

## BARNESLEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director Core Services

### LAND DISPOSAL, CATHERINES WALK, ATHERSLEY SOUTH – OBJECTIONS RECEIVED TO PUBLIC NOTICE UNDER LOCAL GOVERNMENT ACT 1972, SECTION 123 (1) 2(A)

#### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to invite Cabinet to consider the objections received to the proposal to dispose of an area of public open space at Catherines Walk Athersley South, which will be used for the development of affordable housing as part of the Affordable Housing Programme 2016 – 2019.

#### 2. RECOMMENDATIONS

- 2.1 **Cabinet is invited to consider the objections received to its decision to dispose of land at Catherine's Walk to Leeds and Yorkshire Housing Association following statutory notification of the Council's intention to dispose of the land (ref: Cab 21.2.2018/10) .**
- 2.2 **If Cabinet consider the objections received are sufficient to outweigh its initial decision to sell the land, to rescind the decision to sell (ref: Cab 21.2.2018/10)**
- 2.3 **If Cabinet consider that the objections do not outweigh the original decision then it is recommended that the Service Director Assets and the Executive Director Core Services be authorised to finalise the terms and complete the disposal of the land to the Leeds and Yorkshire Housing Association as outlined in the previously approved Cabinet Report (ref: Cab 21.2.2018/10).**

#### 3. INTRODUCTION

- 3.1 As set out in the report approved by Cabinet on 21 February 2018 (ref: Cab 21.2.2018/10) it is proposed to dispose of the land at Catherines Walk to the Leeds and Yorkshire Housing Association so that they might develop the site for 54 affordable housing units.
- 3.2 The land in question is currently an area of public open space. As a result, the Council has a duty to advertise the fact that it intends to dispose of an area of public open space under Section 123 (1) 2(A) of the Local Government Act 1972 and to consider any objections received.
- 3.3 This exercise was undertaken by the Executive Director Core Services and the Council's intention to dispose of an area of public open space was advertised in the local press on the Friday 12 January and Friday 19 January 2018. A deadline for written objections to be received was set for 9 February 2018.

- 3.4 As a result of this exercise two letters of objection were received by the Executive Director Core Services, both objecting to the proposed disposal and development on the grounds of the loss of public open space. The main points of each objection letter are summarized in Appendix 2 together with the Council's Legal and Asset Management Officers' responses to these points.

#### **4. PROPOSAL AND JUSTIFICATION**

- 4.1 The proposal to dispose of the land at Catherines Walk is in line with current Council policy for the delivery of affordable housing.
- 4.2 There is an ongoing need to increase the supply of affordable housing in Barnsley to redress the imbalance between supply and demand and it is considered that bringing forward this site will go some way towards helping to redress this imbalance as well as seeing inward investment into the Borough.
- 4.3 Whilst it is accepted that the proposed disposal and development will result in the loss of an area of public open space / green space, the implications of this loss were fully considered by the Planning Officers that dealt with the planning application (ref: 2017/1539) and Local Members at Planning Regulatory Board on 20th February 2018.
- 4.4 The planning application was approved at Planning Regulatory Board subject to the completion of a section 106 agreement. The matters raised in the objection letters, in particular the loss of greenspace / public open space, were also considered as part of the planning determination. However, it was felt that the 54 affordable housing units and the associated Education Contribution was more beneficial to the area and the Borough and the potential benefits created outweighed any negative effect that was likely to result from the loss of public open space.
- 4.5 The proposal for affordable housing is still seen as a positive development and a good use for a site which has been the subject of fly tipping and anti-social behaviour in the past. It is felt that this outweighs the loss of public open space.
- 4.5 The Report's author considers that adequate justification for rejecting the objections has been set out in "Appendix 2" of this report.

#### **5. CONSIDERATION OF ALTERNATIVE APPROACHES**

- 5.1 The land could remain as an area of public open space, but this would see the loss of 54 much needed affordable housing units and a loss of inward investment into the area and the Borough as a whole.
- 5.2 A decision by Cabinet to uphold the objections will be final and the sale will not proceed if that is the case.

#### **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

- 6.1 The proposals will increase the number of new affordable housing units to meet the housing needs of local people. This will help to provide a wider choice of housing product / tenure to the local areas and as previously stated it is considered that the benefits brought forward by the proposed development will offset any negative

impact that might come about as a result of the loss of this area of public open space.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The financial implications of the proposals to dispose of and develop this land are covered in the previously approved Cabinet Report (ref: Cab 21.2.2018/10).
- 7.2 As a result, there are no additional direct financial implications associated with the proposal to overrule the objections and to inform the objectors accordingly.

## **8. EMPLOYEE IMPLICATIONS**

- 8.1 There are no issues arising as a result of this report.

## **9. COMMUNICATIONS IMPLICATIONS**

- 9.1 There are no issues arising as a result of this report.

## **10. CONSULTATIONS**

- 10.1 The original Cabinet Report was fully consulted, as were local Ward Members who supported the proposal to dispose of and develop the land.
- 10.2 As a result of a public consultation exercise, the planning application process and the advertisement of the Council's intention to dispose of an area of public open space, the local residents have been fully consulted and given an opportunity to object to the proposals for the land.

## **11. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK**

- 11.1 The proposed disposal of and development of this land will provide new affordable housing and see inward investment, which will have a significant impact on the local community and the Borough as a whole. As previously stated it is considered that these benefits outweigh any negative impact that might come about as a result of the loss of an area of public open space.

## **12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION**

- 12.1 This disposal and development provides the opportunity for a variety of low income households to be accommodated in good quality housing at reasonable cost. Consequently, matters of equality, diversity and social inclusion are taken into account.

## **13. TACKLING THE IMPACT OF POVERTY**

- 13.1 Providing additional affordable housing should go some way to assisting low income households in securing good quality housing at reasonable cost.

#### **14. TACKLING HEALTH INEQUALITIES**

14.1 There are no issues arising from this report.

#### **15. REDUCTION OF CRIME AND DISORDER**

15.1 In investigating the options set out in this report and the previous Cabinet Report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.

15.2 Vacant or under used land can attract vandalism and unauthorised uses such as fly tipping and other anti-social behavior. Therefore the proposed transfer will bring a vacant site back into use thereby helping to prevent such problems.

#### **16. RISK MANAGEMENT ISSUES**

16.1 There are no issues arising from this report.

#### **17. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES**

17.1 There are no issues arising from this report.

#### **18. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

18.1 There are not considered to be any potential interference with European Convention on Human Rights in overruling these objections.

#### **19. CONSERVATION OF BIODIVERSITY**

19.1 There are no issues arising as a result of this report. All site biodiversity will have been dealt with as part of the planning application process.

#### **20. LIST OF APPENDICES**

Appendix 1: Site Plan

Appendix 2: Summary of Objections to Proposals and Council Official responses.

#### **21. BACKGROUND PAPERS**

21.1 Correspondence regarding this matter is held on the files in Asset Management – not available for inspection contains exempt information

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

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Financial Implications/Consultation



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(To be signed by senior Financial Services officer  
where no financial implications)