

# REPORT FOR DECISION

**MEETING:** CABINET

**DATE:** 16 DECEMBER 2015

**SUBJECT:** OBJECTIONS TO THE PROPOSED DISPOSAL OF PUBLIC OPEN SPACE – LAND ADJACENT TO RADCLIFFE CIVIC HALL

**REPORT FROM:** DEPUTY LEADER OF THE COUNCIL AND CABINET MEMBER FOR FINANCE AND HOUSING

**CONTACT OFFICER:** ALEX HOLLAND - HEAD OF PROPERTY & ASSET MANAGEMENT

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**TYPE OF DECISION:** KEY DECISION

**FREEDOM OF INFORMATION/STATUS:** FOR PUBLICATION

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**SUMMARY:** The report provides details of the objections received to the proposed disposal of Public Open Space adjacent to Radcliffe Civic Hall.

The extent of the land concerned is shown edged red on the plan contained within Appendix 1 to this report.

**OPTIONS & RECOMMENDED OPTION** Members are requested to consider the objections received and determine whether any have sufficient weight to prevent the sale of the Public Open Space.

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## IMPLICATIONS:

**Corporate Aims/Policy Framework:**

Do the proposals accord with Policy Framework? Yes.

**Statement by s151 Officer:**

Whilst this decision may have a bearing on the future proposals for this site, Cabinet are requested to consider the specific objections received on their own merits.

**Statement by Executive Director of Resources and Regulation:**

The report summarises responses received following a formal consultation exercise.

**Equality/Diversity implications:** None

**Considered by Monitoring Officer:** Yes  
JH

**Are there any legal implications?** The Council has complied with the legal requirement to advertise the proposed disposal of Public Open Space. The Council must now consider the objections received and determine whether the open space should be disposed of. Government Guidance (Circular 06/03) sets out that the public response to open space notices "may be material" to the decision to dispose of land

**Wards Affected:** Radcliffe East

**Scrutiny Interest:** Overview & Scrutiny

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## **TRACKING/PROCESS**

**INTERIM DIRECTOR: Stephen Kenyon**

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
Yes	Yes		
Scrutiny Committee	Cabinet	Committee	Council
	Yes		

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### **1.0 INTRODUCTION**

- 1.1 At its meeting of 14 October 2015 Cabinet resolved to close Radcliffe Civic Hall and sell the building and surrounding recreational land to Great Places Housing Association. Minute No. CA.381 refers. That decision was made, however, subject to certain qualifications.
- 1.2 Sections 123(2A) and 127(3) of the Local Government Act 1972 and section 233(4) of the Town and Country Planning Act 1990 ("the 1990 Act") require a local authority wishing to dispose of open space under those powers to advertise its intentions in a local newspaper for two consecutive weeks and to consider objections. Consequently the Cabinet resolution was made subject to the consideration of any such objections.
- 1.3 Notices advertising the intention to dispose of Public Open Space were placed in editions of the Bury Times and Radcliffe Times on 22 and 29 October 2015, with a closing date for objections of 19 November 2015.

- 1.4 The Cabinet resolution gave delegated authority to the Leader of the Council and Deputy Leader and Cabinet Member for Finance and Housing to consider any objections received and to make a final decision as to whether or not to approve of the disposal of the Public Open Space in the light of the objections. However, it was subsequently decided that Cabinet would consider the objections and make a decision over the proposed sale of the land.

## **2.0 OBJECTIONS RECEIVED**

- 2.1 Following the advertisement of the intention to dispose of Public Open Space eight emails and letters have been received from members of the public, objecting to the proposed disposal, and copies are contained within Appendix 2 to this report.
- 2.2 116 signed copies of a generic letter have been received, although no grounds for the objection are provided. A sample of this letter is contained within Appendix 3.
- 2.3 An letter of objection written on behalf of the Bury Green Party was also received and a copy is contained within Appendix 4.

## **3.0 OBJECTIONS RELATING TO THE DISPOSAL PROCESS**

- 3.1 Two of the letters received from the public and the letter sent on behalf of the Bury Green Party make identical points. They contend that the procedure followed by the Council in provisionally agreeing to dispose of the land and the subsequent advertisement of this intention was flawed.
- 3.2 In these letters they state that the disposal plan accompanying the advert was misleading because it did not include the civic hall itself. However, by definition, the civic hall building is enclosed and not open space and consequently it would have been wrong in law to include it within the plan. Consequently the plan was not misleading.
- 3.3 It is claimed that there is a requirement not only to advertise the proposed disposal, but also to separately consult over a change of use. This is incorrect. Change of use issues are matters for the planning process and will be dealt with, together with the detail of the proposed scheme, as part of the planning application and in the prescribed manner.
- 3.4 Finally, it is suggested that the proposed use for housing runs contrary to a local policy contained within the Unitary Development Plan and consequently the land should not be sold for this purpose. This policy states that the Council will maintain community facilities and public open space as the predominant land uses within the Green Street/New Church Street. This assertion effectively prejudices the outcome of the planning application and it will be for the Planning Control Committee to decide how planning policy issues impact upon the proposed scheme.
- 3.5 The sale to Great Places Housing Association is subject to planning permission being obtained for residential use. Consequently if planning permission is not obtained for this use, either as a consequence of the current or any subsequent applications, the land will not be sold for this purpose.

## **4.0 RECOMMENDATION**

4.1 Members are requested to consider the objections received and determine whether any have sufficient weight to prevent the sale of the Public Open Space.

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**Background documents:**

- The notice advertising the intention to dispose of Public Open Space and accompanying plan
- The objections received to the proposed disposal

**For further information on the details of this report, please contact:**

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## **APPENDIX 1**

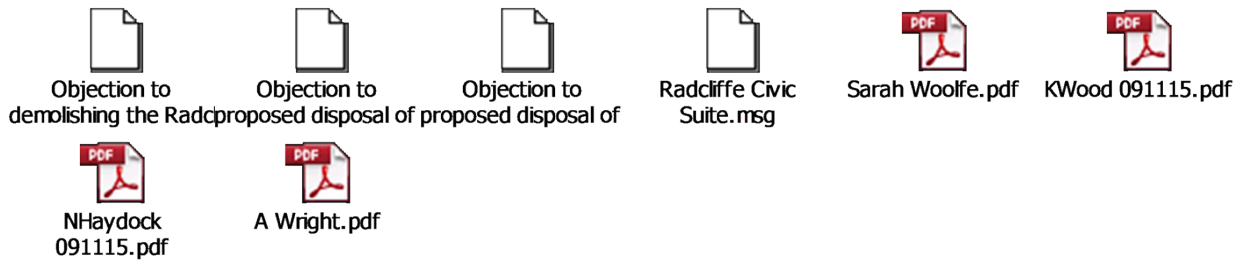
### **Public Open Space Disposal Plan**



Civic Hall POS  
Plan.pdf

## Appendix 2

### Emails and letters received from the general public



## Appendix 3

### Sample pro forma letter



Sample Pro  
Forma.pdf

## Appendix 4

### Letter received from Bury Green Party



NHaydock\_GreenP  
101115.pdf