

**South Lakeland District Council  
Cabinet**

**Wednesday, 17 March 2021**

**Public consultation on loss of public open space,  
Burton-in-Kendal.**

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**Portfolio:** Housing and Innovation Portfolio Holder  
**Report from:** Director of Customer and Commercial Services  
**Report Author:** Sion Thomas – Operational Lead Delivery and Commercial Services  
**Wards:** Burton & Crooklands;  
**Forward Plan:** N/A

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**1.0 Expected Outcome**

1.1 To consider the representations made to the consultation prior to making the final decision on the disposal of the land.

**2.0 Recommendation**

**2.1 It is recommended that Cabinet:**

**(1) Considers the receipt of representations to the loss of public open space and agrees to the disposal of the public open space land shown at Appendix 1 to South Lakes Housing in order to deliver 28.No.affordable houses.**

**3.0 Background and Proposals**

3.1 On 3 February 2021, Cabinet took a decision to dispose of land in Burton in Kendal to South Lakes Housing at less than best consideration in order to support the delivery of 28 affordable houses. As part of the final decision making regarding the disposal of land, the Council is required to consult with the public on loss of the public open space element in accordance with the Local Government Act 1972 s.123 (2A).

3.2 Notices have been put up on site and within the Westmorland Gazette and to date only two responses have been received. Those responses have been in relation to a tree being felled and a hedgerow being netted. Neither the tree nor hedgerow are on Council owned land. Therefore there have been no objections to date to the proposal to dispose of the public open space land (any further representations will be reported to the Cabinet if received) and it is recommended that Cabinet approve the disposal following completion of consultation. This decision is the subject of a separate report on the agenda.

**4.0 Consultation**

4.1 Consultation has taken place with the public on the loss of public open space in accordance with the Local Government Act 1972 s.123 (2A). There have been two responses from the public to date. One comment relating to the felling of a tree and the other relating to netting of a hedgerow. Neither of these relate to SLDCs land. Therefore, currently, there have been no objections to the proposal and it is

recommended to re-affirm the decision taken by Cabinet on 3<sup>rd</sup> February 2021. in line with the

## **5.0 Alternative Options**

5.1 To not dispose of the land to South Lakes Housing which will lead to the loss of a potential 28 affordable houses in Burton in Kendal. This is not a recommended route.

## **6.0 Links to Council Priorities**

6.1 Delivering a balanced community – For housing and communities, deliver affordable homes to meet need with:

- new affordable homes to rent.
- a range of housing to attract and retain young people.

## **7.0 Implications**

### **Financial, Resources and Procurement**

7.1 There are no financial implications with this report.

### **Human Resources**

7.2 There are no human resource implications with this report.

### **Legal**

7.3 The Council is required to carry out a public consultation on the loss of public open space land in accordance with the Local Government Act 1972 s.123 (2A). A plan showing the area of land affected is attached at Appendix 1. This report ensures the Council is meeting its legal obligations prior to making the decision on the disposal.

### **Health, Social, Economic and Environmental**

7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No

7.5 If you have not completed an Impact Assessment, please explain your reasons: It is not felt that an impact assessment is required for this report.

### **Equality and Diversity**

7.6 Have you completed an Equality Impact Analysis? No.

7.7 If you have not completed an Impact Assessment, please explain your reasons: It is not felt that an equality impact assessment is required for this report.

### **Risk**

<b>Risk</b>	<b>Consequence</b>	<b>Controls required</b>
Risk of challenge to disposal of public open space.	Failure to dispose of land to South Lakes Housing which would mean failure to deliver 28 No. affordable houses.	Consultation with the public in accordance with the Local Government Act 1972 s.123 (2A).

### **Contact Officers**

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## Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Public Notice
2	Location Plan

## Background Documents Available

Name of Background document	Where it is available
Disposal of Council owned land in Burton in Kendal. CEX/135	<a href="https://democracy.southlakeland.gov.uk/ieListDocuments.aspx?CId=121&amp;MId=4958">https://democracy.southlakeland.gov.uk/ieListDocuments.aspx?CId=121&amp;MId=4958</a>

## Tracking Information

Signed off by	Date sent	Date Signed off
Legal Services	05.03.21	05.03.21
Section 151 Officer	05.03.21	05.03.21
Monitoring Officer	05.03.21	05.03.21
CMT	05.03.21	05.03.21

Circulated to	Date sent
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	05.03.21
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A