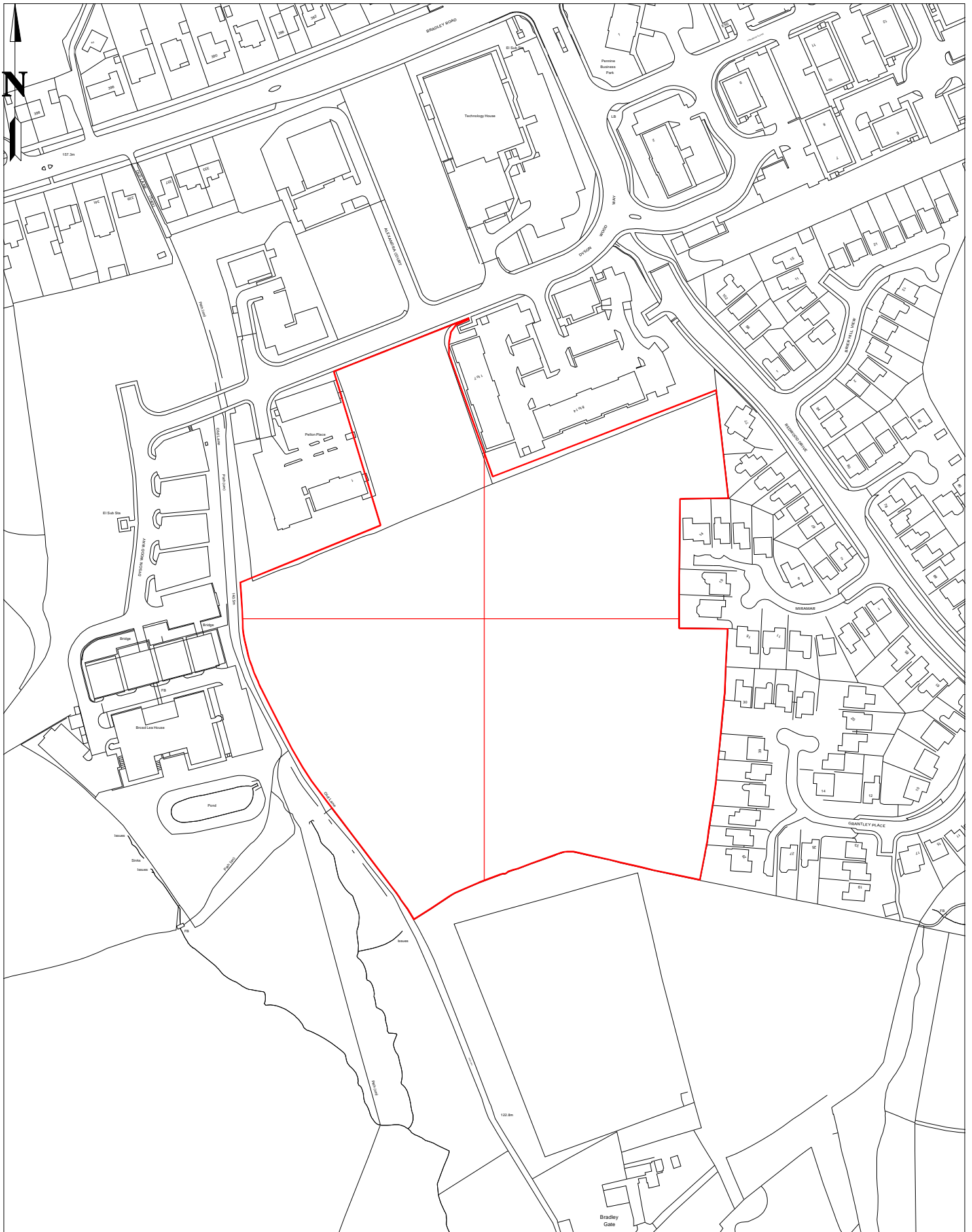
## **12.0 Appendices**

Appendix 1 - Site Plan

Appendix 2 - External valuation report (Private)

Appendix 3 - Heads of terms (Private)

Cabinet Report (Private)



**PHYSICAL RESOURCES  
& PROCUREMENT**  
 Plan No: 17-0330  
 Scale: 2500  
 Required by:

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