

Title of Report	APPROPRIATION OF AREA OF LAND AT HOWE ROAD CURRENTLY USED AS OPEN SPACE TO HOUSING	
Presented by	Councillor Roger Bayliss Housing, Property and Customer Services Portfolio Holder	
Background Papers	None	Public Report: Yes
		Key Decision: No
Financial Implications	There are no direct financial implications arising from the recommendation which seeks to utilise previous acquired land in conjunction with the purpose for which it was originally acquired	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The means by which a local authority may appropriate open space land for alternative uses is set out in the Local Government Act 1972. Sections 122 (2A) and 123 (2A) of the Act requires that notice be given in the local newspaper and that any objections are given consideration. By considering this report and making a decision the council will be complying with the requirements of the Act.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To consider the appropriation of land at Howe Road Whitwick from open space to housing	
Reason for Decision	To seek approval from Cabinet to the appropriation of land at Howe Road to deliver new council housing	
Recommendations	<p>THAT CABINET:</p> <p>AGREE TO THE APPROPRIATION OF LAND AT HOWE ROAD (SHOWN ON THE PLAN AT APPENDIX 1) FOR HOUSING PURPOSES FOR THE DELIVERY OF NEW RESIDENTIAL PROPERTIES</p>	

1.0 BACKGROUND

- 1.1 The area of land shown in Appendix 1 at Howe Road Whitwick has been held by the Council since the late 1980's when planning permission was obtained for the development of local authority housing on the land. The subsequent development, completed in 1991 became Smith's Court and provides 14 bungalow type properties for Council tenants.
- 1.2 The original records retained by the Council relating to the purchase of the land and process by which Smiths Court was developed, indicate that a phased development was planned with Smiths Court being part of 3 proposed phases. Whilst planning permission for Smiths Court was obtained in 1989. There is no evidence of additional consents for later phases of Council development being granted. However, what is clear from the records and documents from that period is that it was originally intended that the undeveloped land be built on and it was not planned as public open space.
- 1.3 Despite original intentions, over the last 30 years (since Smiths Court was completed) there has been usage of the land for informal recreation (dog walking etc). Any original fences erected to secure the land have not been maintained and there has been free public access to the land.

2.0 PROPOSAL

- 2.1 Housing Services are currently seeking sites that can be used to build new affordable residential properties. The Howe Road site has been identified as one which could accommodate 15 new homes whilst preserving most of the existing tree cover and sense of open space. See Appendix 2.
- 2.2 The land is shown in the current Local Plan as outside the limits to development and this will be an issue that needs to be dealt with in any planning application.
- 2.3 The land is also subject to registration as an Asset of Community Value; however this is not considered relevant as there is no intention by the Council to sell the land, merely appropriate it for use by another service.

3.0 LEGAL MATTERS AND COMMUNITY ENGAGEMENT

- 3.1 Legal Services were consulted and asked to advise whether the land having been open to the public for recreational use for roughly the last 30 years creates any special designations.
- 3.2 The advice received is that the land is considered as designated open space. Under sections 122 (2A) and 123 (2A) of the Local Government Act 1972, any appropriation or disposal of open space requires advertisement in a local newspaper for two consecutive weeks and any objections received are to be considered. Following the

required advertising five objections were received from local residents. These are shown in Appendix 3 in detail as received. Whilst there are a number of points relating to any development and its impact of the area which are not intrinsic to the reappropriation process highlighted in paragraphs 3.3 and 3.4, there were comments regarding the loss of open space detailed reproduced below:

- ‘an important recreational asset to the local residents’.
- ‘vital to the health and well-being of the local community especially those residing in the Howe Court Retirement Homes’.
- ‘vibrant with wildlife and woodland and I feel that the Council should be looking to protect these areas which help maintain the eco-logical balance of nature’.
- ‘The space is a designated community asset, which is widely used by the residents for exercise, dog walking and social interaction – it is also the only green space in what is already a heavily developed and densely populated area’.
- ‘encroachment of development into the rural environment which should be protected for its own sake’.
- ‘an area which houses wildlife, flora and fauna, is not in in line with promoting sustainability and embracing environmental protection, especially as we live within the National Forest’.
- ‘I believe that it is detrimental to the two main forgotten age groups in the covid pandemic. This is an extremely popular piece of land with both the youngsters, who independently walk dogs, play football, climb trees, ride bikes and explore. This builds their resilience, teamwork, perseverance and independence for the children of whitwick. This is extremely important for their life skills. This is not possible at the park as it is enclosed and not safe to stay by yourself. It is not possible at the leisure centre, which is barely used by whitwick children and this will be even less used, apart from the affluent, when it moves nearer to coalville! It is also used by the old people who walk their dogs and stop to chat to each other. Both of these age groups have been hit hardly by the pandemic and this will now add to this!’
- ‘This area is so popular that it is used from before 7.30 in the morning until after it is dark! I think that the decision has obviously been made without a lot of knowledge about the area and their needs!’

3.3 In summary, many of the objections reference matters such as construction noise, traffic, felling of trees, drainage and community facilities. These are all matters which will be considered at the planning application stage.

3.4 The other consistent comment made in the five objections received, is loss of local recreational / amenity land. Comments focus on the lack of suitable alternative local open space. It should be noted however that the nearest designated open space available is at Whitwick Park (0.46 km) or Hermitage recreation ground (1.5km). There are also a small play park located on Robinson Road (0.18km). There are a number of

public footpaths in the area which would not be compromised by the proposal. See Appendix 4.

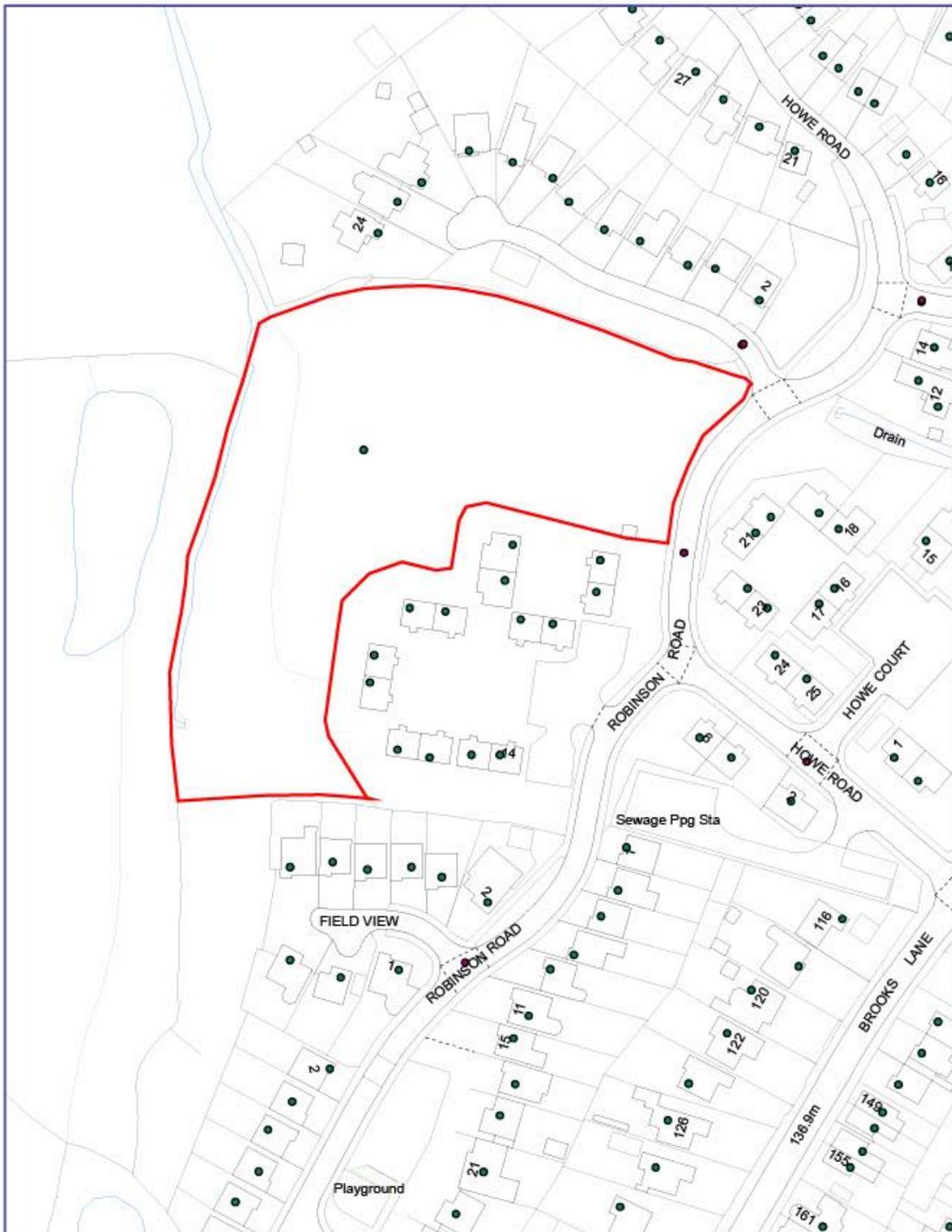
4.0 CONCLUSION

4.1 The land being proposed for appropriation was originally purchased by this council for the development of housing, however the land was never fully developed and has been treated by the community as open space used for recreation purposes. There are a small number of objections to the loss of the open space that would result from its appropriation and development. The strength of these objections must be weighed against the need for new council houses and the land upon which to build them. It may also be appropriate to give due consideration to the availability of alternative open space in the surrounding area.

Policies and other considerations, as appropriate	
Council Priorities:	Insert relevant Council Priorities: <ul style="list-style-type: none"> - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected
Policy Considerations:	This appropriation would deliver Council services, statutory functions and the priorities set out in the Council Delivery Plan.
Safeguarding:	No safeguarding considerations.
Equalities/Diversity:	No equalities/diversity considerations.
Customer Impact:	No customer impact considerations.
Economic and Social Impact:	Appropriation will (subject to planning permission) allow the construction of 15 new council homes for those needing housing in Whitwick
Environment and Climate Change:	Any subsequent development will align with the Councils Net Zero Policy
Consultation/Community Engagement:	A consultant process was undertaken as per the requirements under sections 122 (2A) and 123 (2A) of the Local Government Act 1972. Extracts from received responses is included in this report.
Risks:	None identified.
Officer Contact	Karl Stevens Property Services Team Manager karl.stevens@nwleicestershire.gov.uk

Appendix 1

North West Leicestershire District Council



Scale: 1:1,250

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Appendix 2



ACCOMMODATION SCHEDULE

- 2No. 2 Bed Semi-Detached Houses @ 74sqm
- 7No. 2 Bed Semi-Detached Houses @ 76sqm
- 2No. 3 Bed Semi-Detached Houses @ 85sqm
- 1No. 3 Bed Semi-Detached Houses with GF wetroom/ dining/bedroom space @ 92sqm bpc
- 1No. 3 Bed Detached House with GF wetroom/dining/ bedroom space @ 93sqm bpc
- 2No. 2 Bed Dormer Bungalow @ 78sqm
- 30 No. Car Parking Spaces (2 Per Dwelling)

TOTAL 15No. Dwellings

1	10/01/20	Issue for comment	10
2	10/01/20	Issue for comment	10
3	10/01/20	Issue for comment	10
4	10/01/20	Issue for comment	10
5	10/01/20	Issue for comment	10
6	10/01/20	Issue for comment	10
7	10/01/20	Issue for comment	10
8	10/01/20	Issue for comment	10
9	10/01/20	Issue for comment	10
10	10/01/20	Issue for comment	10



1:500 scale (metric)

<p>Office: Leeds and Nottingham Halsall Lloyd Partnership 53 Forest Road East NG1 4HW Nottingham 0115 989 7959 www.hlpdesign.com</p>	<p>Drawing Title Site Layout - Proposed Arrangement Howe Road, Whitwick North West Leicestershire District Council Scale: 1:500 Issue Date: March 2020 N1646_101_G [2] - FOR COMMENT</p>	<p> Halsall Lloyd Partnership <small>ARCHITECTS & PLANNERS</small> </p>
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Appendix 3

I hereby object to the Councils proposal to appropriate the Land off Howe Road, Whitwick currently held as Public Open Space to that of Housing Land.

The said land is an important recreational asset to the local residents.

It is vital to the health and well-being of the local community especially those residing in the Howe Court Retirement Homes.

The Land is vibrant with wildlife and woodland and I feel that the Council should be looking to protect these areas which help maintain the eco-logical balance of nature.

These pockets of Green Space are demising at a rapid rate within Coalville and surrounding villages and the Council should be doing more to address this.

Kindly acknowledge receipt of this e-mail by return and provide a plan of the Land.

I am writing to strongly object to the proposal to develop the land off Howe Road, Whitwick. The space is a designated community asset, which is widely used by the residents for exercise, dog walking and social interaction – it is also the only green space in what is already a heavily developed and densely populated area.

Whilst I have requested details of the proposed development, this has not been received. I strongly feel that the overall feel of *any* development would erode what is in essence an important and only part of green infrastructure in an already heavily developed area. Any proposal represents an encroachment of development into the rural environment which should be protected for its own sake.

Developing an area which features many mature trees several of which have preservation orders attached, an area which houses wildlife, flora and fauna, is not in line with promoting sustainability and embracing environmental protection, especially as we live within the National Forest.

There should not be a need to use greenfield sites to meet future housing needs especially when there are many run-down and abandoned locations which would benefit from regeneration. A few that spring to mind are the site of The Oak public house in Whitwick that has been an eyesore for years and the property located off Church Lane (FS-Case-368632981) which has also been abandoned for many years.

Any development would cause a worsening of air quality, regardless of how many households are being proposed.

Moreover, further development without investment in infrastructure would put additional pressure on amenities serving the area, including schools, doctors and health services.

The construction of more dwellings would negatively impact the safety and social wellbeing of the residents. The existing road infrastructure is insufficient to cope with additional traffic, Howe Road in itself is a narrow road with five existing roads off it. With future households' potential having one or two cars or more each, this would equate to a significantly higher number of cars in the area. This would further impact traffic congestion and air quality, creating additional risk of accidents as residents go about their daily business and indeed increase risk for children who play outside, ride their bikes and walk to and from school.

Adding to the point above re the road infrastructure, when you add in construction traffic to the mix, there is further potential to increase risk substantially, notwithstanding the additional issues in terms of residents having to navigate large, unwieldy construction traffic in order to get in and out of their homes.

Construction noise is also a major issue, particularly as many of us remain working from home. The noise, dirt and disruption associated with living opposite a building site are all major issues. This is a quiet peaceful location and one that is conducive to being able to work from home, and indeed continue to earn a living. If construction goes ahead, I have major concerns over the impact this will have on me being able to continue to do my job successfully. Moreover, noise pollution from construction goes against our right as individuals to quiet enjoyment of our properties.

I have copied in Cllr. Tony Gillard and Andrew Brigden MP and would be interested in their views on this proposal especially as both election campaigns included the promise to protect the green wedge.

I am writing in reference to the parcel of land off Howe Road Whitwick, being used as housing land. I am opposing this idea, as I believe that it is detrimental to the two main forgotten age groups in the covid pandemic. This is an extremely popular piece of land with both the youngsters, who independently walk dogs, play football, climb trees, ride bikes and explore. This builds their resilience, teamwork, perseverance and independence for the children of whitwick. This is extremely important for their life skills. This is not possible at the park as it is enclosed and not safe to stay by yourself. It is not possible at the leisure centre, which is barely used by whitwick children and this will be even less used, apart from the affluent, when it moves nearer to coalville! It is also used by the old people who walk their dogs and stop to chat to each other. Both of these age groups have been hit hardly by the pandemic and this will now add to this!

This area is so popular that it is used from before 7.30 in the morning until after it is dark! I think that the decision has obviously been made without a lot of knowledge about the area and their needs!

We are writing with regard to your intended appropriation of the land off Howe Road, Whitwick. Ref 75558 as seen in the Coalville Times 22/10/21.

1. The NWLDC local plan document adopted November 2017 shows that this development is "outside the limits to development" and therefore this development should be refused on this alone
2. There is at least 1 TPO (248) on this land area and many other large trees shrubs and hedges. This habitat will contain a wealth of wildlife. There are bats clearly present in this area, as they are present in our garden, and I am sure many other species of wildlife.
3. As this developments outside the local plan using this land would eat into land which currently allows for village separation.
4. Previously this area has been prone to flooding and our land at 12 Howe Road was being eroded by floodwater and major ground works had to be implemented to prevent further erosion. Further housing developments would put extra pressure on the existing culvert. Have Severn Trent been informed of this development and what are their findings on the flooding issues caused by extra housing and roads on land that currently help absorb excess water.
5. If the proposed development requires use of the pumping station on Valley Way to remove sewage and the pipe work from the station, will this be adequate? Our concerns are amplified by the fact that these pipes run under our land close to our property.
6. Concerns with the extra traffic on a road that currently is difficult to navigate with parked cars on an incline and bend. This road is extremely difficult and dangerous to navigate in snow and icy conditions as residents can testify.
7. This will bring extra noise for the local residents. Particularly as this surrounds a development of elderly and infirm residents which I believe is council owned.

This is our current list of objections and concerns however we do require further information if this goes further.

We hereby wish to oppose the Councils plans for change of use of this Land from "Public Open Space" to that of "Housing Land"

The Council should be doing more to protect these small areas of Public Open Space rather than look to Build at the earliest opportunity.

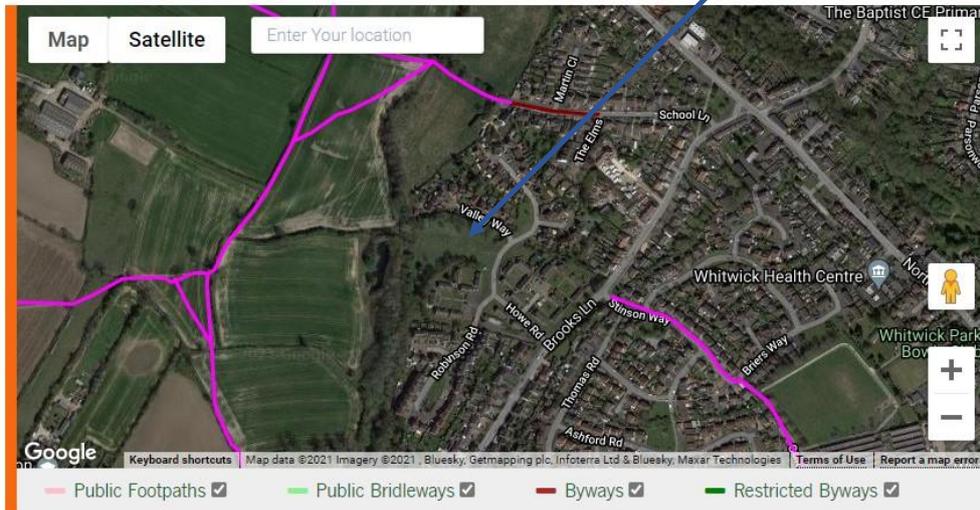
These areas should be protected community assets for the greater good of local residents especially during times of sustainability.

"Open Spaces" are important parts of Local Communities and I'm sure the Council could use this Land as part of its Environmental Programmes by planting more trees and encouraging nature and wildlife to thrive in these urban areas.

Appendix 4

Public footpaths

Proposed Housing



Recreational Land

Proposed Housing

Play Park – Robinson Road

Whitwick Park

Hermitage Recreation Ground

