

Name of meeting: Cabinet
Date: 29 May 2019
Title of report: Disposal of open space at Rowley Hill/Common End Lane, Lepton, Huddersfield

Purpose of report

The purpose of this report is for Cabinet to consider the objections received as a result of advertising the Council's intention to dispose of open space at Rowley Hill/Common End Lane, Lepton, Huddersfield, shown edged red on the Plan contained within Appendix 1 and to determine whether to proceed with the intended disposal of the open space.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director and name	Karl Battersby - 13.05.2019
Is it also signed off by Service Director - Finance?	Eamonn Croston - 15.05.2019
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft - 13.05.2019
Cabinet member portfolio	Cllr Graham Turner - Corporate

Electoral wards affected: Almondbury

Ward councillors consulted: Cllr Alison Munro, Cllr Bernard McGuin, and Cllr Judith Hughes

Public or Private: Public

Has GDPR been considered? Yes and personal information has been redacted

1. Summary

As a result of the previous Cabinet Approval received on the 21st August 2018, to dispose of the land at Rowley Hill/Common End Lane, Lepton, Huddersfield Officers have moved the disposal process forward. As the land in question is classed as 'open space' the disposal involves the advertising of the intention to dispose in the local press to determine if there are any objections to the disposal of the land. Any objections received have to be referred back to Cabinet for consideration pursuant to paragraph (v) of Part O, Section F of the Constitution.

Cabinet are therefore asked to consider the objections received in response to the advertisement of disposal of open space at Rowley Hill/Common End Lane, Lepton, Huddersfield and to determine if the intended disposal should proceed.

2. Information required to take a decision

Approval to dispose of the land was granted by Cabinet on 21st August 2018, following consultation with local ward members, Cllr Graham Turner – Portfolio Holder: Asset Strategy, Resources and Creative Kirklees (Arts), at the Asset Liaison Group and subject to advertising the proposed disposal of open space under Section 123(2A) of the Local Government Act 1972.

Notices advertising the intention to dispose of this open space were placed in the "Examiner" on 26th October and 2nd November 2018, with a deadline for objections to be received by no later than 19th November 2018. Copies of the newspaper adverts are attached at Appendix 3.

The land is unallocated in both the Unitary Development Plan (UDP) and the proposed Local Plan.

The land is a former grazing tenancy area which has been vacant for a number of years and remains unmaintained.

The land is subject to a highways improvement line. Highways issues will be addressed as part of any planning application for change of use.

The site does not have any planning permission at present – however the sale with unrestricted use and, the fact that the land remains unallocated in both the current UDP and the proposed Local Plan, will mean that a subsequent purchaser could submit an application for various forms of development. In accordance with the Government's National Planning Policy Framework and accompanying National Planning Practice Guidance, consultations are made with all relevant council departments, local residents and, an information notice will be placed close to the site advising members of the public of any intended development. All comments received are taken into consideration by the Planning Committee before a decision is taken on the application.

2.1 Objections Received

There has been numerous letters of objection, comprising of approximately ten individual objections.

A copy of the letters of objection are contained within Appendix 2 and have had personal data appropriately redacted).

Due to the fact that objections have been received it is necessary for this issue be referred back to Cabinet for consideration of the objections pursuant to paragraph (v) of Part, Section F of the Constitution and for a final decision to be made by Cabinet on whether to proceed with the intended disposal of the land or withdraw it from sale and revert to grazing use.

The main objections can be categorised into the following areas to which the officer responses have been included for consideration:

2.1.1 Objection – Congestion/Highways/ Drainage Issues:

The Council has received objections to the impact on road congestion based on the existing narrowness of the road and the fact that this is used as a 'cut through', which will have intensified usage, particularly at school opening and closing times as well as other related objections to other highways and drainage issues.

The land is subject to a Highways Improvement Scheme at the junction of Rowley Hill/Fields Lane/ Common End Lane, which will be brought to the attention of any subsequent purchaser.

Any application for development will be subject to review by Highways Development Management who will pass the matter to any other Highway disciplines which may be relevant to the proposal. The application will be subject to the relevant statutory requirements for Access and Layout, Parking, Drainage and Waste Collection and Road Safety Audits. Proposals would need to demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Any comments/objections made by the Highways Team will again be considered as part of the planning process and new development will not be permitted if it adds to highway safety problems.

2.1.2 Objection – Recent Repair works to wall:

The Council has received objections in relation to the fact that recent repair works have been undertaken to the boundary wall such works being claimed to be expensive and a waste of ratepayers money. The land was subject to a grazing tenancy and was vacated in 1986. The land has not been used since and is considered surplus to requirements.

2.1.3 Objection – Wildlife /Local Habitat:

The Council has received objections in relation to any future potential impact on wildlife and local habitat.

The European Habitats Directive (92/43/EC) requires 'appropriate assessment' of plans and projects that are, either alone or in combination with other plans and projects, likely to have a significant impact on national and international designated sites. Any proposed development will also be subject to the Council's own strategy policies as well as the Natural Environment and Rural Communities (NERC) Act 2006, which imposes a duty on public bodies to conserve and enhance biodiversity and, these will be considered as part of the planning process.

2.1.4 Objection – Invasion of Privacy:

The Council has received a specific objection in relation to the potential 'invasion of privacy' that could result from any future development.

The Local Planning Authority Guidance amplifies policies in development plans on residential amenity. Not only does it apply to the construction and conversion of new houses it ensures that residents can enjoy a reasonable degree of space, privacy and day-lighting in and around their homes. New houses should benefit from a satisfactory degree of privacy and daylight. The residents of existing houses should also not be unduly affected by the development. These guidelines will be applied, in the consideration of any future planning application.

2.1.5 Objection – Overdevelopment:

The Council has received objections to the potential for overdevelopment. Whilst it is desirable to make the best possible use of land by increasing housing densities, residents are entitled to enjoy a reasonable degree of space, privacy and day-lighting in and around their homes - factors that are usually termed 'residential amenities'. The Local Planning Authority Guidance will be used to consider this issue as part of any future application.

2.1.6 Objection – Close proximity to listed buildings:

The Council has received a specific objection in relation to the close proximity of the land to Listed Buildings. Any proposed development will be subject to the statutory requirements of section 66 & 72 of the Planning Act 1990 and Chapter 16 of the National Policy Framework (Listed Buildings and Conservation areas) and will be considered as part of the Planning process.

3. Implications for the Council

3.1 Working with People

The disposal of the land will potentially provide the opportunity for local small scale development and support the local labour market.

3.2 **Working with Partners**

There will be no impact.

3.3 **Place Based Working**

There will be no impact.

3.4 **Improving outcomes for children**

There will be no impact.

3.5 **Other (e.g. Legal/Financial or Human Resources)**

The Council has the statutory powers to dispose of the land and the disposal is in line with the Disposal and Acquisition Policy 2017.

A capital receipt will be received through the sale at public auction. Savings will be made by reduced maintenance responsibility.

4. **Consultees and their opinions**

Ward Members Consultation – Almondbury

Cllr Alison Munro/Cllr Bernard McGuin/Cllr Judith Hughes – 13 July 2018

Cllr Munro's comments included in the original Cabinet Report of the 21st August 2018 were as follows:

“Even though development of the site will be low density, the number of houses already earmarked for development in the Local Plan for Lepton and Fenay Bridge is unsustainable for our area in terms of the infrastructure, i.e. roads, schools, doctors surgeries and impact on the environment in terms of overdevelopment of green spaces, impact on air quality from pollution from traffic, impact on the wellbeing of local residents and will impact on the local wildlife network.”

No other comments were received.

Cllr Alison Munro/Cllr Bernard McGuin/Cllr Judith Hughes – 11th February 2019

No comments received for this report.

5. **Next steps and timelines**

If the current approval to dispose is maintained, the land will be sold by public auction in 2019.

6. Officer recommendations and reasons

It is recommended that Cabinet approve the disposal of this area of open space in order that:

- i) The land can be better utilised and maintained
- ii) A capital receipt would be achieved
- iii) A potential opportunity for local small scale development and support for the local labour market can be provided
- iv) Objections in relation to issues associated with the future development and use of the site, can be considered as part of the statutory planning process

A sale by public auction would provide interested parties with the option to acquire a potential development opportunity in an open and competitive way.

7. Cabinet portfolio holder's recommendations

Comments received at the Portfolio Briefing 21st January 2019

The Cabinet Portfolio Holder commented that they 'Welcome the release of the parcel of land to the open market which will generate a capital receipt for the Council and the opportunity for small local developers to build much needed homes for the community'.

The Cabinet Portfolio Holder recommends that Cabinet approves the disposal of this area of open space in order that:

- iii) The land can be better utilised and maintained
- iv) A capital receipt would be achieved
- v) A potential opportunity for local small scale development and support for the local labour market can be provided
- vi) Objections in relation to issues associated with the future development and use of the site, can be considered as part of the statutory planning process.

8. Contact Officers

Gary Fowler - Team Leader: Disposals & Acquisitions
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9. Background Papers and History of Decisions

Portfolio Briefing – 21st January 2019

Cabinet Approval Received - for the recommendations within the report, considered at Cabinet on 21st August 2018 'Disposal of Surplus Land and Property Assets'.
Decision Notice published 22nd August 2018.

10. Service Director Responsible

Angela Blake - Service Director: Economy and Skills

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Appendices:

Appendix 1 - Site Plan

Appendix 2 - Objection Letters (Personal Information Redacted)

Appendix 3 - Press Adverts