

Leicester
City Council

**WARDS AFFECTED:
BEAUMONT LEYS WARD**

CABINET

19 FEBRUARY 2007

CONSIDERATION OF OBJECTIONS TO THE LOSS OF PUBLIC OPEN SPACE AT BLACKBIRD ROAD PLAYING FIELDS

Report of the Corporate Director of Resources

1. Purpose of Report

- 1.1 This report is to ask Cabinet to consider the objections to the loss of public open space (POS) at Blackbird Road Playing Fields in the light of the Council's decision to sell the land.

2. Summary

- 2.1 At its meeting on 12 June 2006, Cabinet agreed to market and sell the vacant land at Blackbird Road Playing Fields jointly with Gateway College and to split the resulting receipt in the ratio of the land holding of the two parties. The strategy behind this was the creation of high quality open space, housing, affordable housing and sports/community facilities.
- 2.2 Outline Planning Consent was granted for housing development, improved open space, sports facilities and a medical centre, subject to conditions, at the Planning and Development Control Committee on 14 November 2006.
- 2.3 Agreement has now been reached to market the site during February to April 2007, and to ask for formal tenders from developers in April. The timing of this sale is critical in providing receipts to part fund Gateway College's relocation to Hamilton, as it is a condition of substantial funding they will receive from Learning and Skills Council.
- 2.4 Under s123 Of the Local Government Act 1972 the Council must advertise any disposal of POS on any land it intends to dispose of if there has been any public use of the land, even if that use is informal or unauthorised. These advertisements must invite the public to make representations to the Council concerning such disposal of POS, and the Council are obliged to give consideration to any objections.

2.5 Such advertisements were placed in the Leicester Mercury on 20 and 27 December 2006, inviting representations by 30 January 2007. At the date of this Report, four objections have been received, details of which are set out in the Supporting Information.

2.6 The objections received to the proposals have effectively already been dealt with at Local Plan and outline planning stage and the requirement to advertise is for technical legal reasons and the results have not raised any new issues.

3. Recommendations

3.1 Cabinet is recommended to:

- i) note the objections received.
- ii) note that issues relating to open space were dealt with at outline planning permission stage.
- iii) reject the objections received in the light of the open space provision, which will be provided as part of the development of the site.

4. Financial and legal Implications

4.1 Financial Implications (Nick Booth – Extn. 7460)

4.1.1 It is proposed that the Council's dispose of its' 36.78% of the site at Blackbird Road jointly with Gateway College. This would result in a substantial seven figure capital receipt for the Council, which would be used to finance the corporate capital programme.

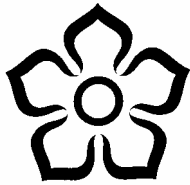
4.2 Legal Implications (John McIvor – Extn. 7035)

4.2.1 Under Section 123 of the Local Government Act 1972 before disposing of any land that constitutes public open space, the Council is required to advertise the disposal in the local newspaper. The public then have an opportunity to send written objections to the proposed disposal, with any objections being considered by the Council prior to the disposal proceeding.

5. Officer to contact:

Peter Ross
Principal Valuer
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Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)



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SUPPORTING INFORMATION

1. Report

- 1.1 The Council own some 5 hectares of land, formerly held for education purposes, at Blackbird Road Playing Fields. This land was declared surplus to Council requirements several years ago. The site has not been open to public use, but, over the years the public have created accesses in gates and fences and have used the fields for dog-walking and shortcuts to other areas.
- 1.1.1 With some 8.8 hectares of land owned by Gateway College, now surplus to their needs, the site was included in the Replacement Local Plan as Blackbird Road Playing Fields Policy Area. This required any development proposals to:-
- a) be part of a comprehensive scheme for the whole site.
 - b) provide for 5.9 hectares of open space of which a minimum of 3 hectares is publicly accessible and overlooked by development, the remaining space to provide additional sport and recreation facilities.
- 1.1.2 Representations by local residents regarding the loss of open space, and other issues, were considered by the Planning Inspector as part of the process of objections to the Local Plan, and the present Blackbird Road policy was recommended by the Inspector.
- 1.1.3 Cabinet, at its meeting on 12 June 2006, agreed to allow the site to be sold jointly with Gateway College, with the resulting net capital receipt to be split with the College in proportion to each party's land holding. Combined with this, Cabinet agreed to sell land at Hamilton for Gateways relocation and this was subject to a satisfactory joint sale of the Blackbird Road land being agreed.

- 1.1.4 Gateway College and the Council applied for planning consent last year, in accordance with the Local Plan, and at its meeting on 14 November 2006, the Planning and Development Control Committee approved an Outline Planning Consent for 320 houses, including affordable housing, improved open space and sports facilities, and with provision for a medical/community provision, should there prove a need. Objections to the loss of open space and the improved open space/leisure provision were considered as part of the planning decision.
- 1.1.5 In support of housing on the site, Planning Policy have said "The City of Leicester Local Plan (January 2006) makes provision for 19,000 new homes to meet the Structure Plan requirement by 2016. The Blackbird Road site is expected to contribute towards housing supply during the next five years. Furthermore, the Draft East Midlands Regional Plan (September 2006) proposes a more challenging target of 29,500 new homes for Leicester up to 2026. This will require an annual building rate of 1,180 dwellings and represents a 24% increase over existing Local/Structure Plan targets. The City Council has supported this increased growth subject to the availability of adequate funding for infrastructure through the Government's New Growth Point designation for the 3 East Midlands Cities".
- 1.1.6 It has now been agreed with Gateway College to sell the site jointly and to split the resultant capital receipt in the ratio of our land holding, net of costs. This would mean that the Council will receive approximately 36% of the sale price. Marketing is due to take place during February 2007 with a proposed tender date in April.
- 1.1.7 The timing is critical to Gateway College. They require their part of the capital receipt as part of the funding for their new College, and they need to have a sale contract in place by May 2007 to satisfy the requirements of the Learning and Skills Council.
- 1.1.8 The developer who buys the site will be required to obtain a detailed planning consent in accordance with the Local Plan and the Outline Consent. This means that 5.9 hectares of developed open and leisure space will be provided for local residents, with a commuted sum for its future maintenance, in place of a large area of waste ground.
- 1.1.9 Before disposing of land that may have been used as open space by the Public, the Council is required by s 123 of the Local Government Act 1972 to advertise the loss of such space, to invite representations and to consider any objections (see Legal Implications). These notices were placed in the Leicester Mercury on 20th and 27th December 2006, with a period until 30 January 2007 for complaints to be lodged.
- 1.1.10 There are four objections to consider, summarised as:-
- a) Objection, as there is insufficient open space in this area of the City
 - b) ditto

- c) General complaint about loss of green space, with other complaints not relevant to POS.
- d) Objection from 7 people, delivered through Councillor Green. General complaint against loss of green open space, supported by their contention that there are already too many houses in Leicester.

2. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

2.1. Financial Implications

See Summary Report

2.2 Legal Implications

See Summary Report

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	NO		
Policy	YES	1.1.5	
Sustainable and Environmental	YES	1.1.1 and 1.1.4	
Crime and Disorder	NO		
Human Rights Act	NO		
Elderly/People on Low Income	NO		

4. Background Papers – Local Government Act 1972

None.

5. Consultations

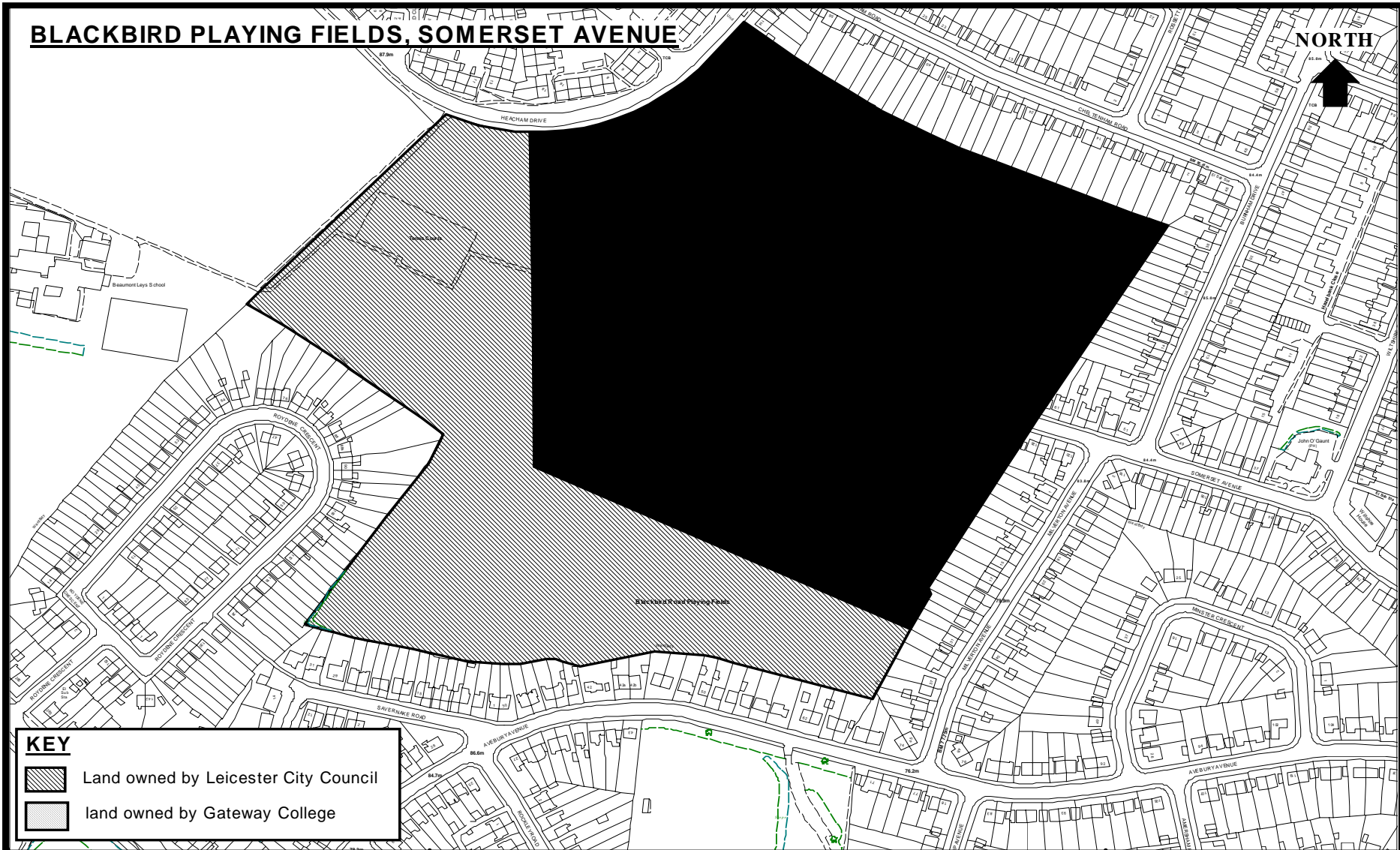
Nick Booth – Financial Strategy
John McIvor – Legal Services

6. Report Author

Peter Ross
Principal Valuer
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Peter.Ross@leicester.gov.uk

BLACKBIRD PLAYING FIELDS, SOMERSET AVENUE

NORTH



KEY

- Land owned by Leicester City Council
- land owned by Gateway College

BASED UPON THE ORDNANCE SURVEY MAP WITH THE SANCTION OF THE CONTROLLER OF H.M. STATIONARY OFFICE. CROWN COPYRIGHT RESERVED. LICENCE No.100019264

DRAWN BY AS PLAN No Ctee 129
 CHECKED BY NOE DATE 10/05/2006

NOT TO SCALE

TOM STEPHENSON, CORPORATE DIRECTOR OF RESOURCES AND TOWN CLERK LEICESTER CITY COUNCIL