

RECORD OF DECISION TAKEN UNDER DELEGATED AUTHORITY FROM EXECUTIVE/COUNCIL/COMMITTEE



DELEGATED OFFICER	Martin Kelly
DECISION TAKEN BY:	
DELEGATED BY:	Executive (date of delegation)
IN CONSULTATION WITH:	Executive Member
PORTFOLIO AREA:	Growth and Development

SUBJECT: Appropriation of land in Griffin for Planning purposes and Disposal of Public Open Space

1. DECISION

1.1 To appropriate for planning purposes under section 122 of the Local Government Act 1972. The Council owned Land in the Griffin development area from the Environment & Leisure and Finance & Governance portfolios to facilitate the development of new family homes.

1.2 To dispose of public open space within the Griffin development area under section 123 of the Local Government Act 1972

2. REASON FOR DECISION

During 2008, the Griffin housing area was identified for clearance and redevelopment. The site has been assembled for redevelopment purposes and a developer 'Seddon Construction' appointed to develop the site.

The appropriation of land and public open space is for the purpose of enabling the construction of 141 new two, three and four bed family homes of mixed tenure.

Planning approval has been secured for phase 1 of the site to build 56 new affordable homes for rent and shared ownership. The developer is keen to start the building programme and plans to start on site in autumn.

A legal process to carry out the appropriation was undertaken in July 2020 along with notice of Council's intention to dispose of public open space.

During July, Statutory Notices were posted around the site and in the bulletin board of Blackburn Town Hall (copies attached) along with notices in the local, press advising of the appropriation and disposal of public open space within the site for planning purposes to commence development.

Press notices were as follows:

- 9th July 2020 Appropriation Notice – Lancashire Telegraph (Appendix A)
- 16th July 2020 Appropriation Notice– Lancashire Telegraph (Appendix B)
- 9th July 2020 Public Open Space Notice – Lancashire Telegraph (Appendix C)
- 16th July 2020 Public Open Space Notice– Lancashire Telegraph (Appendix D)

The Council has received no objections or representations relating to these proposals.

3. BACKGROUND

The Council identified 165 sub-standard homes for clearance and the land to be redeveloped to provide new housing to meet the Borough's aspiration and need. 163 properties have been bought along with the decommissioned Griffin Inn public house which was also purchased and included in the land assembly

Properties bought for clearance have been demolished as full terraces had been assembled. The cleared sites were seeded to improve their visual impact across the neighbourhood

A procurement exercise was carried out in 2018 and Seddon Construction was chosen as the preferred developer for the clearance site. Seddon are currently finalising the scheme layout and plan to submit a planning application in November.

Since appointing the preferred developer, the Council has been considering the effect that the proposed development will have on residents who may have enjoyed the benefit of using the cleared site and treating the land as informal open space.

In order to implement the redevelopment proposals for the Griffin redevelopment site, the Council has carried out an exercise to appropriate the land for planning purposes. The Council has also declared its intention to dispose of any public open space within the site for development purposes.

A report titled '*Griffin Housing Site Appropriation (October 2019)*' was presented to the Executive Member for Growth and Development. The report secured approval to commence the appropriation and public open space disposal process for Council owned land in the Griffin redevelopment area for planning purposes

The site for appropriation is in the Council's ownership

4. OPTIONS CONSIDERED AND REJECTED

During 2008 the Council carried out a Neighbourhood Renewal Assessment of the Griffin area. This identified an area of around 165 properties for purchase and clearance with the site to be redeveloped for new housing.

Extensive public consultation was undertaken to prepare a Supplementary Planning Document for the area. This also determined the site as being suitable for new housing.

The Griffin SPD can be found at the link below:

www.blackburn.gov.uk/sites/default/files/media/pdfs/Griffin%20SPD_0.pdf

5. POLICY IMPLICATIONS

The Council's Local Plan sets a housing requirement to meet over the 15-year Plan period.

Development of the site will contribute to meeting this target and assist in improving the quality of the Borough's housing offer. The Supplementary Planning Document (adopted 2017) has been developed in consultation with the community and outlines plans to redevelop the clearance site to provide new family housing.

6. FINANCIAL IMPLICATIONS

Section 204 of the Housing and Planning Act 2016 provides that compensation will be payable to those parties whose interests have been affected by any appropriation.

This is generally based on a diminution of property value bases. The primary liability for the compensation is the party interfering with the right and the Council can decide to take on that limited risk or seek an indemnity from the successful bidder before enabling the development to proceed should appropriation be approved.

7. LEGAL IMPLICATIONS

Legal implications have been considered when carrying out the appropriation. Detail has been provided on the appropriation report: Griffin Housing Site Appropriation – dated October 2019

8. RESOURCE IMPLICATIONS

There are no new resource implications.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Extensive stakeholder consultations have been undertaken during the course of developing a Supplementary Planning Document for the Griffin area Further consultations have been carried out in line with statutory requirements during the Planning process for the development.

Previous consultation has also been undertaken in the development of the Council's Local Plan and Strategic Housing Market Assessment (SHMA)

11. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and the Member who has been consulted, and note of any dispensation granted should be recorded below:

Non declared

VERSION: 1

CONTACT OFFICER:	Subhan Ali, Strategic Development Manager (Housing)
DATE:	25 th August 2020
BACKGROUND DOCUMENTS:	Local Plan part 1 (2015), Griffin Supplementary Document (2017) Griffin Housing Site Appropriation (October 2019)

DIRECTORS - has legal and finance advice been considered?

YES

NO