

- **REPORT OF PARISH COUNCIL MEDICAL CENTRE SUB-COMMITTEE RE. APPROPRIATION OF LAND AT LAND AT TALBOT ROAD, ALDERLEY EDGE**

- **Report Date**

January 2015

- **Purpose of Report**

The purpose of the report is to:

- Seek authority for the appropriation for planning purposes of the Parish Council owned land at Talbot Road, Alderley Edge as shown edged red on the attached plan under Section 126 of the Local Government Act 1972.
- This is in case the relevant land has not already been acquired by the Parish Council for planning purposes following the acquisition of the entire Festival Hall site from Macclesfield Borough Council in 2009, in order to facilitate the redevelopment of the land for other purposes and enable the powers within Section 237 of the Town and Country Planning Act 1990 (as amended) to be used to facilitate the proposed development for which planning permission has been granted pursuant to application 12/136/M.

- **Recommendations**

It is recommended that the Parish Council:

- Authorises the proposed appropriation for planning purposes of the Parish Council owned land at Talbot Road, Alderley Edge shown edged red on the attached plan in accordance with the provisions of Section 126 of the Local Government Act 1972.
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- **Background**

On 31st March 2009, the Parish Council acquired land at Talbot Road, Alderley Edge comprising the Festival Hall and surrounding land (including car parking) ("the Site") from Macclesfield Borough Council. The documents associated with the acquisition contemplated the possible development of the proposed new medical centre building.

- **Current Position**

- The Parish Council acquires and holds property for various statutory purposes in order to perform its functions.
- The Parish Council has the power to acquire and hold property for various statutory purposes to perform its functions. In order to use land for a purpose other than the one for which it was acquired, the land must be "appropriated" for a different use. Appropriation is a statutory process, which allows the Parish Council to transfer property within its ownership from one use to another.
- In case the Parish Council does not already hold the land for the relevant purposes and, therefore, to provide comfort in relation to rights being claimed on commencement of the

development of the proposed building on the Site for which planning permission has been granted pursuant to application number 12/136/M which may prejudice the scheme proceeding, it is recommended that the Parish Council appropriates that part of the Site comprising the land shown edged red on the annexed plan to planning purposes in accordance with Section 126 of the Local Government Act 1972.

- Section 126 of the Local Government Act 1972 enables the Parish Council to appropriate land for any statutory purpose for which it is authorised to acquire land. The Parish Council must, therefore, determine that the land is no longer needed for the original purposes for which it was acquired and appropriate it for planning purposes. The relevant part of the Parish Council's land currently comprises an area which is no longer required for use as part of the main Festival Hall building (including Parish Council offices/meeting rooms) or as an entrance to the said hall. In reaching this recommendation, inter alia, the current needs of the present community hall and the requirement for the Parish Council to have the use of space in this area have been considered, together with the public interest in the locality.
- Appropriation of the land for planning purposes requires the Parish Council to consider the following factors:
 - That the appropriation will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land or is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated;
 - It will contribute to the promotion of the economic, social and/or environmental well-being of the area;
 - Whether planning permission is in force;
 - That the land is no longer required for the original purposes for which it was acquired and that the proposed development is in the public interest;
 - That there may be interference with any rights which exist associated with the proposed development and whether the triggering of s237 of the Town and Country Planning Act 1990 (as amended) would be proportionate.
- Taking into account the nature of the proposed development which is intended to provide (inter alia) a new medical centre for the village, this report concludes that:
 - the appropriation will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land or is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated;
 - it will contribute to the promotion of the economic, social and/or environmental well-being of the area;
 - planning permission is in force for the proposed development, as planning permission for the new medical centre building has been granted;
 - the land being appropriated is no longer required for its current purposes and that the proposed development is in the public interest;
- and that the triggering of s237 of the Town and Country Planning Act 1990 (as amended) would be proportionate, inter alia given the requirement for the development to commence as soon as possible.

- Where land is appropriated for planning purposes, the practical consequences (by virtue of Section 237 of the Town and Country Planning Act 1990 (as amended)) is that the erection, construction or carrying out of any maintenance of any building or work on the land and subsequent use of the land is authorised under those planning powers, if the works are done in accordance with planning permission, even if they interfere with any third party rights as may exist.
- The power contained in Section 237 of the Town and Country Planning Act 1990 (as amended) does not remove the legitimate rights of owners or occupiers as to compensation which may arise from the interference with such rights, but it does, inter alia, remove the any potential for excessive claims which is in the public interest.
- **Options/Alternatives**
- Option 1

Not to proceed with the appropriation. This option is **not** recommended, for the reasons set out in this report.
- Option 2

To appropriate the land shown edged red on the annexed plan for planning purposes in accordance with Section 126 of the Local Government Act 1972. This option is recommended for the reasons mentioned in this report.

Signed _____

For and on behalf of the Parish Council Medical Centre Sub-Committee