

**REPORT TO EXECUTIVE**



<b>DATE</b>	<b>19<sup>th</sup> January 2022</b>
<b>PORTFOLIO</b>	<b>Resources</b>
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**Sale of land off Tabor Street, Burnley**

**PURPOSE**

1. To approve the sale of land off Tabor Street Burnley for use in connection with the adjoining Primary School.

**RECOMMENDATION**

2. That the sale of the land be approved on the outline terms set out in the report, and the Head of Legal and Democratic Services be authorised to complete the legal formalities.

**REASONS FOR RECOMMENDATION**

3. To provide the school with additional outside space to encourage pupils to become more active and to develop community use/links, subject to planning consent.

**SUMMARY OF KEY POINTS**

4. Whittlefield Primary School is a small, mixed gender, community school catering for children in the age range 3-11 with approximately 230 pupils. Space within their existing site is limited hence their request to be allowed to use the adjoining level area of open space on Tabor Street to extend their curtilage and improve their facilities.
5. The site of the proposed extension is shown edged red on the plan attached and comprises 0.30 acres or thereabouts. Its currently designated as protected open space in the Local Plan. As part of the proposals an advert regarding the possible disposal of the plot was placed in the local press with a closing date of 30<sup>th</sup> June. A number of objections were received on the basis that the plot contains a bench and a mature tree and is a useful amenity for the houses nearby and concerns were raised regarding the possible impact of visitor parking due to the use of the land by the school.

6. Local Ward Councillors have also been consulted and subject to consultation with local residents regarding the proposal, planning consent being obtained and ensuring that the diverted path is properly designed and laid out to maintain access are generally supportive.
7. As part of the proposals the site would be securely fenced and the existing informal footpath across the site would be diverted around the new extension to the Council's specification. Whilst community use would be encouraged this would be at the discretion of the School. Planning consent would be required for any works.
8. Given the social/community use proposed for the site, the School have asked that it be transferred for a nominal consideration.

#### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

9. The proposed works will be funded by the School/Lancashire County Council using a mix of public and grant funding.
10. S123 of the Local Government Act 1972 requires that any disposal of an interest in land should be at best consideration.
11. The proposal to transfer the site for a nominal consideration would be a disposal at an undervalue, however under the provisions of the Local Government Act 1972: General Disposal Consent 2003 the Council can sell land at below best consideration provided that it considers that the purpose for which the land to be disposed of is likely to contribute to the achievement of any one or more of the following objectives in respect of the whole or part of its area, or of all or any persons resident or present in its area;
  - i) The promotion or improvement of economic well-being;
  - ii) The promotion or improvement of social well-being;
  - iii) The promotion or improvement of environmental well-being;

and the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

12. The plot comprises approximately 0.3 acres which as protected open space with a restriction on its use for community/school use would have a value of approximately £1,500.

#### **POLICY IMPLICATIONS**

13. None.

#### **DETAILS OF CONSULTATION**

14. Head of Green Spaces, Gannow Ward Members.

**BACKGROUND PAPERS**

15. None.

**FURTHER INFORMATION****PLEASE CONTACT:****Andrew Leah: 01282 477149****ALSO:****Simon Goff: Extension 7223**



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## APPENDIX 1

FOR IDENTIFICATION ONLY - NOT TO SCALE

