

North Tyneside Council Report to Cabinet 14 December 2015

ITEM 7(a)

Objections received in response to a Public Open Space advert for Land at Charlton Court, Whitley Bay

Portfolio(s): Housing and Transport
Finance

Cabinet Member(s): Cllr J Harrison
Cllr R Glindon

Report from Service Area: Commissioning and Investment

Responsible Officer: Mark Longstaff, Head of Commissioning and Investment (Tel: 643 8089)

Wards affected: Monkseaton South

PART 1

1.1 Executive Summary

The two areas of land shown hatched on the Plan attached as Appendix 1, are located at Charlton Court, Whitley Bay, and have previously been declared surplus to the Authority's requirements and available for disposal to a Registered Provider for the development of affordable homes.

This report provides Cabinet with information on representations made in relation to a statutory advertisement that was placed in the local press notifying the public of the proposed disposal because the land is considered to be public open space.

1.2 Recommendation

It is recommended that Cabinet consider the representations made and determines whether or not to set aside the objections received in relation to the disposal of public open space at Charlton Court, Whitley Bay and, if appropriate, authorise the disposal of the land.

1.3 Forward plan

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 26 October 2015.

1.4 Council plan and policy framework

The report is relevant to the following priorities set out in the Our North Tyneside Plan 2014 - 2018:

Our Places

Have more quality affordable homes.

1.5 Information

1.5.1 Background

The area of land shown by dark outline on the plan attached as Appendix 1 to this report is Authority owned and is currently accessible by members of the public. It is therefore deemed to be an area of public open space.

The two areas of land shown hatched have previously been declared surplus to the Authority's requirements and terms and conditions are currently being provisionally negotiated for their disposal to a Registered Provider of affordable housing. The proposed development would comprise 8no. 2 bed bungalows for older persons and 12no. 1 bed flats for people with learning difficulties. A planning application has not yet been submitted.

As the areas of hatched land are considered to be public open space they are subject to the relevant provisions of the Local Government Act 1972. As such, the Authority must advertise its intention to dispose of the land in accordance with Section 123 of the Act and formally consider any representations made.

This must be done by placing Notices advertising the proposed sale for two consecutive weeks in a local newspaper.

The Authority's intention to dispose of the land at Charlton Court was advertised in the News Guardian on the 1 and 8 October 2015. The closing date for the receipt of representations was set as 22 October 2015.

Prior to expiry of the closing date, the following representations were made:-

1.5.2 Objections relating to Charlton Court

Eighty two representations were received from local residents, the main points of which are summarised below. Information given by the proposed developer in response to these points of objection is given at relevant intervals:-

1. The current space is used by children, meaning playing football would have to be in the road.
2. The land should be for children to play on, and should be provided with swings etc.
3. The field is a recreation space and safe haven for local children, with 30-40 children playing at the weekend. There would be next to no space left for local use.
4. With the play area removed, children will be playing on the roads which is not acceptable and a health & safety risk.
5. The field is the heart and soul of the estate used regularly since it was built 70 years ago. Children play safely as it is overlooked on all sides. There is no alternative provision.
6. This is a green site. It is part of the community. The space is appreciated for both for the peace and quiet it affords and as a safe haven for children.
7. It is a field constantly in use by young people, children playing, dog walkers, older people and people using it to exercise. Neighbours meet on the field and it would be greatly missed by all. Residents would like the space to remain for use by infants and older children, as there are not any other local green areas. Green spaces are needed and this is the only one in the area.

8. This green field site is used by the local people and is a focal point of the estate.
9. Such spaces are becoming scarcer, with further housing encroachment, and should therefore be protected.
10. This field is used by children of all ages for riding bicycles, playing football/cricket and just hanging around on.
11. To deprive the community of this space will demote the active use of the site by people and reduce health and fitness. It is a necessity for wellbeing. Children are told to exercise, which they can't do if the Council sell off land with no other local areas to go to.
12. The site is within the catchment areas of 2 schools, whose pupils have nowhere else to play.
13. Most residents in the surrounding area chose this place because of the space.
14. Once built on the open space will be lost forever. It will result in the loss of amenity for local residents, used for exercise over many years.
15. The field is overlooked by houses and their children have, and can, play safely. People moved here because of it and because they could safely watch over their children. It has been used for many years as the focal point of the estate. Its loss would be devastating. Residents purchased their houses because of this field. We need housing, but we also need green areas. That is what makes a community, and makes us come together to object.
16. The current space provides a community spirit which would be lost, should it disappear. This land is the heart of the community which is being sacrificed to meet the needs of the local plan. The open aspect is the centre of our community and is valued by all.
17. This unique piece of land has been used by generations of children as a safe play area. It is the only play area in the estate that children can safely exercise and socialize, the nearest other at Marmion Terrace is not safe with too many road crossings, and too far from their homes. It is the focal point of the estate and losing it would be devastating.

Developer response to points 1 to 17

If the development of affordable homes proceeds at Charlton Court, at least 40% of the existing area of open space will remain available to residents. This can continue to be used for a wide range of recreational and community activities. It will also be available as a safe place for children to play away from roads.

18. There will be a reduction of property values as a result of the site being developed.

Developer response - There is no evidence to suggest property values will be reduced by this development.

19. The bungalow residents would object to children playing on the remaining green space.

Developer response - There is no reason why this should be the case, and the new residents will have the use of the field explained to them, before accepting a tenancy.

20. Hedgehogs are known to frequent the area and under IUCN they are on the red list for mammals under threat of extinction, meaning the land should not be developed and left as open space.

Developer response - There is no evidence of significant hedgehog presence.

21. Who will occupy the buildings? Drug addicts or worse?

Developer response - The development proposed is for older persons and those with Learning Difficulties.

22. There would be more drainage problems after the floods of 2012.

23. It will also increase the risk of flooding, particularly due to the history of flooding over the last 10 years. Any flooding will cost the Council money, and they have a duty to minimize their liabilities in this respect.

24. There would be an increased burden on drainage and sewerage systems that have not been updated since the floods in June 2012. The streets have already been flooded twice and the land helps as a soakaway

Developer response to points 22 to 24

The flooding risk will not be increased by this development which will cater for its own drainage under the Building and other Regulations.

25. Traffic would be increased which would intensify the difficulties with already narrow roads. The traffic is bad enough without increasing it further. There is already very heavy traffic and congested at school pick up and drop off times, and this will only make it worse.

Developer response - Traffic increase will be marginal as there is expected to be very low car ownership by the new residents. There will only be sporadic staff and visitor cars.

26. Concern with lorries delivering goods to the site, which would make a bad situation worse.

Developer response - Site activities will be very tightly controlled, with lorries avoiding school times.

27. The land has a bus route going around it and already has trouble getting through. Also the 2 schools bring lots of traffic to the streets.

Developer response - There will be very little extra traffic, maybe 4 or 5 cars sporadically during the day, which will have little or no effect on the current traffic.

28. Any planned change is objectionable in regards to greater traffic use and parking.

Developer response - Increased traffic and parking will be minimal, perhaps a few cars intermittently for staff and visitors.

29. The new residents would not want children playing so close to them. This would cause tension.

Developer response - There is no reason why this should be the case, and the new residents will have the use of the field explained to them, before accepting a tenancy.

30. The elderly people in Charlton Court will find the whole process extremely disturbing.

Developer response - We will work specifically with the residents of Charlton Court to address their concerns as far as it is possible to do so.

31. It seems obvious that this is just a means for NTC to raise money, as opposed to the need for social housing-a disaster waiting to happen.

Developer response - The provision of this housing is part of a long-term strategic plan of the Authority, the reason for which is to address housing and support needs, and not finances.

32. It is a classic example of a well designed estate as promoted by Clement Atlee's government to improve wellbeing and help solve the post war crisis. The development will ruin the character of the estate and deprive people of a well-used and valuable community asset.

Developer response - The plans are designed to fit in with the character of the local area and should enhance it rather than having a negative impact on it.

33. Development of this site goes against national planning policy, adopted locally. (Para 73 & 74).

Developer response - We will need to demonstrate that the loss of the site is acceptable by way of an open space assessment to be submitted as part of the planning process.

34. There is a covenant on the site which stipulates that it should only be used for council housing and a community centre.

Developer response - The land title documentation provides a covenant that the land shall only be used as a Council Housing estate. As former vendor, the Northumberland Estates have confirmed they will permit the development of affordable housing.

35. It would mean over-development and loss of amenity.

Developer response - A new covenant on the remaining area of public open space will prevent any future development.

36. This space is used by the community daily. Surely there are other brownfield areas that are prime for developing?

Developer response - The Authority examined all their land holdings across the Borough in order to identify sites suitable for housing development. No other sites in the local area could be identified as being suitable to accommodate housing development.

37. Selling the area is against the Council's policies on 3 fronts: access to open spaces; reducing flood risks; managing financial risks. It should be refused on health grounds and on financial grounds.

Developer response - Approximately 40% of the open space will remain. The development should cause no increase in flood risk. It is not considered that this site includes any financial risk to the Authority.

38. An inadequate consultation process with no feedback. It was only on 1st October that NTC first stated their intention in the News Guardian. NTC cannot justify going ahead in the face of so much objection.

Developer response - The advert was placed in the News Guardian on the 1 and 8 October 2015. The placing of advertisements in the News Guardian complies with the guidelines of the relevant legislation for disposals of open space. Further representations can be made during the standard planning process

39. The build process would be intolerable, especially for the elderly residents, with noise, pollution, traffic and parking chaos.

Developer response - The build process will be very strictly controlled and the elderly residents in Charlton Court will receive specific advice and consultation.

1.6 Decision options

Following consideration of the objections Cabinet may decide:

- i) To set aside the objections received in relation to the proposed disposal of public open space at Charlton Court, Whitley Bay and allow the disposal to proceed; or
- ii) To uphold the objections received in relation to the proposed disposal of public open space at Charlton Court, Whitley Bay in which case the disposal cannot proceed.

1.7 Reasons for recommended option

There is no recommended option.

1.8 Appendices

Appendix 1: Plan showing the land at Charlton Court, Whitley Bay by means of black outline.

1.9 Contact officers

Roy Marston – Senior Manager – Strategy and Support Services – Tel. 0191 6437580
Niall Cathie - Strategic Property Manager – Tel. 0191 643 6517
Alison Campbell - Senior Business Partner – Tel. 0191 643 7038
Jackie Palmer – Planning Manager – Tel. 0191 643 6336
Sarah Heslop – Manager Legal Services: Commercial Team – Tel 0191 643 5456

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. Advertisements in News Guardian (1 October, 8 October 2015).
2. Letters of objection from local residents. Copies of the letters can be found:
[Here](#) & [Here](#)
3. 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 does not proceed then any potential capital receipt from that disposal would be lost.

2.2 Legal

Under section 123 of the Local Government Act 1972, there is a legal requirement for the Authority 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. Cabinet are required to consider the objections made and determine whether to proceed with the disposal of these parcels of land.

2.3 Consultation/community engagement

Ward Members were consulted as part of the process seeking to declare the land surplus to the Authority's 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.

Public consultation will be undertaken as part of the normal planning process in respect of the development proposals for the sites.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

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

2.6 Risk management

There are no risk management implications arising from this report.

2.7 Crime and disorder

Crime and disorder issues will be considered as part of the planning process in respect of the proposed development of these sites.

2.8 Environment and sustainability

Environment and sustainability issues will be considered as part of the planning process in respect of the proposed development of these sites.

PART 3 - SIGN OFF

- Deputy Chief Executive X
- Head of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy X