

SUBJECT:	<i>Appropriation of Open Public Space for a planning purpose</i>
RELEVANT MEMBER:	<i>Councillor Liz Walsh, Portfolio Holder for Healthy Communities</i>
RESPONSIBLE OFFICER	<i>Martin Holt, Head of Healthy Communities</i>
REPORT AUTHOR	<i>Martin Holt; martin.holt@chilternandsouthbucks.gov.uk</i>
WARD/S AFFECTED	<i>(All Wards);</i>

1. Purpose of Report

To enable Members to consider the responses to the public consultation on the marked site at King George V Playing Fields and the site to the rear of the electricity substation on Chiltern Avenue to appropriate the land from designated open space to a planning purpose, subject to the grant of planning permission.

RECOMMENDATION TO CABINET

- 1. Cabinet to agree that the land marked on the appended plan (appendix 2) be appropriated from open space to a planning purpose to enable the redevelopment of The Chiltern Pools, Community Hall and Nursery subject to planning permission.**

2. Executive Summary

The Council purchased the land forming part of King George V Playing Fields from Amersham Town Council under a land swap in March 2019. The land edged in red on the appended plan, which also includes the site to the rear of the electricity substation on Chiltern Avenue, is currently held by the Council as open space land. Subject to the grant of planning permission, the Council is required to use its appropriation powers under Section 122 of the Local Government Act 1972 to change the purpose for which this land is held from public open space to a planning purpose in order to facilitate the redevelopment of The Chiltern Pools Community Hall and Nursery.

3. Reasons for Recommendations

3.1 The Planning Committee 10th June recommended to Council to approve the planning application for the revised application for the Chiltern Lifestyle Centre. The Chiltern Lifestyle Centre planning application is due to be determined by the Full Council on 23rd July 2019. If approved it will be necessary to appropriate the land marked on the plans appended to this report currently designated as Public Open Space to a planning purpose to enable the development to proceed

4. Content of Report

- 4.1. The Planning Committee 10th June recommended to Council to approve the planning application for the revised application for the Chiltern Lifestyle Centre.
- 4.2. The land on which the centre is to be developed forms a part of King George V Playing Fields and includes the land to the rear of the electricity substation on Chiltern Avenue. Both parcels of land are in the ownership of the Council and are designated as Public Open Space.
- 4.3. To enable the development to proceed the purpose of the land is required to change from Open Space to a planning purpose. Section 122 of the Local Government Act 1972 sets out the appropriation procedure. Appropriation will override any third party rights and easements over the land.
- 4.4. Cabinet approved the public consultation at its meeting 23rd April 2019.
- 4.5. Public Notices were displayed on the land, together with a map of the area to be developed. Public Notices were also displayed in the Buckinghamshire Advertiser with a reference to the display material being available to be viewed by interested parties in the Council reception. The consultation period running from 17th May until 7th June 2019.

Outcome of the Public consultation

- 4.6. The Council received a total of 17 written responses to the consultation – though 3 were contained in a single email. 16 objected and 1 was in favour. Whilst it was recognised by some of the objectors that there is need to provide new facilities the following points of objection were raised.

Item	Summarised Comments of Objection Raised
	<i>Loss of green space on King George V Playing Fields is a net loss of green space as the Woodside Close green area was already Public Open Space both ATC and FIT have been misled as to the land swap</i>
	<i>The proposed centre is considered too large and too expensive and is considered overdevelopment</i>
	<i>The development is a huge imposition on the street scene and to the town itself and will be utterly out of character for Amersham-on-the-Hill both in size and aesthetic. It will also go against previous planning applications on Chiltern Avenue which were rejected for a failure to maintain an open feel to the area</i>
	<i>The only reason this land is being appropriated is to provide sufficient space for the grandiose plans for the Lifestyle Centre to be built. This should not be necessary, as there is no need to build such a large 'hub' centre, for which there is no hard evidence to support it. If CDC made the sensible decision to just build a direct replacement for the existing pool & gym buildings, it could be done without the need to appropriate KGV Field, & that is what should be done.</i>

	<i>The proposed facility should be built within the footprint of the current Chiltern Pools</i>
	<i>The loss of play and skate facilities on King George V Playing Fields</i>
	<i>The separation of the play facilities will present difficulties when supervision children of different ages.</i>
	<i>Concern expressed over the swapping of land with the Town Council and the net reduction in open space in the town</i>
	<i>Concern expressed over the loss of the slides and comment that an over-sized Olympic pool being proposed</i>
	<i>Affordability of the new centre means that only those able to pay will be able to use the centre and the park is free for all to use</i>
	<i>Some disruption in services for a couple of years, whilst a redevelopment of the current site occurs but in the long term keeping the green space the same is worth the inconvenience</i>
	<i>Retain the library green space and develop the existing brown field site including the existing leisure centre, back car park, climbing wall, front car park & community centre</i>
	<i>The open space in front of the library forms an important part of the vista of Chiltern Avenue and the "green route" from the centre of town, via Woodside Close to King George V field and should not be sacrificed. The loss of green space in front of the present library and any appropriation of additional land from King George V playing field. The result would be an unacceptable urbanisation of the town from its current position</i>
	<i>Objects to the appropriation of the land around the Chiltern Pools for housing</i>
	<i>The Land Swap was not like for like in terms of quality of environment</i>
	<i>Healthy Communities shouldn't be biased towards those who can afford to pay every week or every month for the new leisure centre (sic), the park and facilities are free, if you really want the whole community to be healthy the park should remain and the redevelopment of the current site should be the only option being considered</i>
	<i>This proposed 'appropriation' should NOT be approved, & CDC should totally review their plans for replacing the existing buildings in a way that doesn't require this loss of green spaces, costs far less, & doesn't put us in debt for the next 45 years</i>
	<i>Over-optimistic hopes, unchecked, have generated a proposal too large for its community and much too large for the site. This particular White Elephant needs building on green space designated a community asset, protected by covenants, and registered with Fields in Trust. NPPR guidelines and numerous Council policies are breached - listed but trampled by Officers in reports. Worse the Council scheme to appropriate land around the old Chiltern Pools site for residential use instead. Hardly sporting</i>

4.7. A letter of support for the appropriation was received with the following observations being made;

Item	Comments of Support Raised
	<i>[I am] in favour of the proposed plans and necessary land appropriation and consider that they are reflective of a forward-thinking town and community</i>

4.8. Members are asked to consider all the replies to the consultation detailed in the confidential appendix (appendix 1).

4.9. Letters were also sent to the MP and comments were detailed on social media. These comments are not taken in to account as they were not submitted to the Council in the required format.

4.10. Cabinet is asked to consider the comments made before any decision is made to proceed with appropriation, or not. Any appropriation of the land will be subject to the full Council decision on the grant of planning permission for the Chiltern Lifestyle Centre

5. Consultation

Public Consultation was held 17th May 2019 to 7th June 2019, following the statutory procedure. Section 122 of the Local Government Act 1972 sets out the appropriation procedure

6. Options (if any)

6.1.1. To appropriate the land detailed in appendix 2

6.1.2. To decide not to appropriate the land detailed in appendix 2

7. Corporate Implications

Financial – the cost of the statutory consultation is within current budgetary provision.

Legal – Public open space is a special category of land and statutory public consultation is required for appropriation of a special category of land in accordance with section 122 of the Local Government Act 1972. The Council is required to advertise its intention to appropriate the public open space land marked out on the appended plan for two consecutive weeks in the press and by putting up site notices at the land being appropriated. Public consultation has been undertaken by the Council as outlined in this report.

8. Links to Council Policy Objectives

- Delivering cost- effective, customer- focused services
- Working towards safe and healthier local communities
- Striving to conserve the environment and promote sustainability

9. Next Steps

Any appropriation of the land will be subject to the full Council decision on the grant of planning permission for the Chiltern Lifestyle Centre.

Background	None.
Papers:	