

Gloucester City Council

Meeting:	Cabinet	Date:	14 July 2021
Subject:	Proposed Disposal of public open space Armscroft Road/Barnwood Road		
Report Of:	Leader of the Council		
Wards Affected:	Elmbridge		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Plan of land 2. Summary of Objections		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To consider public objections to the disposal of Public Open Space at Armscroft Road/Barnwood Road.

2.0 Recommendations

- 2.1 Cabinet is asked to:

- (1) Consider the objections received in response to the s123 notices.
- (2) Following consideration of the objections, Cabinet **resolve** to approve the disposal of the whole site.

3.0 Background and Key Issues

- 3.1 A local developer approached the Council on whether the Council wished to dispose of the open space land adjacent to the old B Grade Domestic building on the junction of Barnwood Road and Armscroft Road.
- 3.2 The land is classed as Public Open Space. Consultations took place with the Open Space Officer. In the Open Space Strategy, the land is classed as low quality, low community value and low biodiversity value. In his opinion the land is little used and difficult to maintain.

- 3.3 Local members were asked for comment on the proposed disposal. Only member responded but could not comment as on Planning Committee.
- 3.4 Property Commissioning Manager decided that land could be disposed of subject to open market valuation being obtained and the s123 of Local Government Act procedure being followed
- 3.5 The developer obtained planning permission and Bruton Knowles provided valuation advice taking into account the planning permission to ensure best value is achieved. Price was agreed with developer subject to contract and following the S123 procedure.
- 3.6 The Public Notices were published on 6 and 13 May 2021. 9 objections were received.
- 3.7 A summary of the objections raised are attached in appendix 2.
- 3.8 The developer took occupation of some of the land without the Council's prior consent and prior to being in legal possession of the land. This was also prior to the conclusion of the S123 consultation being completed. The developer was told to cease works and One Legal were consulted over issuing an injunction to stop works.
- 3.9 Due to the objections that have been received, Cabinet now has to consider them and decide whether
- a) the disposal should not go ahead
 - b) only part of the site should be disposed of (land edged red and not coloured on plan appendix 1)
 - c) the disposal of the whole site should go ahead

4.0 Social Value Considerations

- 4.1 The objections raised have commented on the social value of the land

5.0 Environmental Implications

- 5.1 Part of the proposed land to be disposed of would be built on and mean the loss of a grassed area. The remaining part would be private garden. This may have an impact on wildlife habitat and wildlife corridors.

6.0 Alternative Options Considered

- 6.1 Disposal of part of the site – this would mean a smaller capital receipt; the developer would have to submit a new planning application and without the garden land may not obtain consent for a revised scheme. We would retain the main part of the public open space which is difficult to maintain and classified as low quality, low community value and low biodiversity value.
- 6.2 No disposal of land to take place – the opportunity for the provision of more homes is lost and the loss of a capital receipt. We retain public open space that is difficult

to maintain and is classified as low quality, low community value and low biodiversity value.

7.0 Reasons for Recommendations

- 7.1 It is recommended that the whole site is disposed to permit the provision of new homes, to provide a capital receipt and to dispose of land that is difficult to maintain. The land will be sold subject to restrictions that the undeveloped land cannot be built on in the future.
- 7.2 It is recommended that a condition of the disposal is that the developer provides a bench for local residents' use.

8.0 Future Work and Conclusions

- 8.1 If the disposal or part disposal is agreed to then One Legal will need to be instructed to deal with the sale of the land.
- 8.2 If is not disposed of or only part disposed of then work to engage with the community to improve the open space could commence if there is any interest.

9.0 Financial Implications

- 9.1 If the land is all/part disposed of there will be a capital receipt.

(Finance were consulted in the preparation of this report)

10.0 Legal Implications

- 10.1 Before disposing of land held as public open space, the Council has a statutory duty (pursuant to s.123 of the Local Government Act 1972 (the "**Act**")) to inform the public of its intention by way of a notice published for two consecutive weeks in a local newspaper. The notice invites the public to submit any objections in writing to the Council and sets a time frame for doing so. The Council has a duty to consider the objections received within the time frame and must then make a decision as to whether the disposal should proceed.
- 10.2 The Council has a further statutory duty under the Act to secure the best consideration reasonably obtainable for the land being disposed of. In this instance, the Council sought an independent valuation of the land (carried out by Bruton Knowles) to ascertain what the best price obtainable on the open market would be and based the proposed sale price on the conclusions drawn.
- 10.3 The registered title covering this area of land has been reviewed and there are no existing restrictions which might impact on the proposed use of the land as private garden ancillary to the adjoining development, or for a small part of the land to be built upon as part of the adjoining development. If the whole area is disposed of, the Council is proposing to impose a restriction so that the part to be used as a private garden cannot be built on in the future

(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

11.1 There are no adverse risks associated with proposed course of action.

12.0 People Impact Assessment (PIA) and Safeguarding:

12.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact; therefore, a full PIA was not required.

13.0 Community Safety Implications

13.1 None

14.0 Staffing & Trade Union Implications

14.1 None