

**Name of meeting:** Cabinet  
**Date:** 20 February 2018

**Title of report:** Disposal of Public Open Space at North Rd/Nevins Rd,  
 Ravensthorpe, Dewsbury

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 <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	
The Decision - Is it eligible for call in by Scrutiny?	
Date signed off by Strategic <u>Director</u> & name	Karl Battersby - 06.02.18
Is it also signed off by the Service Director - Finance, IT and Transactional Services?	Debbie Hogg - 06.02.18
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft - 12.02.18
Cabinet member <a href="#">portfolio</a>	Cllr Graham Turner & Cllr Musarrat Khan - Corporate Portfolio Holders

**Electoral wards affected:** Dewsbury West

**Ward councillors consulted:** Cllrs Mussarat Pervaiz/Cllr Darren O'Donovan/ Cllr Mumtaz Hussain - 16 January 2018

**Public or private:** Public

## 1. **Purpose of Report:**

The purpose of this report is for Cabinet to consider the objection, received as a result of advertising the Council's intention to dispose of Public Open Space at North Road/Nevins Road, Ravensthorpe, Dewsbury, shown edged red on the Plan contained within Appendix 1 and, to determine whether to proceed with the intended disposal of the Public Open Space.

## 2. **Information required to take a decision**

Approval to dispose of the land by public auction was granted under Delegated Powers on 26 January 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 Public Open Space under Section 123(2A) of the Local Government Act 1972.

Notices advertising the intention to dispose of this Public Open Space were placed in the 'The Press' on 5 January 2018 and 12 January 2018, with a deadline for objections to be received by no later than 29 January 2018.

The land is unallocated in both the UDP and the LDF. No application for planning permission has been submitted, although it is proposed that the land is marketed with unrestricted use.

The land is currently a maintained area of grassed open space.

One objection to the proposed disposal of Public Open Space was received on or around 16 January 2018.

The objector, whose property adjoins the land, wrote as a private individual objecting to the disposal of the Public Open Space with the intention for it to be used for residential development. The main points raised were:

- a. All the windows of the objector's property look out onto the land;
- b. The objector believes there could be an infringement of being overlooked or shadowed with a violation to their right to light; and
- c. The objector has concerns regarding the intrusion on their privacy.

A copy of this letter is contained within Appendix 2.

The points raised by the objector do not relate to the current use of the land as Public Open Space or the potential loss of this land as Public Open Space should a disposal take place, but relate to any proposed future use of the land for residential development.

As the points raised within the letter refer to matters which would be considered at the planning application stage, a letter of explanation was sent to the objector on 19 January 2018, advising that a further opportunity to object to any proposed development of the land would be presented when a planning application was submitted by the new purchaser. A copy of this letter is contained within Appendix 3.

A further letter was sent to the objector on 22 January 2018 requesting they withdraw their objection in view of the more detailed information being made available. A copy of this letter is contained within Appendix 4.

At the time of writing, the objection has not been withdrawn, hence it is necessary for this report to Cabinet for consideration of the objection and a final decision to be reached on whether to proceed with the intended disposal of the land.

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

None.

#### **3.2 Economic Resilience (ER)**

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

#### **3.3 Improving Outcomes for Children**

None.

#### **3.4 Reducing demand of services**

Disposal of the site will eliminate the need for continued maintenance of the site.

#### **3.5 Legal/Financial or Human Resources**

There have been expressions of interest in the land already. The Council has the statutory powers to dispose of the land and the disposal is in line with the Disposal and Acquisition Policy 2017.

### **4. Consultees and their opinions**

Ward Member Consultation - Dewsbury West  
Cllrs Mussarat Pervaiz/Cllr Darren O'Donovan/ Cllr Mumtaz Hussain - 16 January 2018 - No Objections Received

### **5. Next steps**

If approved the land will be sold by public Auction on 15 March 2018.

### **6. Officer recommendations and reasons**

It is recommended that Cabinet approve the disposal of this area of Public Open Space in order that:

- i) The land can be better utilised.
- ii) A capital receipt would be achieved

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

**7. Cabinet portfolio holder's recommendations**

Councillor Graham Turner - Asset Strategy, Resources and Creative Kirklees  
Councillor Musarrat Khan - Economic Resilience

The recommendations are noted and approved. The Portfolio holders are satisfied that the objections would be more relevant, once the type and position of any proposed development is established. The subsequent planning application, post disposal, will provide the objector with the opportunity to raise any concerns, which will be considered by the Local Planning Authority as part of the consultation process.

**8. Contact officer**

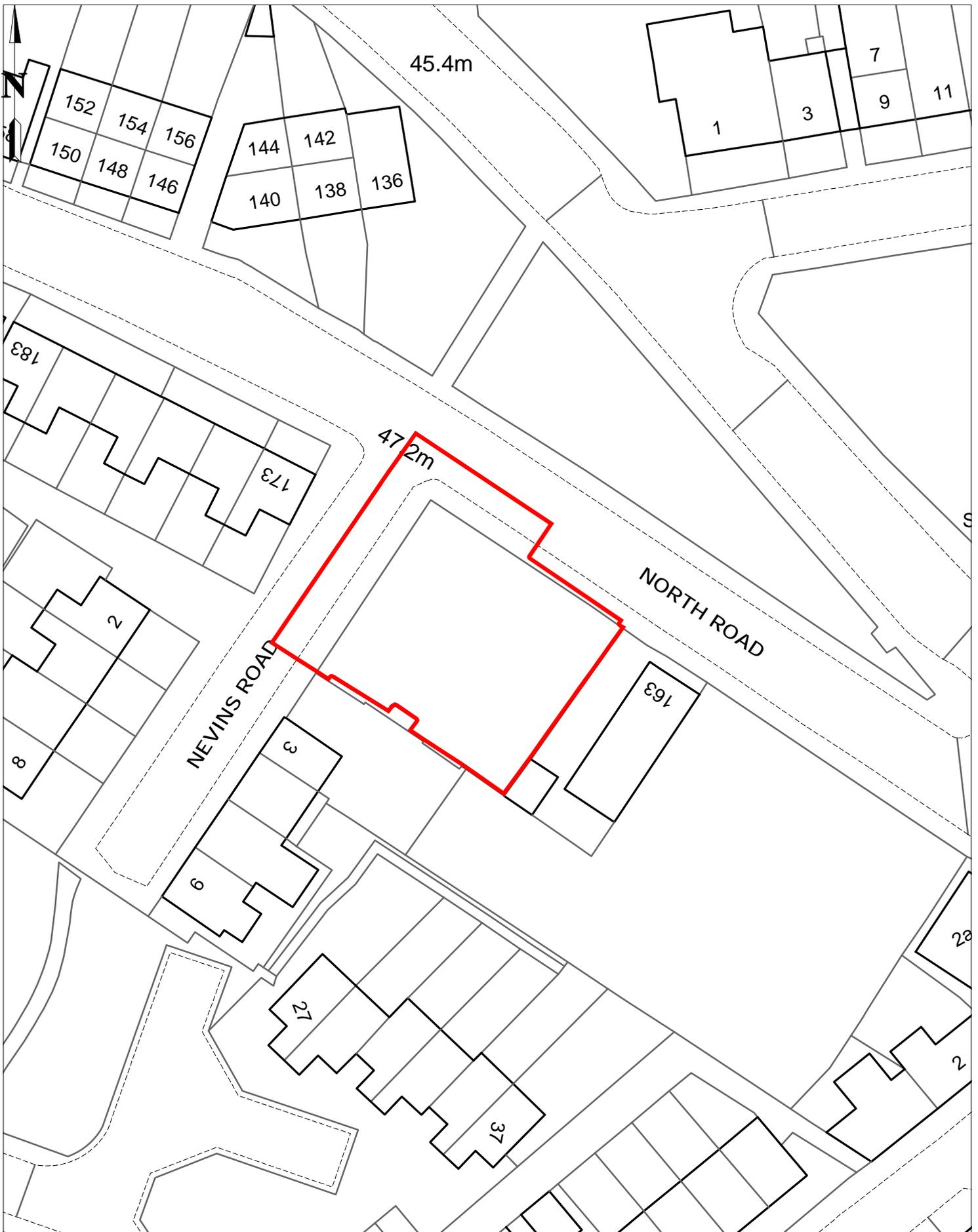
Corinne Wilson - Acquisitions & Disposals Officer  
Gary Fowler - Team Leader: Disposals & Acquisitions

**9. Background Papers and History of Decisions**

Asset Liaison Group Approval - 16.01.18  
Senior Leadership Team - 16.01.18  
Disposals and Acquisition Policy - 3.03.17

**10. Directors responsible**

Paul Kemp - Service Director - Economy, Regeneration & Culture  
Karl Battersby - Strategic Director: Economy and Infrastructure, Place



Services director  
Kirklees Council  
legal governance and commissioning  
Second floor high street buildings  
High street  
Huddersfield  
HD12ND

16<sup>TH</sup> JANUARY 2018

For the attention of Mrs **JULIE MUSCROFT**

**Reference:**

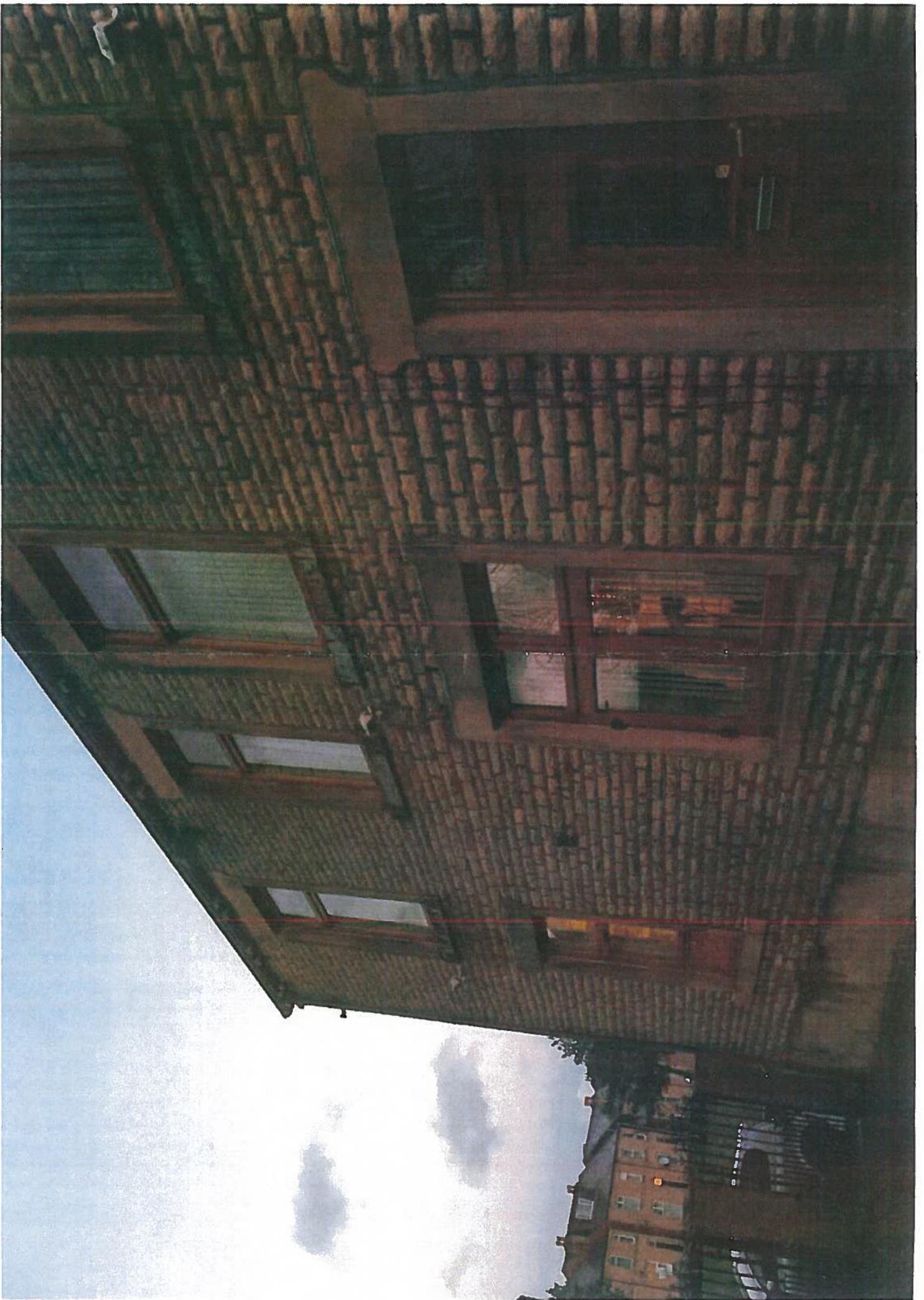
PLANNING APPLICATION NO (DEV/DAO/D70A-466)

Proposed intensions to dispose of an area of approximately 673sq meters (0.17acre) of land on new north road/Nevins road Ravensthorpe Dewsbury. With the intension to be used for residential purposes.

I write in connection with the above local government ACT 1972 –section 123 disposal of public open space. I have lived at the above address since 2004 and therefore wish to **object** strongly to the disposal of this land, with the intension for it to be used for residential development.

I enclose photographs of my property demonstrating that all of my windows look out onto this land. We believe there could be an infringement of been overlooked or shadowed with a violation to our right to light. This could also lead to an intrusion of privacy.

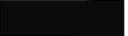




19 January 2018

Our ref: CAW/Dev201801

Your ref:

Dear 

**LAND AT NORTH ROAD/NEVINS ROAD, RAVENSTHORPE**

I refer to your letter of 16 January 2018 regarding the proposed development at the above, which has been passed for my attention.

I understand you have already spoken with my colleagues as they visited on the site on Tuesday 17 January 2018, however I am writing to confirm the situation in regard to your concerns.

Your letter and your conversation with my colleagues would imply that your objections are to the potential effect a development would have on your own property rather than an objection to the loss of the open space.

These points, as explained by my colleague Mr Fowler on site, would be dealt with under the planning legislation regarding spaces between buildings, when a planning application is submitted for the development of the site. As part of the planning consultation process there would be an opportunity to object to the actual development and, consideration would be given to any comments you have to make, before a decision is made on whether planning permission would be granted.

I hope that clarifies the situation, however if you wish to discuss the matter further please do not hesitate to contact me

Yours sincerely

*Corinne A Wilson*

**Corinne Wilson - Disposals & Acquisitions Officer**

**Working Hours: Mon/Wed/ Fri 7:00am – 12:00pm & Tues/Thurs 7:00am – 17:00pm**

22 January 2018

Our ref: CAW/Dev201801

Your ref:

Dear 

**LAND AT NORTH ROAD/NEVINS ROAD, RAVENSTHORPE**

I refer my letter of 19 January 2018 regarding the disposal of open space at the above. For my records, I would be grateful if you could confirm that you would be happy to object to any proposed development at the planning application stage and you no longer wish to object to the disposal of the open space.

I look forward to your early response

Yours sincerely

*Corinne A Wilson*

**Corinne Wilson - Disposals & Acquisitions Officer**

**Working Hours: Mon/Wed/ Fri 7:00am – 12:00pm & Tues/Thurs 7:00am – 17:00pm**