

North Tyneside Council

Report to Cabinet

Date: 10 September 2012

ITEM 7(f)

Title: **Objections received in response to a Public Open Space advert for Land at Banktop, Earsdon.**

Portfolio(s): Elected Mayor Finance Transport and the Environment	Cabinet Member(s): Mrs Linda Arkley Cllr Judith Wallace Cllr Ed Hodson
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Report from Directorate: Finance and Resources

Report Author: Fiona Rooney, Strategic Director (Tel: 643 5724)

Wards affected: St Mary's

PART 1

1.1 Purpose:

This report provides information on representations made in relation to a statutory advertisement to dispose of public open space at Banktop Earsdon, shown hatched on the plan attached to this report at Appendix 1, in order to facilitate residential development.

1.2 Recommendation(s):

It is recommended that Cabinet consider the representations made and determine whether to dispose of the land at Banktop Earsdon, being land consisting of or forming part of open space, or not.

1.3 Forward plan:

The report is listed on the Forward Plan for the period 1st September to 31st December 2012.

1.4 Council plan and policy framework

The report contributes towards Council Strategic Plan 2012/13 Priority 3, "To encourage more building work on brown field sites".

1.5 Information:

The land shown hatched on the plan attached to this report comprises approximately 248 Square Metres in area, and forms part of an area of Council owned land at Banktop in Earsdon. The land is currently accessible by members of the public and is therefore deemed to be public open space.

The land has already been declared surplus to requirements by the Council and terms have been approved for its disposal to the owner of the of adjacent area of land as shown cross hatched on the attached plan, for a development comprising 9 residential properties for which full planning permission has been granted.

As the land is considered to be public open space it is subject to the relevant provisions of the Local Government Act 1972. As a result, the Council must advertise its intention to dispose of the land in accordance with Section 123 of the Act.

This must be done by placing Notices advertising the proposed sale for two consecutive weeks in a local newspaper. The Council's intentions were advertised in the local Weekly News Guardian on 21st June and 28th June 2012. The closing date for the receipt of objections was set at 16 July 2012.

Prior to expiry of the closing date, the following objections and representations were received: -

1. Letter dated 22nd June 2012, from Mr S, a copy of which is attached as Appendix 2 to this report.

Main points of concern:

- I. Traffic safety
- II. Loss of verge
- III. Building in Greenbelt
- IV. Separation distances.

2. Letter dated 24th June 2012 from Mr L, a copy of which is attached as Appendix 3 to this report.

Main points of concern: -

- I. The loss of open space in designated greenbelt
- II. Traffic concerns.

1.6 Decision options:

Cabinet may, following consideration of the objections, decide:

- i) To approve the disposal of the land in question; or
- ii) Not to approve the disposal of the land in question.

1.7 Reasons for recommended option:

There is no recommended option.

1.8 Appendices:

- Appendix 1: Plan showing the area of land by means of black hatching.
- Appendix 2: Letter of Objection from Mr S dated 22nd June 2012.
- Appendix 3: Letter of objection from Mr L dated 24th June 2012.

1.9 Contact officers:

Rob Alexander, Senior Surveyor (Strategic Property) Tel: 643 6527

1.10 Background information:

The following background papers and research reports have been used in the compilation of this report and are available for inspection at the offices of the author.

1. Delegated Power Report of 13th October 2011 (P).
2. Advertisements in News Guardian (P).
3. Letter of objection dated 22 June 2012 (P).
4. Letter of objection dated 24th June 2012 (P).
5. Council's land ownership records.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

In the event that the disposal is not approved then the potential capital receipt from the disposal of the land will be lost.

2.2 Legal

Under section 123 of the Local Government Act 1972, there is a legal requirement for the Council to advertise its intentions to dispose of public open space within its boundaries for two consecutive weeks in a local newspaper circulating within the area, and to consider any objections or representations made. This advertising requirement is the means by which local public opinion regarding such proposals can be obtained.

2.3 Consultation/community engagement

Ward Members were consulted as part of the process seeking to declare the land surplus to requirements and available for sale.

External consultation has taken place in accordance with section 123 of the Local Government Act 1972, by the placement of notices in the local press.

2.4 Human rights

There are no human rights implications arising from this report.

2.5 Equalities and diversity

There are no equality and diversity implications arising from this report.

2.6 Risk management

There are no risk management implications arising from this report.

2.7 Crime and disorder

Where a property is brought forward for development, crime and disorder issues are considered as part of the planning process.

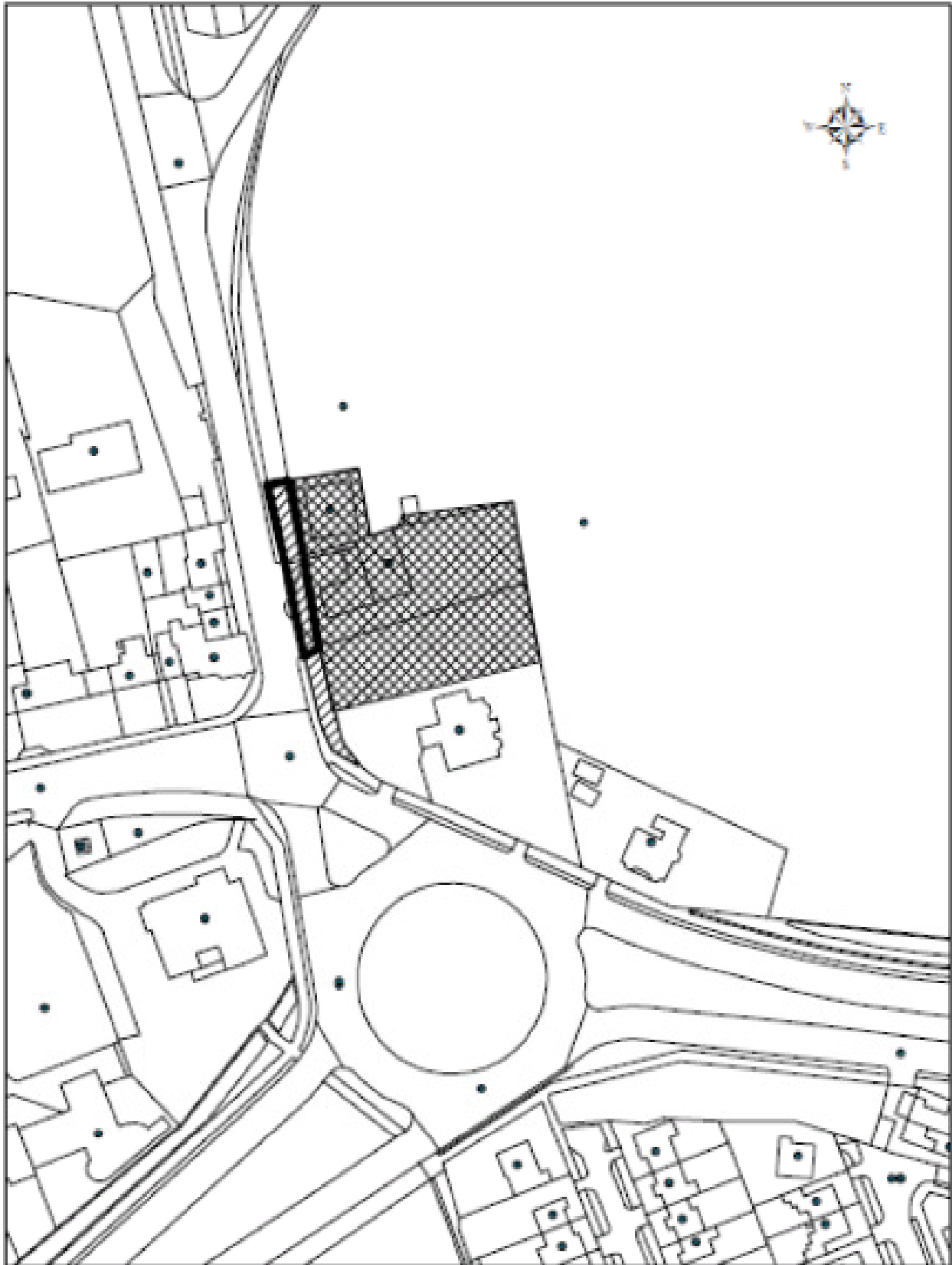
2.8 Environment and sustainability

Where a property is brought forward for development, environment and sustainability issues are considered as part of the planning process.

PART 3 - SIGN OFF

- Chief Executive
- Strategic Director(s)
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Strategic Manager Policy and Partnerships

Appendix 1: Plan showing the area of land by means of hatching.



Strategic Property
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY
Tel: 0191 843 2142
Fax: 0191 843 2429



Land to be sold
Public Open Space
Adjacent land private ownership

Land at Banktop
Earsdon Area ; Circa 248 sq m

Scale: 1:1,130
Date: 25/05/2012
NZ:3272NW/SW
RBA

Appendix 2: Letter of objection dated 22th June 2012

22nd JUNE 2012

Head of Legal, Governance & Commercial Services

North Tyneside Council

NE27 0BY

Ref: Land at Bank Top, Earsdon, CT/40621.

Dear Sirs,

This letter is a formal objection to the above mentioned land being disposed of by North Tyneside Council for the reasons stated below.

The A192 which passes this location is a very busy arterial road leading into North Tyneside from Northumberland. At the area in question the A192 is narrower than at any other point. The grass verge, which is being disposed of, offers a margin of safety for pedestrians, drivers and horse riders who use this stretch of road. It is an approach to a busy roundabout and adjacent to the road junction into Front Street where many minor accidents regularly occur due to the layout of the junction. These problems will be compounded by the loss of the verge and additional vehicle access required for the land under development at this location.

The Developer of the land adjacent to the verge has already shown scant regard for Council regulations and is unlikely to retain the verge area as an open space and so increase the unsafe nature of this stretch of road.

The area of land directly in front of the disused electricity substation, which is also being 'developed', is in fact within the boundary of the regulated Green

Belt as is the substation. Planners have allowed development of the substation into a residential dwelling but not allowed any development, of any type, outside the footprint of the existing building. I assume that the area of verge is to be used by the developer as an enclosed area for car parking. If that is the case and the area is enclosed and paved for parking, I would suggest that it contravenes the planning consent for that development.

The Council has already gone against its own guidelines regarding separation distances between properties when it approved the construction of the three storey houses at 'Constables Garth' abutting the A192. By allowing the verge to become part of the development it will reduce the separation distance even more and increase the danger levels for pedestrians, motorists and horse riders.

'Selling off' the area of Green Belt land in front of the disused substation will also go against the promises made by the Elected Mayor regarding the non-development of Green Belt land.

I ask that this area of roadside verge is not disposed of and that it be retained, undeveloped, by North Tyneside Council.

Yours faithfully

Mr S