

North Tyneside Council Report to Cabinet 13 March 2017

ITEM 6(c)

Objections received in response to a Public Open Space advert for Land at Glebe Crescent, Forest Hall

Portfolio(s): Housing and Transport

Cabinet Member(s): Councillor J Harrison

Report from Service Area: Commissioning and Investment

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

Ward affected: Benton

PART 1

1.1 Executive Summary

This report provides Cabinet with information on representations made in relation to a statutory advertisement to dispose of the land as it is considered to be an area of public open space.

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.

5 representations were made to the Authority in the response to the advertisements and Cabinet is asked to consider these representations in relation to the proposed disposal of the land and the response to them from the proposed developer.

1.2 Recommendation

It is recommended that Cabinet determine whether or not to set aside the representations made in relation to the disposal of public open space at Glebe Crescent, Forest Hall 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 30 January 2017.

1.4 Council plan and policy framework

The report is relevant to the following priorities set out in the Our North Tyneside Plan: Our Places will:

- Have more quality affordable homes

1.5 Information

1.5.1 Background

At its meeting held on 10 March 2014, Cabinet authorised the Client Manager Property in consultation with the Head of Housing, the Elected Mayor, the Cabinet Member for Housing and Environment, the Head of Finance and Commercial Services and the Head of Law and Governance to declare sites, deemed surplus to the Authority's requirements and deemed suitable for development by a registered provider, available for sale by private treaty.

The area of land shown by dark outline on the Plan attached as Appendix 1, is located at Glebe Crescent, Forest Hall and was subsequently declared surplus to the Authority's requirements and available for sale to a Registered Provider on 24th August 2016, in accordance with the approved Delegation.

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.

Planning permission was recently granted for the development of the site with affordable homes for rent comprising a scheme of six 2 bed bungalows.

Terms and conditions are therefore currently being provisionally negotiated for the proposed disposal of the site to the Registered Provider.

As the area of land is considered to be public open space it is subject to the relevant provisions of the Local Government Act 1972. The Authority must therefore 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 intentions were advertised in the Journal and the local weekly News Guardian on 29 December 2016, and 5 January 2017, respectively. The closing date for the receipt of representations was set as 23 January 2017. In addition to this, the Authority sent out a courtesy letter to the residents of Glebe Crescent on 22 December 2015, informing them when the Notices were due to appear in the press and also confirming the closing date for representations.

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

1.5.2 Public objections relating to Glebe Crescent, Forest Hall

Five representations were received from local residents. The full letters are attached at Appendix 2 but the main points are summarised below. Information provided by the proposed developer in response to these points is also outlined below:-

1. A loss of valued green space which is extensively used by residents promoting health & well being. Such spaces are becoming scarce and should be protected.
2. Loss of valuable recreational space where children can play and socially engage in a safe, secure environment in sight of the houses within the Crescent.
3. The field is overlooked by houses and their children 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.
4. The development will increase traffic issues. The Crescent already gets congested and with the addition of 6 bungalows parking will become more of an issue.
5. During development work parking may be more of a problem for disabled residents.
6. The increased traffic will be a risk to children.
7. There is a concern with regard to water levels and flooding. Planning and survey teams failed to take measurements after heavy rain.
8. The loss of open space may result in the houses becoming more prone to flooding as the field soaks up a large amount of the water.
9. Houses already suffer with damp issues as a result of the foundations used. The water does not drain away easily and adding more units will add to the issues already faced by residents.
10. Huge puddles of water collect at the entrance of the Crescent, the development could exacerbate the issue and prove more hazardous to traffic and pedestrians.
11. The bungalows are not in keeping with the style of the older houses.
12. The letter sent to the residents by the Authority on 22 December 2016, was received in the new year leaving them less time to respond to the notices placed in the press advertising the potential loss of open space.

1.5.3 The Registered Provider's response to the points outlined in 1.5.2 above:

1. The Council's 'The Green Space Strategy' sets out the vision to provide spaces that are attractive, safe, accessible and well managed. It also states the importance to look at how sites can be enhanced or adapted to improve the overall appearance of the area. The site as existing is a vacant grassed area of land, therefore the proposed development gives an opportunity to enhance the site by creating new street frontage, improve housing in the local area and create attractive planting and features to improve the value of the remaining open space.

An open space assessment has been submitted as part of the planning application setting out what green/open space remains – and the impact it has on the area. The loss of part of this existing open space would not create a local deficit in the area. Open space to the West of the development boundary on site will be

retained. The landscaping will also be enhanced with bushes and trees being planted.

2. The pre-planning application stage identified that there is a demand for affordable housing in this area of North Tyneside.
3. There is no evidence that there is too much traffic and Highways officers did not consider that a Traffic Assessment was necessary for the proposed development.
4. The proposed new road is a cul-de-sac and Highways officers do not consider that it will present a danger to pedestrians.
5. The proposed scheme comprises 6 dwellings with 9 associated parking spaces.
6. A drainage assessment has been undertaken and was being submitted with the planning application. NWL have given approval to water discharge from the site into the nearby sewerage system. NWL would not allow a discharge into sewers if they considered the system was at capacity.
7. New dwellings will be built in accordance with planning policy and all dwellings are situated in excess of the minimum overlooking distances. The proposed scheme is in accordance with DCPS 14.
8. The proposed scheme contains 6 new dwellings, and will not place an additional burden upon local services.
9. There is no evidence to confirm that existing homes will depreciate in value as a result of these properties being built.
10. Planning conditions will control working times of the contractors.
11. All wildlife is protected under various legislations, and will be given due consideration during construction.
12. The new scheme would have Secure by Design accreditation - which would consider the neighbouring properties. The Northumbrian Police Architectural Liaison Officer provided the following information: "The layouts look good and fit in well with the surrounding areas and the arrangement of the properties gives good surveillance over each other."
13. As part of the considerate constructors scheme all residents will receive a letter from ISOS prior to the start of the development. This will have contact details of the site manager and any residents with concerns or residents with special requirements are encouraged to contact the site manager to make arrangements.

1.5.4 The Authority's Highway and Planning officer responses to the points outlined in 1.5.2 above:

1. The proposal is likely to result in 5-7 trips during network peaks and as such it is considered that the impact on the adjacent highway network would not be significant.
2. A condition was included on the planning consent to require suitable parking for

contractors during the construction period.

3. The proposed scheme comprises 6 dwellings with 9 associated parking spaces, which meets the Council's current parking standards.
4. There have been no reports of internal flooding to properties in this location so an investigation would not have been undertaken as the criteria to investigate was not met.
5. All surface water that falls within the development site will be captured and contained within the curtilage of the development and then released at a controlled discharge rate equivalent to greenfield discharge rate back into the local drainage network. This is to reduce the risk of surface water flooding to surrounding areas from any proposed development sites.
6. The proposed development will not impact on any existing groundwater problems which residents are experiencing as the surface water from the new development will be controlled and stored within the new development area.
7. All surface water that falls within the development site will be captured and contained within the curtilage of the development and then released at a controlled discharge rate equivalent to greenfield discharge rate back into the local drainage network.
8. As part of the considerate constructors scheme all residents will receive a letter from the Registered Provider prior to the start of the development. This will have contact details of the site manager and any residents with concerns or residents with special requirements are encouraged to contact the site manager to make arrangements.
9. The comments made by respondents to this consultation identify matters that have been fully addressed through the planning and development process. The Authority is confident that the information it has available regarding the suitability of the site for residential development is robust and is capable of being developed without causing harm to neighbouring residents and properties in the community. Key issues such as traffic and highway safety, flood risk and loss of open space have all been considered through the planning process. This process included its own statutory period of consultation and engagement with key consultees including the Highway Authority, Local Flood Risk Authority and Environmental Protection.
10. As part of the Authority's overall approach to supporting and enabling the delivery of affordable homes Glebe Crescent has been and remains a crucial site in ensuring the delivery of housing for the pressing needs of the Local Authority are met.
11. The Authority's letter dated 22 December was sent to residents to inform them that notices would be placed in the press on 29 December 2016, and 5 January 2017, respectively. It also confirmed that they would have until the 23 January 2017, to make representations to the Council and confirmed the address to send them to. This letter was sent to residents as a matter of courtesy. The provisions of Section 123 of the Local Government Act 1972 only requires the Council to place Notices in the press.

1.6 Decision options

Following consideration of the objections Cabinet may decide:

- i) To set aside the objections received in relation to the disposal of public open space at Glebe Crescent, Forest Hall and allow the disposal of the land to proceed; or
- ii) To uphold the objections received in relation to the disposal of public open space at Glebe Crescent, Forest Hall in which case the disposal of the land cannot proceed.

1.7 Reasons for recommended option

There is no recommended option.

1.8 Appendices

Appendix 1: Plan showing the land at Glebe Crescent, Forest Hall by means of black outline.

Appendix 2: Letters of objection from residents.

1.9 Contact officers

Niall Cathie - Strategic Property Manager – Tel. 0191 643 6517

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. [Advertisement placed in News Guardian and the Journal \(29 December 2016 and 5 January 2017\)](#)
2. [Letters of objection provided as Appendix 2.](#)
3. [Council's land ownership records.](#)
4. [Cabinet Minute CAB202/03/14 Delivering Affordable Homes Update](#)
5. [Letter to residents dated 22 December 2016](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

In the event that the disposal of the land 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 representations made and whether to proceed with the disposal of the land.

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. In addition to this, the Authority sent out a courtesy letter to the residents of Glebe Crescent on 22 December 2015, informing them when the Notices were due to appear in the press and also confirming the closing date for representations.

Public consultation was undertaken as part of the normal planning process in respect of the development proposal for the site.

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 were considered as part of the planning process in respect of the proposed development of the site.

2.8 Environment and sustainability

Environment and sustainability issues were considered as part of the planning process in respect of the proposed development of the site.

PART 3 - SIGN OFF

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