

Bolton Council

Report to: EXECUTIVE CABINET MEMBER
DEPUTY LEADER'S PORTFOLIO

Date: 9th July 2019

Report of: Director of the Directorate of Place

Report No: ECMDL/445

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Report Title: Land at Singleton Avenue, Horwich

**Confidential /
Non Confidential:**
(delete as
appropriate)

This report is non-confidential

Purpose:

To seek approval of the Executive Cabinet Member to proceed with the disposal as detailed in the report.

**Background
Doc(s)**

Executive Cabinet Member, Deputy Leaders Portfolio report – 15th January 2019
ECMDL/445

**Appendices /
Attachments**

Plan
Summary of Objections

Recommendation:

The Executive Cabinet Member is recommended to:

- i. consider and reject the representations received and detailed;
- ii. approve the disposal of Council owned land, and authorise the Borough Solicitor to complete all legal formalities

Decision:

Signed:

Leader / Executive Member

Monitoring Officer

Date:

Summary:

To update the Executive Cabinet Member – Deputy Leaders Portfolio on proposals to dispose of the land detailed.

1. INTRODUCTION & BACKGROUND

- 1.1 On the 15th January 2019, a report was presented to the Executive Cabinet Member, Deputy Leaders Portfolio detailing a proposal to dispose of land at Singleton Avenue, Horwich to Bolton at Home for the purpose of developing 48 housing units, 40 by way of affordable rent and 8 by way of shared ownership.
- 1.2 The land identified in the report was recognised as Public Open Space and that any potential loss must be advertised in accordance with section 123(2A) of the Local Government Act 1972.

2 ISSUES

- 2.1 The land concerned was advertised as a disposal of Public Open Space and a large number of objections have been received and in accordance with statute any representations must be considered by the Council.

3 MAIN BODY OF THE REPORT

- 3.1 On the 15th January 2019, a report was presented and approved detailing the disposal of land at Singleton Avenue to Bolton at Home. The land was identified as Public Open Space and as such the proposed disposal was advertised on the 18th and 24th April 2019 with the closing date for the receipt of representations being the 9th May.
- 3.2 By the closing date, the Council had received 456 objections many of which referenced title issues and detailing that the land was gifted to the people of Horwich or that the land has the protection of a covenant restricting the use of the land. Others have commented in more general terms on the loss of green/recreational space, the over development of Horwich for housing, traffic and environmental concerns.
- 3.3 Prior to its consideration for housing, Legal Services were consulted to advise on any title constraints and the advice received was that there was nothing to hinder the disposal of the land for the purpose identified. This advice has been revisited and it has again been confirmed that the title to the land is unconstrained. Further investigation has been carried out on the land adjoining the subject site and it has been concluded that the reference to title issues in many of the objections relate to the adjoining site.
- 3.4 Many representations were made based on loss of green/recreational space, environmental concerns, over development of Horwich for housing, traffic, environmental concerns and detrimental impact on health and wellbeing. The representations can be considered in the context of the background provided in the report presented at the 15th January 2019 Executive which advised that the proposal would increase the supply of suitable affordable housing, contributing to the improvement of social wellbeing within the Borough in line with strategic priorities identified in Bolton's Community Strategy, the Bolton Plan and Boltons Housing Strategy. The site was allocated for housing in the Councils Allocation Plan which was adopted by the Council on the 3rd December 2014. Representation against the use of the land for housing will have been considered as part of the consultation process for the Allocations Plan and are not relevant to this disposal.
- 3.5 Counsels opinion has been sought to advise on whether the Council could do anything further to consider the issues raised. The advice received was to summarise the grounds for objection to advise the Council of the broad categories of complaint and that if the Council is able to show that it has considered these objections in the light of its legislative duties but still nevertheless rejects them, then it will have complied with its duty and such a decision ought to survive the scrutiny of judicial review. Where objectors have referenced specific documentation that they should be asked to provide further information, this has been done but nothing substantive has been received.
- 3.5 A summary of the objections is attached and the representations are available for consultation at the meeting.

5.0 OPTIONS

- 5.1 Whilst the proposal detailed in the report aligns with the Councils objectives to support the development of affordable housing an alternative course of action would be to retain the land as green space.

6.0 IMPACTS AND IMPLICATIONS

6.1 FINANCIAL

The lease premium generated will contribute towards the annual target for capital receipts.

6.2 LEGAL

Legal Services has reviewed the report and confirms that all pertinent legal issues have been addressed.

6.3 HR

None.

6.4 OTHER

None

6.5 CONSULTATION

None

7 EIA

Under the Equality Act 2010, the Council must have due regard to:

- Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Fostering good relations between people who share a protected characteristic and people who do not share it.

It is therefore important to consider how the proposals contained within this report may positively or negatively affect this work.

At this stage it is not anticipated that the proposals will have a disproportionate impact on any of Bolton's diversity groups.

8 RECOMMENDATIONS

The Executive Cabinet Member is recommended to:

- i consider and discount the representations received and detailed;
- ii approve the disposal of Council owned land, and
- iii authorise the Borough Solicitor to complete all legal formalities