

Policy & Resources Committee

Date:	13 February 2018
Title:	Disposal of Amenity Land
Contact Officer:	Janine Howells, Asset Manager

Purpose of the Report

1. To consider a request to sell land at the rear of Cromwell Avenue.

Background

2. The Council adopted a policy for land acquisition and disposal in August 2016. The policy aims to establish a transparent and consistent approach to the acquisition and disposal of Council owned land. A copy of the Policy accompanies this report (Appendix 1).

Cromwell Avenue

3. The residents of 54 Cromwell Avenue have been corresponding with the Council since 2014 about the possibility of purchasing land at the rear of the property. The latest correspondence was received in September 2017 regarding a request to purchase the amenity land to the rear of the property. A map of the wider area showing current land owned and maintained by the Town Council is included with the report papers (Appendix 2).
4. Mr. Palmer states in his email that his objective is to use the area as an extension to his garden.
5. The land that Mr. Palmer refers to is adjacent to a public footpath serving the frontages of houses on Webster Close and leads into other connecting footpaths and is well used by the public.
6. The Maintenance Team undertake grass cutting and other maintenance works as required to the area.
7. In 2013 approx. 109.6m² of amenity land was sold to the residents of 10 Chalgrove Road. This land formed part of the larger amenity land that the residents of 54 Cromwell Avenue are now requesting to purchase part of.

Residents Consultation

8. On the 22 December the 15 properties that are close to the area of amenity land on Webster Close were advised by the Council of the approach from 54 Cromwell Avenue regarding the possible purchase of council amenity land.
9. Residents were invited to provide their opinion on this matter to enable Council to fully consider the request.

10. Responses were received from 5 properties. All are objecting to the land disposal. Comments received included:
- “The new proposal will result in our view being restricted and will leave very little public land.”
 - “The land although small is used by local children to play.”
 - “When we moved to Webster Close the green space around it was one of the appealing features, especially with young children.”
 - “As our rear gardens cannot be extended the green space around the close provide a location for children to play safely.”
 - “As there are no cars along the pathway it is a quiet area for the elderly and for toddlers to play safely. It’s a nice walled area, which adds to the peaceful setting.”
 - “If the land is sold it will turn from a lovely walkway to an alley and that would be such a shame.”
 - “Why should Webster Close residents have their space and view taken away just because somebody wants a bigger garden?”
 - “We disagree with this land being further reduced in size to benefit one property.”
 - “A large chunk of the amenity land has already been taken to add to someone else’s property”
11. Included within some of the residents responses are suggestions that the area is improved and that the amenity land is used for a community orchard or as a community garden.
12. On the basis of the responses received, the Town Clerk is of the view that the land should not be disposed of.

Council Consideration

13. Councillor’s are asked to give consideration to this request against the adopted policy and comments received from the local residents and determine whether it meets the criteria in a sufficient way for a recommendation for disposal in principle, before Mr. Palmer starts incurring planning, valuation, publicity and legal transfer costs.
14. Consideration should include public benefit, financial impact, community impact and whether sufficient information has been provided.

Risk Assessment

14. Financially all costs would be met by Mr. Palmer.
15. How a decision is reached in response to this request needs to be clear and consistent with regard to previous decisions and any future requests for amenity land to be disposed of.
16. Any Planning permissions would be the responsibility of Mr. Palmer to obtain for the change of use from public amenity land to private garden. Restriction on development would be listed as a covenant within any transfer deeds.

Resource Appraisal

17. All costs such as valuation, publicity and legal transfer matters would be recharged as part of any agreed financial receipt from Mr. Palmer.

Legal Powers: Local Government Act 1972 S.127

Recommendation:

That the Council:

- i) Considers whether the identified piece of land meets the criteria for disposal with the Land Acquisition and Disposal Policy.***
- ii) To decide whether the Council should consider disposing of the land, in principle.***