

Appropriation of Stychbrook Park

Cabinet Member for Economic Development, Leisure & Local Plan

Date: 17 May 2022

Contact Officer: Ben Percival

Tel Number: 07772 913265

Email: ben.percival@lichfielddc.gov.uk

Key Decision? YES

Local Ward Cllr Robertson & Cllr Ball

Members

Lichfield
district council

COUNCIL

1. Executive Summary

- 1.1 Stychbrook Park has been identified as the preferred site for the proposed new Lichfield Leisure Centre. In accordance with Section 122 of the Local Government Act 1972 Lichfield District Council is required to appropriate the public open space before any development can proceed.

2. Recommendations

- 2.1 That Council approve the appropriation of the Public Open Space (POS) at Stychbrook Park under Section 122 of the Local Government Act 1972 for the purposes of building the new Lichfield Leisure Centre.

3. Background

- 3.1 Cabinet confirmed at its meeting on 7 October 2019 the council's aspiration to invest in future leisure provision, specifically a new facility to replace the limited-lifespan Friary Grange Leisure Centre.
- 3.2 A detailed site analysis report was prepared by Pozzoni Architects in May 2020 which identified any sites within Lichfield large enough for a leisure centre in the council's ownership. This report suggested that Stychbrook Park was the preferred site. The selection of Stychbrook Park as the preferred site was supported by:
- the Leisure Centre Member Task Group 14 September 2020;
 - the Leisure, Parks and Waste Management Overview and Scrutiny Committee 23 September 2020;
 - Cabinet 6 October 2020.
- 3.3 Section 122 of the Local Government Act 1972 specifies that *'a principal council may not appropriate any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.'*
- 3.4 The 1972 LGA s.122 Notice consultation took place for just over six weeks, commencing 2 September 2021 and concluding 15 October 2021. During this time the council placed the requisite two adverts in the Lichfield Chronicle local newspaper. To broaden the consultation and ensure residents the Council also:
- engaged through social media,
 - wrote to all those signed up to the councils e-news, some 19,000 people,
 - wrote to 200 properties neighbouring the park making them aware of the advert.

- launched a microsite specific to the project so that anyone who was interested could continue to follow our progress.

- 3.5 Despite the broad engagement, in total there were only 118 responses to the consultation; for context more than 1,500 responded to the recent consultation regarding the Beacon Park golf course. 84 respondents objected to using Stychbrook Park, 17 respondents supported its use and often wanted additional facilities. A further 17 submissions made comments and asked questions about leisure centre proposals, but they didn't directly object to Stychbrook Park being used.
- 3.6 The responses that included more detailed statements and requests for information have been categorised into key themes: difficult
- transport links/parking,
 - accessibility,
 - wildlife/trees/woodland,
 - pollution (noise, light),
 - the loss of existing facilities,
 - impact on climate change,
 - increase in localised crime,
 - facility design/mix comments,
 - the impact of COVID 19,
 - potentially using other sites,
 - impact on local people
 - querying the consultation process.
- 3.7 The New Lichfield Leisure Centre, Member Task Group discussed the findings of the consultation at its meetings on 3 November 2021 and 28 March 2022. Members resolved that a recommendation should be made to Cabinet in support of moving forward with Appropriation of Stychbrook Park. It was felt that the number of objections were outweighed by the resident benefit delivered by a leisure centre. It was further considered that many of the objections were extraneous to the appropriation of the site, but will be carried forward to any subsequent planning process where they will be fully explored and resolved.
- 3.8 Lichfield District Council's Open Space Assessment 2020 states that the Lichfield area has 82 ha of amenity space on 82 sites, with large sites around Beacon Park and Eastern Avenue. Stychbrook Park is along Eastern Avenue and adjacent to Christian Fields. There is a total coverage of amenity green space within a 480m/10-minute walk distance. The assessment also states that future development should continue to provide complete coverage for accessibility. This assessment indicates that Stychbrook Park is not required for open space purposes.
- 3.9 As can be seen from the location plan for the new leisure centre below. Whilst an area of Stychbrook Park will be lost in order to build a new leisure centre, substantial open space will remain. The existing children's play area will remain along with wooded areas and other grassed areas. The adjacent Christian Fields will be unaffected and still provide local residents with amenity green space within 480m/10-minute walk distance.
- 3.10 A new leisure centre will deliver a step-change in physical activity provision for residents, providing facilities to a standard commensurate with customer expectations. Only through providing a network of excellent quality facilities, can we encourage residents to make positive choices relating to their leisure time.

- 3.11 Physical activity makes a huge contribution to the health and wellbeing of residents and the local economy. Physical inactivity is the fourth leading risk factor for global mortality, accounting for 6% of deaths globally. Overweight and obesity are responsible for a further 5% of global mortality. For adults, doing regular exercise helps to prevent and manage over 20 chronic conditions, including coronary heart disease, stroke, type 2 diabetes, cancer, obesity, stress and mental health problems and musculoskeletal conditions.
- 3.12 The appropriation is a separate process to planning approval and is required to be completed ahead of any planning application. Once appropriated, the council could then make a planning application to develop a leisure centre on the site. The planning application will include a further consultation exercise and allow for a fuller examination of some of the issues detailed in 3.6 – which are more relevant to the planning process than to the approval of the appropriation.
- 3.13 Cabinet at their meeting 10 May 2022 recommended that Council approve the appropriation of the Public Open Space (POS) at Stychbrook Park under Section 122 of the Local Government Act 1972 for the purposes of building the new Lichfield Leisure Centre.

Stychbrook Park – Location Plan



A plan of the new leisure centre layout at Stychbrook Park

Alternative Options	1. The Council could choose not to appropriate the site but that would mean its use for a leisure centre couldn't be progressed in this location.
Consultation	<ol style="list-style-type: none"> 1. The 1972 LGA s.122 Notice consultation took place for just over six weeks, from 2 September until 15 October with the S122 Notice placed in local newspaper. 2. Local residents adjacent to Stychbrook Park were mailed to make them aware of the S122 notice. 3. The new Lichfield leisure centre Member Task Group were consulted and made recommendation to Cabinet to make the Appropriation.
Financial Implications	1. There are no financial implications, efficiencies or implications to the funding gap in making the Appropriation.

Approved by Section 151 Officer	Yes
Legal Implications	<ol style="list-style-type: none"> On 23 June 2021 Kings Chambers advised that because Stychbrook Park is considered as public open space, s.122 (2A) of the Act would apply and there will be a need to carry out publicity and consultation. On 3 August 2021, South Staffordshire Council's legal team clarified the process that LDC would need to follow to comply with s.122 of the Act in that 'a principal council may not appropriate any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.'
Approved by Monitoring Officer	Yes
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> Sustainable leisure centre provision in support of active lifestyles contributes to: <ol style="list-style-type: none"> Enabling people – to live healthy and active lives. Developing prosperity – to enhance the district for visitors
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> There are no equality, diversity and human right implications associated with the proposals at this stage. A full equality impact assessment will be conducted on the building's design and an access statement will accompany any future planning application.
Crime & Safety Issues	<ol style="list-style-type: none"> None at this time
Environmental Impact	<ol style="list-style-type: none"> The proposed site is currently public open space. The environmental impact of any development will be explored in detail as part of subsequent site investigations and any planning application. Mitigation measures will be identified and agreed as appropriate.
GDPR / Privacy Impact Assessment	<ol style="list-style-type: none"> Not required.

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Loss of existing facilities – grass football pitches	Likelihood: Yellow Impact: Yellow Severity: Yellow	Ensure that grass play can transition onto 3G pitch. Continue to work with FA on district-wide football facilities.	Likelihood: Yellow Impact: Yellow Severity: Yellow
B	Appropriating the land needs to be completed prior to any planning considerations.	Likelihood: Yellow Impact: Yellow	Appropriate the land prior to any planning application being made.	Likelihood: Green

		Severity: Yellow		Impact: Yellow Severity: Green
C	Appropriating the land for the purposes of a new Leisure centre doesn't guarantee any subsequent planning consent.	Likelihood: Yellow Impact: Yellow Severity: Yellow	After Appropriation is complete, to carry out a planning application process.	Likelihood: Green Impact: Yellow Severity: Green

	Background documents
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	<p>Relevant web links:</p> <p>Leisure Centre Task Group agreed the preferred site 14 September 2020: https://democracy.lichfielddc.gov.uk/documents/s9048/Task%20Group%20Meeting%20Notes%2014%20Sept%202020%20v1.pdf</p> <p>A report was taken to an Overview and Scrutiny Committee detailing the new leisure centres' preferred site on 23 September 2020; seeking support for a recommendation to Cabinet that Stychbrook Park be identified as the preferred site for the new Lichfield Leisure Centre. https://democracy.lichfielddc.gov.uk/documents/s9050/Preferred%20LC%20site%20OOS%20FINAL.pdf</p> <p>The preferred site was then endorsed by Cabinet at its meeting on 6 October 2020 - Item 4 – New Lichfield leisure centre preferred site: https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?CId=138&MId=1641&Ver=4</p>
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