

## Officer Non Key Executive Decision

<b>Relevant Chief Officer (Decision Maker):</b>	Antony Lockley, Assistant Chief Executive
<b>Relevant Cabinet Member (for consultation purposes):</b>	Cllr Neal Brookes, Cabinet Member for Housing and Welfare Reform
<b>Report Author (Officer name and title):</b>	Andrew Foot, Head of Housing
<b>Implementation Date of Decision:</b>	14 October 2019

### APPROPRIATION OF PUBLIC OPEN SPACE FOR COUNCIL HOUSING DEVELOPMENT AT TROUTBECK CRESCENT

#### 1.0 Purpose of the report:

- 1.1 To enable the appropriation of 0.68 hectares of public open space on Troutbeck Crescent, adjacent Clifton Road/ Preston New Road, for use by the Council for new social housing and associated infrastructure.

#### 2.0 Recommendation(s):

- 2.1 To confirm the appropriation of 0.68 hectares of public open space at Troutbeck Crescent (adjacent Clifton Road/ Preston New Road) for use by the Council for new social housing and associated infrastructure.

#### 3.0 Reasons for recommendation(s):

- 3.1 To support the redevelopment as social housing of land at Troutbeck Crescent and to support improvement to the quality, attractiveness and usability of the remaining public open space.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None.

#### **4.0 Council Priority:**

4.1 The relevant Council Priority is: “Communities: Creating stronger communities and increasing resilience”.

#### **5.0 Background Information**

5.1 Executive resolved in May 2018 (EX23/2018) to pursue the demolition of 81 flats at 19-29 Troutbeck Crescent on the Mereside Estate, and subsequently to support the development of 75 new Council homes (EX6/2019) providing modern and affordable family housing to meet the needs of Blackpool’s residents. An OJEU compliant developer selection process commenced in May 2019 which has led to the appointment of R.P Tyson to undertake the redevelopment work. Construction is anticipated to commence in mid-October 2019.

5.2 Planning approval for the scheme was granted on 4 June 2019 (19/0144). Notwithstanding the planning approval, the Council is also required formally to appropriate areas of public open space because the scheme proposes development partially on land currently in use as public open space.

5.3 Currently there is an area of public open space at Troutbeck Crescent of approximately 1.52 hectares. The proposal involves appropriation of 0.68ha for use by the Council for housing and associated infrastructure, the affected area being outlined on the plan attached at Appendix A. The development will also support additional investment in the remaining areas of open space, improving the quality and attractiveness of the space to enable greater use.

5.4 The appropriate public consultation notice was published locally on Friday 27<sup>th</sup> September and Friday 4 October 2019 and expired at 5pm Friday 11<sup>th</sup> October 2019. No objections to the notification were received, and in the absence of objections, agreement is sought to appropriate the land to allow development to proceed.

5.5 Does the information submitted include any exempt information? No

#### **List of Appendices:**

5.6 Appendix 1; Open space at Troutbeck Crescent – Plan indicating the areas to be appropriated.

#### **6.0 Legal considerations:**

6.1 A Council may appropriate land which belongs to it for the use as housing under Section 122 (1) of the Local Government Act 1972. This Act provides that a Council may not appropriate or dispose of any land consisting of or forming a part of an open space without first providing public notice for two consecutive weeks in a local newspaper and thereafter allowing for a reasonable period to consider any objections to the consultation. Public notice was given on Friday 27<sup>th</sup> September and Friday 4<sup>th</sup> October 2019, with any objections required by Friday 11<sup>th</sup> October 2019. No objections have been received within the prescribed period. The Council is free to proceed if it deems it appropriate to do so.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 The Council has a wide ranging statutory responsibility under section 149 of the Equality Act 2010, known as the “Public Sector Duty” to have “due regard” in decision making to the need to :

- Eliminate discrimination, harassment, victimisation and other prohibited conduct
- Advance equality of opportunity
- Foster good relations between different (defined) groups

The recommendations in the report have been examined to understand the scope of possible impacts on people because of the protected characteristics of:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or belief
- Sex
- Sexual Orientation
- Pregnancy and Maternity

The development of better quality housing in the town and improvements to public open space as part of the new development is expected to positively impact on equality of opportunity and community cohesion through the creation of more stable communities.

**9.0 Financial considerations:**

9.1 The cost of improving the quality of the remaining green space at Troutbeck Crescent has been accounted for within the overall costs of the development.

**10.0 Risk management considerations:**

10.1 Full consideration of any objections received will mitigate any risk of challenge to the decision. In this case no objections were received.

Risk of not securing the relevant statutory permissions to develop – appropriation and assembly of the development site is required to enable development to go ahead. Investment in the quality of the open space and provision of new open space will help to lift the area and create a more cohesive form of development.

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 Extensive consultation informed the earlier Executive decisions to redevelop. With regard to this decision, press notices were published on Friday 27 September and Friday 4 October 2019.

**13.0 Decision of Chief Officer**

13.1 To confirm the appropriation of 0.68 hectares of public open space at Troutbeck Crescent/ Clifton Road/ Preston New Road for use by the Council for housing and associated infrastructure.

**14.0 Reasons for the Decision of the Chief Officer**

14.1 To support the comprehensive redevelopment at Troutbeck Crescent, on the Mereside estate and to support improvement to the quality, attractiveness and usability of the remaining public open space.

Appendix A; Troutbeck Crescent - Plan indicating the areas to be appropriated.

