

Appendices



Item No.

NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Consideration of objections received to proposed disposal of a small area of public open space at the Racecourse
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	1 October 2007
Key Decision:	NO
Listed on Forward Plan:	YES
Within Policy:	YES
Policy Document:	NO
Directorate:	Governance & Resources
Accountable Cabinet Member:	Cllr M Mildren
Ward(s)	Castle

1. Purpose

1.1 To consider objections received in response to the advertisement of the proposed disposal of public open space at the Racecourse.

2. Recommendations

2.1 That Cabinet confirms the decision of the Portfolio Holder for Finance to dispose of an area of public open space of 17 square metres forming part of the Racecourse.

3. Issues and Choices

3.1 Report Background

3.1.1 By delegated powers on 3 August 2007, the Portfolio Holder for Finance gave authority for the disposal of 56 square metres of land located at the end of Leicester Street, shown upon the attached plan at Appendix 1 coloured pink - including 17 square metres of public open space (shown edged blue upon the same plan).

3.1.2 The land was agreed to be sold to the developer of flats on the site of the former Nelson Hall. The inclusion of this land within the development was a planning requirement in relation to improved vehicular access and is necessary to permit the development of 9 rather than 8 flats. This fact was reflected in the consideration agreed between the Council and the Developer.

3.1.3 The land edged blue forming part of the Racecourse is required solely for sightline purposes. The planning permission does require that bollards are erected on this Racecourse land, along the new boundary. This is to define the sightline area and to stop the land being used as a new vehicular access to the Park.

3.1.4 It is considered that the works required by the planning permission will generally improve the environment at the end of Leicester Street. It is understood that the works to improve the turning head will, upon completion, be adopted as part of the public highway.

3.1.5 Approval to dispose was given subject to the requirement for advertisement of the proposed disposal of public open space in accordance with requirements of the Local Government Act 1972 (as amended). The proposed disposal has been advertised and objections have been received.

3.1.6 The stated grounds of objection may be summarised as:

- (i) The principle that no park land or open space, no matter how small, should be disposed of, since it is recreational space for the people of the town.
- (ii) Concerns about possible damage to a particular tree adjacent to the land in question.
- (ii) That any disposal for this purpose should be by way of grant of a lease rather than by way of freehold sale.

3.2 Issues

It is acknowledged that the concerns raised above are legitimate, but that the loss of amenity in this instance is very minimal. Disposal of the land by way of a long lease rather than freehold sale would not address the central objection. Concerns regarding damage to trees can be fully addressed by monitoring of construction activity and specific obligations placed upon the developer.

3.3 Choices (options)

3.3.1 That the Council foregoes the consideration agreed and retains ownership of all the land coloured pink.

3.3.2 That the Council confirms the decision to dispose, notwithstanding the objections raised.

4. Implications (including Financial Implications)

4.1 Policy

There are none specifically.

4.2 Resources and Risk

The retention of the land would mean the loss of a modest capital receipt.

4.3 Legal

The relevant legal implications are considered in this report.

4.4 Equality

There are none specifically.

4.4 Consultees (Internal and External)

Ward Councillors, Friends of the Racecourse

4.6 How Proposals deliver Priority Outcomes

None specifically.

4.7 Other implications

There are none.

5. Background Papers

ASSET MANAGEMENT FILE MS/38/01

Simon Dougall, Asset Manager, x 8177

