

North Tyneside Council Report to Cabinet 9th October 2017

ITEM 6(b)

Objections received in response to a Public Open Space advert for Land Adjacent to the Former Avenue Public House, Park Avenue/Brook Street, Whitley Bay

Portfolio(s): The Elected Mayor

Cabinet Member(s): Mrs N Redfearn

Report from Service Area: Commissioning and Investment

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

Ward affected: Whitley Bay

PART 1

1.1 Executive Summary

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

Under section 123 of the Local Government Act 1972 ('the Act'), there is a legal requirement for the Authority to advertise for two consecutive weeks, its intentions to dispose of public open space within its boundaries. The statutory requirement is that the advertisement is placed in a local newspaper circulating within the relevant area, and to consider any objections or representations made and received, during the advertisement period.

One representation was made to the Authority in the response to the advertisements and Cabinet is asked to consider this representation in relation to the proposed disposal of the land and the proposed response to the relevant individual, by officers.

1.2 Recommendation

It is recommended that Cabinet determine whether or not to set aside the representation made in relation to the disposal of public open space adjacent to the former Avenue Public House, Park Avenue/Brook Street, 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 11th September 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:

- Be great places to live, and attract others to visit or work here.
- Offer a good choice of quality housing appropriate to need, including affordable homes.

1.5 Information

1.5.1 Background

At its meeting held on 14 November 2016, Cabinet agreed in principle to the sale of the site of the former Avenue Public House and adjacent land at Park Avenue/Brook Street to the commercial subsidiary of North Tyneside Trading Company Limited – Aurora Properties (Sale) Limited. This is to facilitate a proposed residential development scheme comprising 12 No. Units, subject to the receipt of planning permission.

The proposed site and adjacent land are shown by dark outline on the plan attached as Appendix 1 to this report. Both areas of land are currently owned by the Authority and the hatched area is deemed to be an area of public open space.

As such, the proposed disposal of the area of land hatched on the attached plan is subject to the relevant provisions of the Act. 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 31 August 2017, and 7 September 2017, respectively. The closing date for the receipt of representations was set as 14 September 2017.

Prior to expiry of the closing date, the following representation was made:-

1.5.2 Public objection relating to land adjacent to the site of former Avenue Public House, Park Avenue/Brook Street, Whitley Bay

One representation was received from a local resident. The full letter is attached at Appendix 2 with the main points summarised below:-

1. The development will increase traffic issues in an area where there has already been an increase in traffic following the opening of the new Beefeater Restaurant and Premier Inn.
2. Residents already have problems with parking in the locality.

3. The resident (and it is presumed, others) will lose their current sea view and view of the lighthouse.

1.5.3 The Authority's officer responses to the points outlined in 1.5.2 above:

1. It is considered that there will be no significant increase in traffic in the locality due to the small scale nature of the proposed residential development comprising 12 No. units.
2. Parking for residents of the proposed scheme will be contained to the rear of the site with sufficient parking for all residents. There are also four visitor parking spaces proposed on the site.
3. Whilst it is accepted that a small number of properties may have their views restricted as a result of the proposed scheme, this is not a material consideration in respect of the planning process. This is also often inevitable when development takes place along the coast.

1.6 Decision options

Following consideration of the objections Cabinet may:

- i) set aside the objection received in relation to the disposal of public open space adjacent to the former Avenue Public House at Park Avenue/Brook Street, Whitley Bay, on the basis set out in 1.5.3 above, and allow the disposal of the land to proceed; or
- ii) uphold the objection received in relation to the disposal of public open space adjacent to the former Avenue Public House at Park Avenue/Brook Street, Whitley Bay in which case the disposal of the land cannot proceed.

Option (1) is the recommended option.

1.7 Reasons for recommended option

The reasons for the recommended option are detailed in 1.5.3 above.

If the recommended option is not approved, the proposed development at the proposed site will not be able to proceed as currently planned.

1.8 Appendices

Appendix 1: Plan showing the land adjacent to the former Avenue Public House at Park Avenue/Brook Street, Whitley Bay by means of black hatching.

Appendix 2: Letter of objection from a resident.

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 \(31 August 2017 and 7 September 2017\)](#)
2. [Letter of objection as Appendix 2.](#)
3. [Cabinet Minute CAB90/11/16 – Delivering Housing Growth through the North Tyneside Trading Company.](#)

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, for two consecutive weeks, its intentions to dispose of public open space within its boundaries 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, as detailed in this report.

2.3 Consultation/community engagement

The Strategic Property Group receives monthly update reports on the proposed development of sites by the North Tyneside Trading Company Limited and its subsidiaries.

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 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 are 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 are 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