

Land bounded by Glebe St., Kirkgate and Parkinson St. - Appropriation

REPORT TO EXECUTIVE



DATE	10th December 2013
PORTFOLIO	RESOURCES & PERFORMANCE MANAGEMENT
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PURPOSE

1. To report to the Executive objections received to the appropriation of land bounded by Glebe St., Kirkgate and Parkinson St. and seek authority for the Head of People, Law & Regulation to carry out the statutory procedures required in respect of the appropriation and disposal of land in Burnley Wood.

RECOMMENDATION

2. The Executive is recommended to:
 - i. Consider objections to the appropriation for planning purposes of land at Burnley Wood shown edged and hatched red on the attached plan Appendix 1as is public open space under section 122 of the Local Government Act 1972; and
 - ii. Consider the approval of the appropriation and give authority for the Head of People, Law & Regulation to:
 - a) Appropriate the land for planning purposes;
 - b) Following such appropriation, to advertise the Council's intention to dispose of such part of the land at Burnley Wood shown edged and hatched red on the attached plan as is public open space under section 233 of the Town and Country Planning Act 1990; and
 - c) If no objections are received by the date for receipt of objections specified in the advertisement referred to above, to dispose of the land edged and hatched red.

REASONS FOR RECOMMENDATION

3. The Council is obliged to consider any objections received through advertisement of the intention to appropriate land.

4. The development facilitated by the appropriation of the land edged and hatched red will make an important contribution to the future of Burnley Wood. On balance, the need to progress regeneration of the area and provide homes to realise aspirations for developing a sustainable community significantly outweighs the considerations raised in the objections.

SUMMARY OF KEY POINTS

5. The land edged and hatched red is currently held by the Council for the purpose of recreation, but is now required for planning purposes for development which is consistent with regeneration plans and the Overarching Development Agreement entered into by the Council in 2008.
6. An application for planning permission for housing development on land in Burnley Wood including the land edged and hatched red was approved by the Development Control Committee on 14th November.
7. Section 122 of the Local Government Act 1972 allows the Council to appropriate land in its ownership for a purpose other than for which it is currently held. However, certain statutory procedures need to be followed in relation to that appropriation where the land includes Public Open Space, as it does in the case of the land at Burnley Wood.
8. Statute requires that, prior to any appropriation, the Council's intention to appropriate be advertised in the local press for two consecutive weeks and that it consider any objections received.
9. In response to the notice of the Council's intention to appropriate the land advertised in the Burnley Express on 8th and 15th November 2013 the Council received objections. Appendix 2 contains an example of one of the 534 objections made using the same pro-forma. Appendix 3 contains objections in the form of two separate letters.
10. The grounds for objection are that the open space is still used for recreation by local residents and that it is safe for those using it.
11. Through the planning application consultation process, Sport England initially raised concerns about the loss of the playing pitch and lack of open space. The scheme was amended to provide more play space and public open space. An up-to-date Needs Assessment by Green Spaces & Amenities demonstrated that recreation provision in the area meets the necessary requirements and that open space provision is satisfactory following the amendments. The scheme amendments and needs assessment satisfactorily addressed Sport England's concerns.
12. Following appropriation of the land for planning purposes, there is a similar requirement to advertise the Council's intention to dispose of the land and for objections to be considered. Any objections will be referred to the Council's Executive for consideration.

13. Any objections must be considered by the Executive on their own particular merits and not on the number of objections received. As regards the merits, the Executive should assess matters by balancing the substance of the objection against the impact of upholding the objection on the proposed development of land for planning purposes.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

14. None.

POLICY IMPLICATIONS

15. The recommendation is in line with the Council's corporate policies to make Burnley a better place to live, work and invest.

DETAILS OF CONSULTATION

16. None.

BACKGROUND PAPERS

17. None.

FURTHER INFORMATION

PLEASE CONTACT:

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ALSO: